

Summary Philosophy and Ethics

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Ethical reasoning and the Challenge of Cultural Relativism (2)

Ethics

Metaethics: questions about reasoning and arguments

Normative ethics: evaluates moral choices

- Rightness of outcome
- Rights violation
- Causal connection
- Special obligation

Different cultures have different moral codes

Our own way of living seems so natural and right to us that we can hardly conceive of people who live so differently

Cultural relativism

Cultural relativism: there is no such thing as universal truth in ethics, there are only the various cultural codes; the norms of a culture reign supreme within the bounds of the culture itself

- Whatever is, is right
- When in Rome, do as the Romans do

The cultural differences argument

Cultural differences argument

- 1 Different cultures have different moral codes
 - 2 Therefore, there is no objective truth in morality. Right and wrong are only matters of opinion, and opinions vary from culture to culture
- Invalid: it could be that the practice is objectively right/wrong, but that one of them was mistaken and there is an objective truth

What follows from cultural relativism

You can no longer say the customs of other societies are morally inferior to our own

- Never condemn a society because it is different
 - Problem: some practices are really wrong, and we can't condemn them

We could no longer criticize the code of our own society

- If you want to know if something is right/wrong, look at the code of the society in question
 - Maybe we can learn from other societies? → not possible

The idea of moral progress is called into doubt

- Progress: replacing old ways by new ones
 - There is not really progress because we don't have a standard to look at
- CR: only way to improve society is to make it better match its own ideals, these are by definition correct

Why there is less disagreement than it seems

Difference is in our belief system, not our value system

- Many factors influence the customs of society (society values, religious beliefs, factual beliefs, physical environment...)
- Sometimes life forces choices upon others that we don't have to make

Some values are shared by all cultures

There are some rules that all societies must embrace, because those rules are necessary for society to exist

- Honesty, care for you infants, murder...
- Cultures may differ in what they regard as legitimate exceptions to this rule

Judging a cultural practice to be undesirable

Is there a culture-independent standard of right and wrong

Does the practice promote or hinder the welfare of people affected by it?

- This is an independent moral standard that CR forbids
- Some social practices don't really have benefits, and are generally conceived as bad, but you can't judge them

Why thoughtful people may be reluctant to criticize other cultures

Nervousness about interfering in the social customs of other people, but there is a difference

- Judging a practice
- Announce the fact, apply diplomatic pressure and send in the troops

People may feel we should be tolerant of other cultures

- Doesn't require us to say that all beliefs and practices are equally admirable

People don't want to express contempt

- Condemn a certain practice doesn't mean saying a whole culture is contemptible
 - Human societies are a mixture of good and bad practices

The five claims

Different societies have different moral codes

- True, but there are lots of values more societies share (although customs can differ)

The moral code of a society determines what is right within that society; that is, if the moral code of a society says that a certain action is right, then that action is right, at least within the society

- The moral code of a society lies close to what people in that society believe are right, but people and moral rules can be wrong
- Although CR believe all societies are morally infallible, we think some societies are in need of moral improvement

There is no objective standard that can be used to judge one society's code as better than another's.

There are no moral truths that hold for all people at all times

- We must appeal to principles not tethered to one society: 'Does the practice promote or hinder the welfare of people affected by it?'

The moral code of our own society has no special status, it is but one among many

- Our values aren't special just because they are ours

It is arrogant for us to judge other cultures, we should always be tolerant of them

- We shouldn't tolerate everything; human societies have done horrible things and it is a mark of progress if you can say such things are in the past

What we can learn from cultural relativism

Not all our practices are based on some absolute rational standard, but they are cultural products

Keep an open mind

- Everyone believes his own customs to be the best

Ethics of big data (3)

Technology has environmental, social and human consequences that go beyond its purpose

Big data

- Data sets large enough to require supercomputers (old definition), but it is more about a capacity to search, aggregate and cross-reference such big data sets
 - Like other socio-technological phenomena, it triggers utopian and dystopian rhetoric
 - Address various societal ills, offering the potential of new insights
 - Enables invasions of privacy, decreases civil freedoms, increases state and corporate control
- critical how we handle the emergence of this area as it takes place in an environment of uncertainty and rapid change

Big data changes the definition of knowledge

Numbers don't speak for themselves

- Other forms of analysis are too easily sidelined
- 'Why' is easily lost in the sheer volume of numbers

Claims to objectivity and accuracy are misleading

Sociology has always been obsessed with becoming a quantitative science

- Impossible because where do you draw the line between what is/isn't quantifiable
 - Big data offers a new way to claim the status of quantitative science and objective methods because it makes more social spaces quantifiable

Notion of objectivity has always been a central question for the philosophy of science

- BUT claims of objectivity are made by subjects and based on subjective observations and choices (as soon as you want to interpret data it becomes subjective, design decisions, what variables will be used...)
- Data errors, limitations, bias, unreliable information
 - Misinterpretation!

