



# Lecture 8

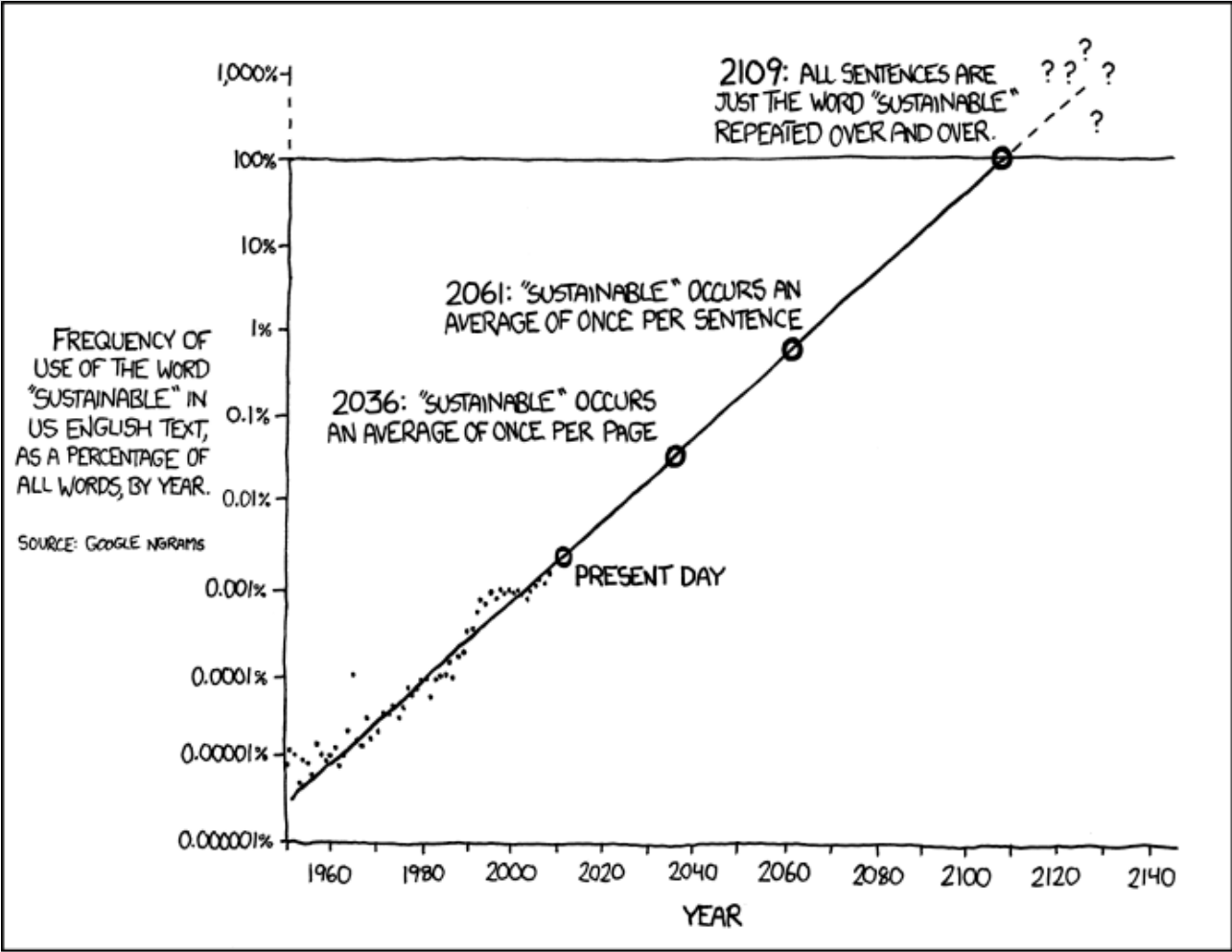
# Social Contract Theory

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# Participation Quiz



THE WORD "SUSTAINABLE" IS UNSUSTAINABLE.

Our use of the word "sustainable" is unsustainable (A=T, B=F, C=WTF?)