Problem with big data: apophenia: tries to find (and finds) patterns where none exist

Bigger data are not always better data

The size of data should fit the research questions asked

- The origin and sort of sample of data is not always clear so you can't judge about the quality
 - Limits the questions researchers can ask and the interpretations they can make
- Combining multiple large data sets creates unique challenges
 - But every source has error, so by combining data sets you magnify the problem

Taken out of context, big data loses its meaning and value

The ability of representing relationships between people as a graph does not mean they convey equivalent information

Big data introduces new networks

- Articulated networks: results from people specifying their contacts through technical mechanisms
- Behavioral networks: derived from communication patterns

They have great value to researchers, but are not equivalent to personal networks

→ Example: measuring tie strength (indicates the importance of individual relationships) through mobile phone location

Just because it is accessible does not make it ethical

What is the status of 'public' data on social media

- You want your friends and family to see it, but can researchers you don't know use it?
- Data created in highly context-sensitive spaces, delicate to just store it

Limited access to big data creates new digital divides

Collecting data is hard, time consuming and resource intensive

- Big data: easy access to massive amounts of data
 - Who has access? → privileged access amounts in different types of research for those inside the company, those with money...
 - Who has the skills → computational skills are positioned as most valuable, rather than recognizing that computer scientist and social scientists are both valuable; this also a gendered division

Creation of class-based structure

- Those who create data
- Those who have the means to collect the data
- Those who have expertise to analyze it = privileged group who determine the rules

Consequentialism and Global Poverty (4)

Consequentialism:

- Acts are morally right because they maximize the amount of goodness in the world
- Look at the consequences of your actions (direct your attention to the future)
- The ends justify the means, as long as the ends are good enough

The nature of consequentialism

Structure

How to determine whether an act is optimific

- 1 Identify what is intrinsically good
- 2 Identify what is intrinsically bad
- 3 Determine your options
- 4 Determine the value of the result for each option
- 5 Pick the action that yields the best balance

Consequentialism is a family of theories depending on what you regard as intrinsic value

→ most prominent version: **utilitarianism** (intrinsic value = well-being): an action is morally required just because it does more to improve overall well-being than any other action you could have done in the circumstances

Maximizing goodness

John Stuart Mill: create the greatest good for the greatest number

↔ Hedonism x utilitarianism: produce the greatest overall balance of happiness over misery

- ≠ benefitting the greatest amount of people as the benefit may be very small
- Don't always choose the option with the greatest happiness as this may create a lot of misery, instead find the greatest net balance between happiness and misery

Moral knowledge: actual vs. expected results

Rightness of actions depend on results no matter how long after the action they occur

Actual results: standard view (you are never completely sure if you do the right thing, we are morally infallible)

Expected results: acts are morally required just because they are reasonably expected to be optimific

Problems:

- Will sometimes require actions that turn out to have disastrous results
- Some actions are expected to turn out badly, but end up with surprisingly good results

Assessing actions and intentions

What about cases where good intentions yield awful results, or bad intentions yield pleasant surprises

- Actions are right provided they are optimific
- Intentions are morally good provided that they are reasonably expected to yield good results

→ there is no essential connection between the morality of an action and the morality of the intentions behind it

The attractions of Utilitarianism

Impartiality

= welfare of each person is equally morally valuable
→ truly moral outlook when we broaden our concerns

The ability to justify conventional moral wisdom

Most of our deeply held moral beliefs are correct (= great advantage of their view)

Conflict resolution

Provides advice about how to resolve moral conflicts: maximize well-being (= direction to look at)

Moral flexibility

No moral rule (other than the principle of utility) is absolute: it is morally okay to violate any rule, if doing so will raise overall well-being

The scope of moral community

Being a member of a moral community is to be important in your own right and this imposes a duty on everyone else to take one's needs seriously

Jeremy Bentham: *those who can suffer gain entry to the moral community*

↔ second-class status: things that can't suffer and so have no independent moral importance

The argument from marginal cases

- 1 If it is immoral to kill and eat marginal human beings, and to painfully experiment on them, then it is immoral to treat non-human animals the same way
- 2 It is (almost) always immoral to kill and eat marginal human beings, and to painfully experiment on them
- 3 Therefore, it is (almost) always immoral to kill and eat animals, and to painfully experiment on them

Many recoil at giving animal interests the same weights as those of humans

- The relevant test = ability to reason? → but reasoning powers of marginal humans is similar to those of animals
- Another test possible? Ability to communicate, have emotions, elicit sympathy, be self-aware, be self-governing, assert claims on one's beliefs, think about and plan a future

Slippery slope arguments

= arguments designed to criticize certain social innovations on the grounds that allowing them will lead to terrible results in the long run and these arguments contain 2 elements

- Prediction that serious, avoidable harm will result if a new policy of practice is allowed
→ undermine it by showing that the forecast at its core is not as plausible (difficult to know as slippery slope arguments can only be evaluated after taking two steps)
- Argument is secure if utilitarianism is plausible

Measuring well-being

Problem of value measurement arises even if there is only a single intrinsic value (in the case of pluralistic view of well-being you sometimes have to choose, can't always maximize everything)

Argument from value measurement

- 1 Utilitarianism is true only if there is a precise unit of measurement that can determine the value of an action's result
- 2 There is no such unit of measurement
- 3 Therefore, utilitarianism is false

↔ reject 1: some cases are very clear to create more overall benefit, even without a way to quantify the benefits

Most cases: problems with comparing good and bad, it's often unclear if an act is optimific

John Stuart Mill introduced the idea of quality of pleasure ↔ Bentham: maximize pleasure quantity (critique: philosophy suitable for pigs)

Utilitarianism is very demanding

Deliberation

You must have a huge amount of information (options, likely results, overall value of outcome...) → impossible

BUT you can rely on common wisdom, based on thousands of previous cases, thinking too long about simple things will result in too many wasted opportunities

Motivation

Must we always do what is optimific → impossible, people motivated this way usually fail to do so

Distinguish between decision procedure (a method for reliably guiding our decisions to make them as we ought to) and standard of rightness (conditions that make actions morally right)

→ Consequentialism is a standard of rightness and fails as a decision procedure (we shouldn't always be asking ourselves whether the act is optimific, because it would probably decrease the amount of good we do in the world because we spent too much time deliberating/second-guessing decision)

Action

Supererogation = action that is above and beyond the call of duty, this behavior is good to do, but not required; but utilitarianism still calls on you to do a great deal more than you are doing now

How often will morality ask us to sacrifice our own interest for those of others → these views depend on the society we have been raised in

Paul Farmer: doctor who gives everything up for treating the poorest

Impartiality

Benefit of theory: everyone's well-being counts equally

- ↔ morality sometimes seems to recommend partiality (care more about your relatives)
- If enough people are sufficiently mean and ignorant, utilitarianism can require that we allow the suffering caused

No intrinsic wrongness or rightness

Denial that any type of action is intrinsically wrong or right (no absolute prohibition of any action).

Any kind of action, no matter how awful, is permitted, provided it is necessary to prevent an even worse outcome, so the merit of an action depends entirely on its result

The problem of injustice

If it is optimific to violate rights, then utilitarianism requires us to do so. 2 sorts of punishment:

- Vicarious punishment: target innocent people as a way to deter the guilty
- Exemplary punishment: punishment that makes an example of someone

→ in both people don't deserve to suffer, but it is for the greater good

On the other side: sometimes it is moral to letting the guilty escape justice to minimize harm

Potential solutions to the problem of injustice

Argument of injustice

- 1 The correct moral theory will never require us to commit serious injustices
- 2 Utilitarianism sometimes requires us to commit serious injustices
- 3 Therefore, utilitarianism is not the correct moral theory

Justice is also intrinsically valuable

Accept argument → maximize well-being and justice

Which one should get priority?

- General matter: if the stakes are extremely high and the injustice very small, it may be right to perpetrate justice
- Not a coherent theory as there isn't any principle

Injustice is never optimific

Deny premise 2 → if one considers all of the results of unfair actions, we'll see that those actions aren't really optimific

Too optimistic view: injustice can prevent great harm and produce great benefits

Justice must sometimes be sacrificed

Deny premise 1 → justice is only a part of morality (justice reflects a utilitarian framework because doing so tends to be optimific), if justice is not optimific, we should look at morality's ultimate standard

Rule consequentialism

An action is morally right just because it is required by an optimific social rule (= (nearly) everyone in the society accepts this rule and results would be optimific), rather than determine an action's morality by asking about its results, we ask about whether the action conforms to a moral rule

Is a rule an optimific rule:

- 1 Describe the rule
- 2 Imagine if everyone endorsed the rule
- 3 Will society be better off with this rule or with a competing rule

Brad Hooker: optimific social rules will be the ones who increase happiness and respect rights

- When focusing on what if optimific as a general policy, we get advice that agrees with justice
- Just policies maximize well-being, even if, just actions do not
- Supports that morality permits a certain degree of partiality (policies that allow us to give preference to close ones will be very beneficial)
- Straightforward rules
- Some actions are forbidden, even if they might achieve very good results

Very unacceptable, why:

- We should obey moral rules, even when we know that breaking them would yield better results = irrational, self-defeating since a consequentialist wants to produce the best result

Conclusion

Strong points	Worries
Emphasis on equality and impartiality	Partiality
Moral flexibility	Unfulfilled offer to concrete advice
Inclusion of animals and less-than-fully autonomous human beings	Self-sacrifice is extreme
Orientation to the future	Sometimes demands to perform awful actions
Emphasis on results	Calls to commit injustice