# Act Utilitarianism

- Utilitarianism
  - Morality of an action has nothing to do with intent
  - Focuses on the consequences
    - A “consequentialist” theory
- Act utilitarianism
  - Add up change in happiness of all affected beings
  - Sum  $> 0$ , action is good
  - Sum  $< 0$ , action is bad

# Exercise

- Work in groups of 4 to consider this scenario:
- Google Books aims to digitize a vast number of books and put them online. Many books have unclear copyright status (e.g., the owner may have died without transferring the rights, or might just be hard to find). In these cases, Google treats the book as though it was out of copyright, but allows copyright holders to appeal, in which case they take the scans offline. Google argues that they provide a valuable service, because no other company has the technology to scan these books, and hence many works that would be inaccessible or lost are now available to all. Is Google's behavior ethical from an act utilitarian perspective?

# Case for Act Utilitarianism

- Focuses on happiness
  - This is intuitive
- Down-to-earth (practical)
  - Straightforward to apply
  - Can therefore be helpful in resolving disputes
- Comprehensive
  - Allows an agent to trade off different aspects of a situation
  - Contrast with Kantianism: we needed to find one rule

# Case Against Act Utilitarianism

- Unclear whom to include in calculations
  - Utilitarians might say you should never exclude anyone...
- Too much work
  - But it's OK to follow a "rule of thumb" most of the time.
- Ignores our innate sense of duty
  - Suppose I make a promise, but can get \$1 for violating it.
    - Seems to miss the sense that I care about my word.
  - Author claims: "Note that it does no good for an act utilitarian to ... say that the hard feelings caused by breaking my word to A will have a negative impact on total happiness of  $-N$  units, because then all I have to do is change the scenario so that breaking my promise to A enables me to produce  $1,001 + N$  units of good for B. We've arrived at the same result."
  - But is this a problem?
- Susceptible to the problem of moral luck
  - Whether an action is moral depends on outcome, which can depend on circumstances beyond your control

# Rule Utilitarianism

- We ought to adopt **moral rules** which, if followed by everyone, will lead to the greatest increase in total happiness
  - Act utilitarianism applies Principle of Utility to individual actions
  - Rule utilitarianism applies Principle of Utility to moral rules

# Exercise

- Work in groups of 4 to consider this scenario:
- Google Books aims to digitize a vast number of books and put them online. Many books have unclear copyright status (e.g., the owner may have died without transferring the rights, or might just be hard to find). In these cases, Google treats the book as though it was out of copyright, but allows copyright holders to appeal, in which case they take the scans offline. Google argues that they provide a valuable service, because no other company has the technology to scan these books, and hence many works that would be inaccessible or lost are now available to all. Is Google's behavior ethical from a **rule utilitarian** perspective?



# Case for Rule Utilitarianism

- Not every moral decision requires performing utilitarian calculus.
  - You only have to work out the morality of rules.
- Moral rules survive exceptional situations
  - A rule utilitarian can reason (a bit like a Kantian) that it's better for everyone to keep their promises than to lie, and so reject lying for a \$1 gain
- Avoids the problem of moral luck
  - We look at the overall usefulness of the rule, not the outcome.

# Case Against Utilitarianism in General

- All consequences must be measured on a single scale.
  - All units must be the same in order to do the sum
  - In certain circumstances utilitarians must quantify the value of a human life
  - BUT: good arguments from utility theory
- Utilitarianism ignores the problem of an unjust distribution of good consequences.
  - Utilitarianism (as defined here) doesn't mean "the greatest good for the greatest number"
    - That requires a principle of justice
  - We can try to combine these ideas. However, what happens when a conflict arises between the Principle of Utility and our principle of justice?

# Exercise

- In groups of four, identify two ethical issues at the intersection of computers and society:
  - One that is ethical from at least one Utilitarian perspective
  - One that is not ethical from either perspective
- Be prepared to explain your reasoning.