Application: global poverty (Peter Singer)

Assumptions made: suffering is bad, and people try to help where needed

Strong version	Moderate version
Suffering and death from lack of food/shelter/medical care are bad	
If it is in our power to prevent something bad from happening, without sacrificing anything of comparable moral importance we ought to do it	If it is in our power to prevent something bad from happening, without sacrificing anything morally significant we ought to do it
We can prevent people from dying from starvation by giving money to famine relief -implicit premise	
Giving maximally would be the way to prevent poverty without sacrificing anything of comparable moral importance-implicit premise	Giving much more than we currently do would be the way to prevent poverty without sacrificing anything morally significant-implicit premise
We ought to give maximally (= as much as we can, without becoming worse off than the poor) to famine relief	We ought to give more to famine relief than we currently do (how much becomes morally significant)

If you walk next to a lake and a child is drowning, you jump in and save the child (clothes getting muddy is insignificant), even if there are other people around the lake who could save him

Singer says there is no difference between a child drowning in your garden and world famine

- Proximity/distance does not relieve you from your saving duty
- The presence of other people does not relieve you from your saving duty

Objection

- 1 **Distance matters:** since we can better judge what needs be done to a person near to us
 - BUT no possible justification for discrimination on geographical grounds because of instant communication and swift transportations in today's global village
- 2 Only my share (**fair share**): if all gave \$5, there would be enough, so no obligation for more
 - BUT based on a hypothetical premise, but the conclusion is not stated hypothetically
 - Not everyone will give, so by giving more you can prevent more suffering
 - What if giving is not simultaneous and unexpected

- If a lot of people have already donated, your money might not be necessary, so you won't have to donate (here circumstances are different at different times)
- 3 Argument's conclusion is at odds with our **current moral beliefs**
 - Condemnation is kept for people who violate norms, not those in luxurious positions
 - The traditional distinction between duty and charity
 - It is quite inessential to help people outside one's own society ↔ moral point of view requires us to look beyond the interests of our own society
- 4 We need to have a basic moral code that is not too far beyond **ordinary capacities**, otherwise there will be a general breakdown of compliance
 - Find a good balance between what is required and what is good, but not required
 - The possibilities for a man and what he is likely to do: influenced by people around him
- 5 **Government responsibility**
 - Giving privately allows government and non-contributing members of society to escape their responsibilities → plausible?
 - More plausible: if privates don't give, government think people don't care and don't give
 - Need for new standards for public and private contributions
- 6 Poverty relief isn't **effective** in the long run
 - Do whatever is most effective → effective altruism (research how your resources can be used more effectively and also follow through with findings)

Principle of Easy Rescue: if you can easily rescue someone with modest cost to yourself, you ought to do it.

The Philosophy of Money (5)

Introduction

Socrates: explained how society should look like = functional model of society to optimize satisfaction of members

- Division of labour: each person should develop natural capacities and specialize
- Money: result of natural evolution in this story

Anthropologists: money is created in temples in religious and legal contexts

Georg Simmel (Germany): money to convert guilt in debt; used to prevent revenge

Aristotle and the ambivalence of money

First to develop a systematic philosophy of money and economics

All our endeavours have intrinsic/natural goals

- When goal is reached, all desire stops
- \leftrightarrow money: greedy person's desire for money will never be satisfied
 - A. knows some wealth is necessary for human happiness, but unlimited desire makes us into slaves of our greed = detrimental to happiness
- General: unlimited desire (absence of respect for natural limits) = evil, unnatural, inhuman

3 functions of money

- Measure of value: makes comparing everything valuable possible
- Means of exchange: facilitates economic exchange and permits development of markets
- Store value
 - A. distrusts this because it risks turning into the ultimate goal of human activity
 - Natural priorities might reverse, and extrinsic considerations might win from intrinsic motivation

Paradox: you can only have real wealth by spending money

- When you gather money, you don't accumulate wealth, but transitory signs (money doesn't have value on its own, it must be exchanged)

Levinas: the function of money is to be given away

- This creates the most important things: friendship, community, enjoyment, happiness...

John Maynard Keynes: money should circulate

- If not: risk of creating a vicious circle of deflation and unemployment
- Solution: devising a shrinking money (money that loses money if not spent) = inflation

Money as institutionalized trust

Owners of money expect to have a reliable claim on a piece of future wealth

- Supposition that money will be as valuable as today = no inflation
 - Money thus requires infinite trust in the future; if not: money loses all its value
- Fragility of monetary system

Money is an institution: set of rule systems organizing the appropriate signs of wealth

- Different rule systems, very complex and differentiated system

- Controversial matter as some rules are more favourable → social conflicts
- Main thing to be organized by the rules: obligation to pay (back)
- Rules of paying back
 - Too severe: quick sanctions lead to threat of deflation and unemployment
 - Too loose: more money will circulate at a higher pace because dubious agents will still have access to lots of wealth
 - Results in inflation and possible crash of monetary and financial trust = hyperinflation → shrinking of economic activity