# Social Contract Theory

- Thomas Hobbes
  - “State of nature”
  - We implicitly accept a social contract
    - Establishment of moral rules to govern relations among citizens
    - Government capable of enforcing these rules
- Jean-Jacques Rousseau
  - In ideal society, no one above rules
  - That prevents society from enacting bad rules

# Social Contract Theory Definition of Morality

James Rachels:

**“Morality consists in the set of rules, governing how people are to treat one another, that rational people will agree to accept, for their mutual benefit, on the condition that others follow those rules as well.”**

*In other words, every Nash equilibrium is morally right.*

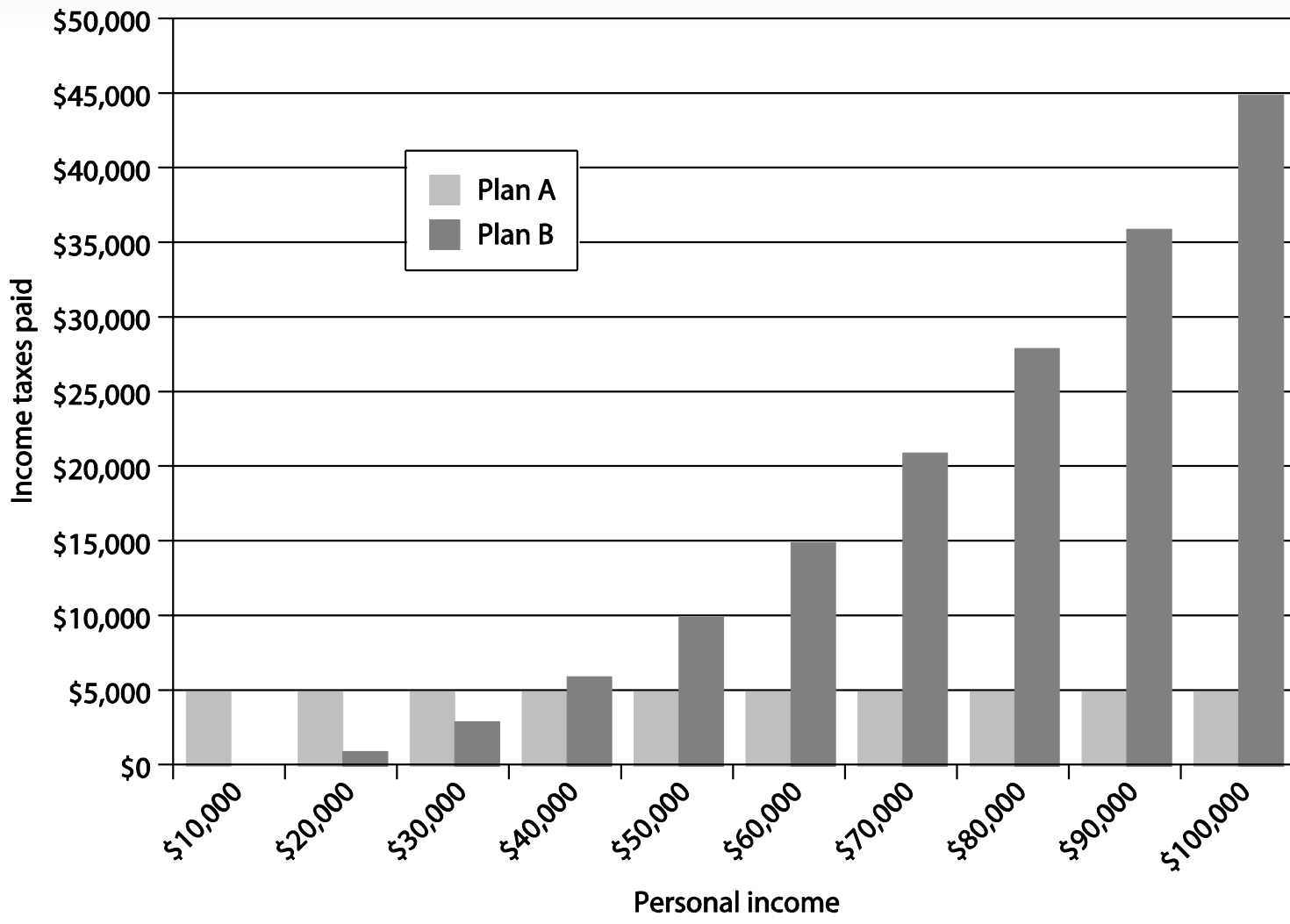
# Kinds of Rights

- Negative right: A right that another can guarantee by leaving you alone
- Positive right: A right obligating others to do something on your behalf
- Absolute right: A right guaranteed without exception
- Limited right: A right that may be restricted based on the circumstances
  - Positive rights tend to be more limited
  - Negative rights tends to be more absolute

# John Rawls's Principles of Justice

- Each person may claim a “fully adequate” number of basic rights and liberties, so long as these claims are consistent with everyone else having a claim to the same rights and liberties
- Any social and economic inequalities must
  - Be associated with positions that everyone has a fair and equal opportunity to achieve
  - Be to the greatest benefit of the least-advantaged members of society (the difference principle)
- *Rawls is saying more than just that every Nash equilibrium is moral.*

# Rawls's Difference Principle





# Movie Download Scenario

- InterMovies is a site that streams movies for a flat monthly fee
- Collects information about movie choices from customers
- Constructs profiles of customers
- Sells profiles to direct marketing firms