The risk of the system crisis

Financial crisis of 2008

- US: banks lend lots of money, but realize they won't get the money back
- Packed them together and sold them for high yields BUT high yields hide high risks
- Bankers bought it without really knowing what it was 'everybody buys them'
- Sold these debts as structured products
- When it became there was no value
 - Private clients lost all their money
 - Banks: too big too fails
- Dubious debts were sold to central banks and state-institutions
- Pass debts to supranational institutions (European Central Bank, IMF)

Solution

- Very strict policy
 - Prevent creation of new speculative bubble by drastic destruction of dubious debts
- Flexible policy
 - Continue effort of monetary expansion = same of the same
 - Will increase vulnerability of system
- Best: strict policy to decrease the chance of an uncontrollable systemic crisis
 - Globalization → local financial systems are all interconnected
 - Local shocks can be better digested
 - Local problems can contaminate the whole system

Global markets and local democracy

Institutional design should aim at discouraging extremely risky behaviour, minimizing harms and stimulating socially beneficial motivations

Need for control and regulation needed on international scale

- Reintroduced new, transparent walls with low risk banks with low interest rates on the one side and investment banks granting higher yields for higher risk
- Downscaling banks that are too big to fail
 - These are the banks that re-engaged in speculative activities because they know government will save them

Watch out for public debt, and government budget deficits

- Dependence of international financial markets and foreign creditors
- Big players are better at bending the rules (monetary coercion) and get more trust

Conclusion

Just society: shields its member at least partially from the most brutal forms of monetary coercion by limiting the power of money

- Through the organization of an extensive offer of public goods of good quality
- One of the most important functions of national states
 - With globalization: function should partially be taken over by supranational institutions
- Main strategies of protecting against the fragility of the monetary system
 - Sound regulation of financial institutions
 - Prudent macro-economic policy avoiding excessive deficits
 - Limitation of scope of what can be bought/sold

Deontological Ethics and Global Poverty

(6)

Consistency and fairness

Inconsistency-problem in society: people make exceptions of themselves and their success depends on violating the rules; this is inconsistency because similar cases are treated differently

Popular tests of morality

- What if everyone did that?
 - If disastrous results would occur if everyone did X, then X is immoral
 - Try to get the person to see that they act unfairly and that it only works because they are inconsistent
 - Not reliable: contradictory results depending how you describe the action
- How would you like it if I did that to you?
 - Application of the golden rule: treat other like you would like to be treated
 - Unreliable: you make morality depend on someone's desires
 - Fanatics: generally have limited empathy and feeble ability to imagine them in someone's shoes
 - Fails to give guidance on self-regarding actions (actions that concern only ourselves)

The principle of universalizability

Kant's aim to find the ultimate principle of morality: Principle of Universalizability

- An act is morally acceptable if, and only if, its maxim is universalizable
 - Maxim: principle of action you give yourself when you are about to do something (what you are about to do + why)
 - Every action has a maxim; lack of maxim = not genuine actions
 - Morality thus has nothing to do with results, but with intentions and reasons, results we can't control are thus unfair to assign credit or blame for
 - Universalizable maxim's pass following test
 - 1 Formulate your Maxim clearly
 - 2 Imagine a world in which everyone supports and acts on your maxim
≈ consequentialist's test for optimistic social rules
 - 3 Can the goal of my action be achieved in such a world?
 - Test is a way to determine whether we are being consistent and fair because we are pursuing actions for reasons everyone could stand behind without making an exception for us

Morality and rationality

Kant: when we behave immorally, we reason badly (that we are more important than others), this shows that immoral conduct is irrational → some people just don't care

Amoralist's Challenge (amoralist = someone who believes in wrong and right, but doesn't care)

- 1 People have a reason to do something only if doing it will get them what they care about
- 2 Doing their moral duty sometimes fails to get people what they care about
- 3 Therefore, people sometimes lack any reason to do their moral duty

- 4 If people lack any reason to do their moral duty, then violating their moral duty can be perfectly rational
 - 5 Therefore, it can be perfectly rational for people to violate their moral duty
- Undermine the thought that morality supplies us with good reason to do as it says + refutes that immoral actions are always irrational
 - ↔ Kant: moral reasons are always the strongest

Hypothetical imperative: command us to do whatever is necessary to get what we want

- Completely depends on what I want, so they can change
- Irrational behaviour if you disregard them or violate them

Kant's try to tackle premise 1:

- Categorical imperative: rational requirements that apply to everyone who possesses reason and does not depend on what we care about
 - All moral duties are categorical imperatives
 - Basic rules of morality don't depend on desires, otherwise moral rules would fail to apply to everyone and people could escape moral duty
 - So, if we ignore them, we act contrary to reason = irrationally

Kant's answer to Amoralist's Challenge: Argument for the irrationality of immorality

- 1 If you rational, you are consistent
- 2 If you are consistent, you obey the principle of universalizability
- 3 If you obey the principle of universalizability, you act morally
- 4 Therefore, if you are rational, you act morally
- 5 Therefore, if you act immorally, you are irrational

Assessing the principle of universalizability

Fails as a general test for the morality of our actions: maxim's universalizability is not a guarantee of an action's rightness (principle of universalizability is really dependent on one's goal)

- Fanatic's guiding principles can be fulfilled if everyone else were to adopt them
 - Consistency doesn't follow that the policies are fair or morally acceptable

Integrity

Integrity = living in harmony with the principles you believe in, resists making an exception of you

- Worthy of admiration when tied to morally legitimate principles
 - If principles are deeply flawed, having less integrity is better

Kant on absolute moral duties

Kant thought that certain sorts of actions are never permitted, but never provided an argument that some moral rules are absolute

- He believes moral considerations are more important than anything else, morality wins
 - What if moral duties conflict with other moral duties, both can't always be absolute
- Sometimes 'breaking' a moral rule is in line with one's universalized maxim
- Only way to absolutely ban certain actions is if all maxims that might support that action aren't universalizable

Principle of humanity

Kant: morality requires us to always treat human beings with the dignity they deserve

Principle of humanity: always treat a human being as an end, and never as a mere means

- Humanity: rational and autonomous beings, no matter their species
 - Rationality: only human beings are capable in engaging in complex reasoning
 - Autonomous: being a self-legislator (decide for themselves which principles are going to govern their life)
- no matter how valuable the object, the value of a human life exceeds it by infinite amount
- Treating someone as an end: treating someone with respect
- Treating someone as a means: dealing with someone to achieve your goals

The importance of rationality and autonomy

Rationality and autonomy support dignity of human beings, everyone is owed a level of respect

This makes sense for some deeply held moral beliefs:

- Explains immorality of fanatic's actions
 - Principle of humanity forbids using opponents as mere obstacles
- Slavery and rape are always immoral
 - Complete denial of victim's autonomy
- Outrage at paternalism
 - Limit liberty of others for their own good, against their will
- Attitude of never abandoning hope in people
 - A person is autonomous and can, at any moment, chose to better himself
- Universal human rights
 - Because of rationality and autonomy, basis for a meaningful life
- Practices of holding each other accountable for our deeds and misdeeds
 - Our autonomy makes us morally responsible for our choices and actions
- Most people believe in punishment
 - You condition dogs, because they don't deserve punishment, they can't reason; humans can choose to act well

The good will and moral worth

Kant: there is only one thing always valuable: good will

- Ability to reliably know what your duty is
- Steady commitment to doing your duty for its own sake

How good will works

- Acting from good will is the only way that actions can be truly praiseworthy (moral worth)
- Reason will reveal your moral duty and motivates you to obey it
 - Neither wants, or emotions play an essential role in moral discovery
 - Emotions of lead astray, so should be guided by sound principles
 - Our action is to have moral worth, this should be enough to motivate us
 - ↔ David Hume: motivation always depends on desire

Dutiful actions motivated by emotions or desires lack any moral worth

- Presence of emotions is enough to rob an action of moral worth
- Actions solely from desire, do not possess moral worth
 - Mix motives (good will together with emotions make us act) can have moral worth

Five problems with the principle of humanity

Vagueness

The notion of treating someone as an end is vague, and so the principle is difficult to apply

It fails to give us guidance, you can't really know if your actions are morally acceptable

Determining just deserts

The principle fails to give us good advice about how to determine what people deserve

Kant developed a test for what wrongdoers deserve: lex talionis: eye-for-an-eye-principle

- Treat criminals the way they have treated their victims; this treats criminals as an end
 - Because of the criminal's rationality we can turn his principles back on him
 - Concrete, practical advice

Lex talionis is flawed:

- Can't explain why criminals who intentionally hurt their victims should be punished more than those who accidentally cause the same harm
 - What criminals deserve depends on: harm done and how blameworthy they are
 - Lex sets the punishment by reference to the suffering
- Can't tell us what many criminals deserve
 - What if there is a lack of victims
- Sometimes the guidance is deeply immoral
 - Does morality require that we do these things to the criminals
 - We want the state to meet certain minimum moral standards

Does justice always have to be done? No matter the cost?

Are we autonomous?