- Some customers happy to receive more mail order catalogs; others unhappy at increase in “junk mail”

# Evaluation (Social Contract Theory)

- Consider rights of InterMovies, customers, and mail order companies.
- Does customer have right to expect name, address to be kept confidential?
- If customer watches movie using InterMovies, who owns information about transaction?
- If InterMovies and customer have equal rights to information, InterMovies did nothing wrong to sell information.
- If customers have right to expect name and address or transaction to be confidential without giving permission, then InterMovies was wrong to sell information without asking for permission.

# What do you think about InterMovies?

- Now, let's explore both scenarios. Work in groups of six to consider whether each of the following scenarios can be justified using social contract theory.
  - Customer doesn't have the right to privacy
    - Can you construct a system of rules that rational people would accept as beneficial, given that others would accept these ideas as well?
    - Does this system of rules meet Rawls' conditions?
  - Customer does have the right to privacy
    - Can you construct a system of rules that rational people would accept as beneficial, given that others would accept these ideas as well?
    - Does this system of rules meet Rawls' conditions?
- Let's vote:
  - We can justify the no-privacy scenario (A=true)
  - We can justify the privacy scenario (A=true)
  - Which social contract would you prefer (A=no privacy; B=privacy)

# Case for Social Contract Theory

- Framed in language of rights
  - Intuitive and natural
- Explains why people act in self-interest without common agreement
  - Logically, it's the best thing to do (prisoner's dilemma)
- Provides clear analysis of certain citizen/government problems
  - Why is it right to punish someone for a crime?
  - Why is civil disobedience justifiable?

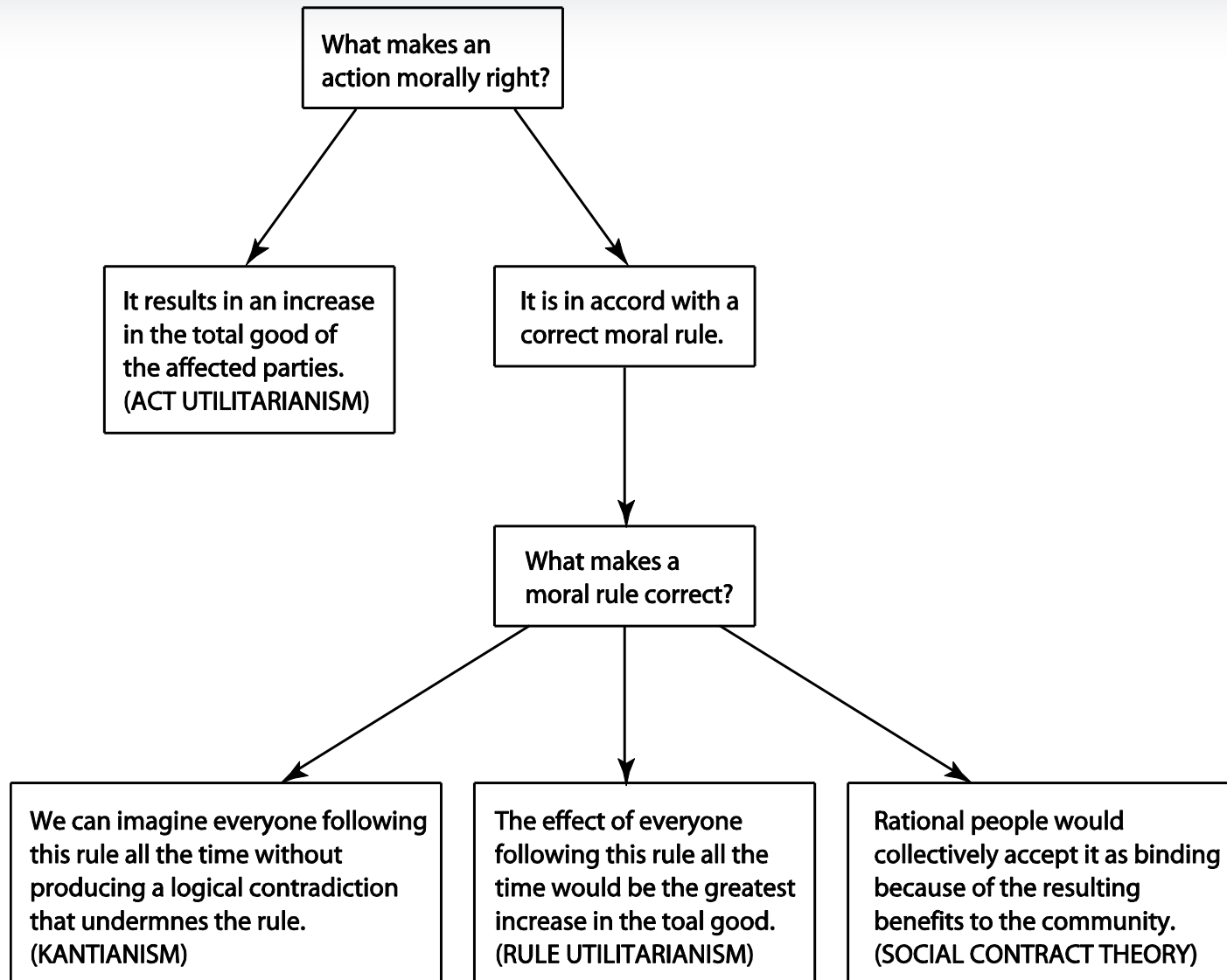
# Case Against Social Contract Theory

- No one signed contract
- Some actions have multiple characterizations. In such cases, we don't learn how to make trade-offs between these conflicting rights.
  - Same problem we saw with Kantianism, though phrased in terms of duties instead of rights.
- May unjustly treat people who cannot uphold contract
  - In principle, we should distinguish between people who *can't* follow the contract, and those who *choose not to*.
  - In practice, this can be hard to do.

# Summary: Objectivism vs. Relativism

- Objectivism: Morality has some kind of existence outside a given human mind
- Relativism: Morality is subjective
  - This is clearly not going to get us anywhere persuading anyone else with a moral argument.
- Kantianism, utilitarianism, and social contract theory examples of objectivism
  - So are divine command theory and ethical egoism, but we rejected these as poor bases for ethical argumentation.

# Comparing Workable Ethical Theories



# Morality of Breaking the Law

In groups of four, consider the question of whether it is moral to break the law. Consider the question from a:

- Social contract theory perspective
- Kantian perspective
- Rule utilitarian perspective
- Act utilitarian perspective

Specifically, as the book does, consider the example of whether it is ethical to copy a CD.