The principle assumes that we are genuinely autonomous, but that assumption may be false

Argument against autonomy

- 1 Either our choices are necessitated, or they are not
- 2 If they are necessitated, then they are out of our control, and so we lack autonomy
- 3 If they are not necessitated, then they are random, and so we lack autonomy
- 4 Therefore, we lack autonomy

Necessitated choice: the only choice we could have made in the circumstances

- Because of all the influences, you were bound to choose as you did
 - Our choices are traced to causes over which we lack control, so the choice itself is out of our control

Not necessitated choice: nothing determines your choice, you just do it

- Complete random choice, randomness undermines control, hence undercuts autonomy

Moral luck

The principle assumes that the morality of our actions depends only on what we can autonomously control, but the existence of moral luck calls this into question

Assume we are autonomous, there are reasons to doubt morality of actions depends on our choice

- Moral luck: cases in which the morality of an action or decision depends on factors outside of our control
 - So, factors outside our control affect the morality of our conduct

- Kant doesn't believe in this: you should only be praised/blamed you have under control and autonomy is control

The scope of moral community

The principle cannot explain why those who lack rationality and autonomy are deserving of respect

All who lack rationality and autonomy have no intrinsic moral importance

Argument against animals

- 1 If the principle of humanity is true, animals have no rights
- 2 If animals have no rights, then it is morally acceptable to torture them
- 3 Therefore, if the principle of humanity is true, then it is morally acceptable to torture animals
- 4 It isn't
- 5 Therefore, the principle of humanity is false

Kant rejects the second premise

- Harming animals will harden our hearts and make it likely that we will mistreat fellow human
 - Consequentialism: don't torture animals, it will have terrible results
 - If humans really possess infinitely greater moral importance than animals, anybody taking that message to heart will not injure other human beings
- Harming an animal, is harming its owner
 - This doesn't morally protect wild animals
 - Domestic animals have no protection against their owners

→ Kant excludes the most vulnerable among us membership in the moral community

Conclusion

Kant	Consequentialism
Justice and integrity are the central moral value	Benevolence is the central moral value
There are some absolute moral rules which can never be broken	No absolute moral rules, do what yields the best result
Denial that morality of actions depend could depend on factors outside control; they solely depend on what we can be held responsible form: our maxims and free actions	Morality depends on the result of your action
Central basis of moral evaluation is the past and their just deserts	Determine what's right and wrong based on the future and results
Member of moral community: rationality and autonomy	Member of the moral community: minimal level of well-being
Only good will is valuable in every situation	Well-being and happiness are always valuable

Application: Kantian approaches to some famine problems (Onora O'Neill)

Formula of the End in itself: act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means but always at the same time as an end

Maxim: underlying principle of action

- Commitment may result in different sorts of actions or may seem at variance with the maxim
 - Should see whether the act or policy is required if we are to avoid acting on maxims that use others as mere means and act on maxims that treat others as ends in themselves

Using others as mere means: use the other in a way that could only be done on the basis of a fundamental principle of maxim to which the other could not in principle consent

- False promise, deals done with violence/coercion ('an offer you can't refuse')

Treating others as end in themselves: treat people as rational, autonomous human beings with their own maxims

- Problem of human beings as finite rational beings
 - We don't have a list of options and likely consequences
 - Limited autonomy thanks to physical barriers and dependence→ general refusal of help and support amount to failure to treat the other as an end
→ famine undermines the autonomy of human beings, so Kantians should support actions to reduce the famine
 - Beneficence is an imperfect duty (contrary to justice, a perfect duty)
 - We cannot share/support all others' maxims all the time
- Actions closed between two parties without violence, that affect a third party in a way they would never have agreed to is an imposed policy and undermines one's autonomy

Beneficence

- Basis: without it we fail to treat others of limited rationality and autonomy as ends
 - Central core of development projects are requirements of justice, but development also demands concert to treat the poor as ends by paying attention to their needs

Respect for life in utilitarian reasoning

- Top-down
- Aim to achieve the happiest world, this might include sacrificing a whole generation (even when these people are not willing, and you are using them as mere means)
 - Paternalistic imposition

Respect for life in Kantian reasoning

- Bottom-up
- Beneficence should secure others' possibilities for autonomous action; Kantians are more likely to endorse less global and less autonomy-overriding aid and development projects
- Risking or sacrificing our lives is noble, we do this autonomously
- We can't always refuse others who need or help because they need the help to stay autonomous
 - But it's okay to say no sometimes
- Development plans should create enough economic self-sufficiency and social security

Nearby hunger and poverty

- Utilitarians
 - Should be ended by total means to add to the total of human happiness
 - Support welfare states, but there are opposers
 - Unjust for those taxed
 - Damaging for those who get the benefits, they become dependent (damages autonomy and create vulnerability)→ should welfare payments be in cash or kind to find the perfect balance between liberty and equality
- Kantians
 - The hungry are very vulnerable to every sort of injustice and to violence, coercion...

- 'Offers you can't refuse', corruption, cheating the system
- Commit to institutions that enable people to become and remain autonomous
 - Leave welfare recipients as much in charge of their lives as possible

If hunger is nearby or far away, the claims of justice and beneficence are similar (the only difference is the opportunities for action); justice doesn't stop at national boundaries

Contractarianism (7)

The lure of proceduralism

If we have basic assumptions on good and evil, use a litmus test to test theories

→ Why does a contradiction undermined the theory and not the assumption? Justify assumptions?

Proceduralism: to come up with a procedure that tells us the steps for distinguishing right and wrong

- Make no moral assumptions at the first stage
- Don't take certain morals for granted, but tell you why they are right or wrong
- Examples: golden rule, rule consequentialism, principle of universalizability

The background of the social contract theory

Most important proceduralist theories

Contractarianism: morality is based on a social contract

- Laws are just if, and only if, they reflect the terms of a social contract that free, equal and rational people would accept as the basis of a cooperative life together

Everybody is self-interested (\neq selfish), but chances are slim we'll become the best

- Rational person: agrees to curb self-interest and cooperate if others do so as well

The prisoner's dilemma

No matter what your accomplice does, each criminal will be better off by confessing

→ too risky for competitors to cooperate

Cooperation and the state of nature

Thomas Hobbes: imagine a situation with no central authority = state of nature

- Everyone competes to gain as much as possible in these dire circumstances
- Exit strategy with
 - Beneficial rules to require cooperation (with the gain of cooperation advantages vs. loss of certain freedoms) and punish betrayal (make sure rules are kept)
 - Enforcer: needed to give everyone a reason to keep their word with threats

The advantages of contractarianism

Morality is essentially a social phenomenon

Moral rules: special rules of cooperation → no self-regarding moral duties

Contractarianism explains and justifies the content of the basic moral rules

Moral rules: made by a group of free, equal and rational people who select rules to live together

John Rawls developed a test: veil of ignorance

- Erase all knowledge and your distinctive traits to put everybody on equal footing
 - Free and equal people will endorse correct moral rules for their mutual benefit
 - Biased policies undermined the primary point of morality (create fair terms of cooperation)

Contractarianism offers a method for justifying every moral rule

Contractarians don't assume moral rules, they justify why they are right or wrong

- Disagreement will arise (what do free, equal, rational people do?)

Contractarianism explains the objectivity of morality

Moral rules aren't chosen by God or humans, but humans like us who are more rational and free

- Whole societies could be wrong because they can be mistaken about what free humans want

Contractarianism explains why it is sometimes acceptable to break the moral rules

Built in escape clause: 'do/don't... as long as others are obeying this rule as well')

- Moral rules are designed for cooperative living, but when cooperation collapses the moral rules lose their force and the point of morality disappears
- Basis of morality: cooperation, trust → doesn't exist in the state of nature
- So if you can't rely on others, you shouldn't bother sacrificing

Sometimes being moral is putting yourself in danger

- It is rational to act unjustly if this is the situation

More advantages: morality and the law

Contractarianism justifies a basic moral duty to obey the law

Why you can't break the law

- You undermine the institutions that make the benefits of cooperation possible
- You take unfair advantage of sacrifices made by others = immoral

The contractarian justification of legal punishment

Punishments are necessary for institutions' threats to be credible, otherwise, enforcer role is not effectively carried out

- Punishments will eliminate a criminals' unjust enrichment
- Criminals can't complain because they have put themselves outside the protection of the law

Contractarianism justifies the state's role in criminal law

Why should the state be the one who brings criminal charges and administers punishments

- State's role: aid to escape from the state of nature; gives states authority to determine who is a threat

Why should we have a criminal law in the first place

- Purpose civil law: repair personal harms and wrongs
- Purpose criminal law: preserve the state and all the advantages

Contractarianism and civil disobedience

What if laws are unjust and whole classes of people are discriminated against

- Government loses its moral authority
 - Point of morality is to guarantee mutual benefit from fair terms of cooperation
- Primary point of having a society is undermined if they don't mirror what free people want

Why can breaking the law be morally justified

- When you try to change the law because it's unfair and replace it with real justice (→ this recognizes the value of a society under just law)
 - Illegal actions are motivated by hope of furthering the cause of justice

- Non-violent protests
- Act openly and are willing to pay the price by going to jail

Why be moral

Hobbes agrees with the amoralist that self-interest is the fundamental reason for acting

- Unjust acts are rational if they increase the likelihood of personal gain, which they don't; so unjust acts are never rational

Free-rider problem: happens when a lot of people are cooperating in a way that brings some common good. So long as enough people are chipping in, this benefit can be enjoyed by all

- Refusal to financially support the common good is unfair, but seems rational
 - Contribution is negligible, so why make the sacrifice if you always get the benefit
- Why would someone entirely self-interested participate
 - The risks of doing wrong always outweigh its potential benefits
 - Not always true
 - It is never rational to behave unjustly in a well-ordered society (punishments)
 - Just people are more likely to do better than unjust people
 - Life of an immoral criminal: insecurity, always on the lookout to cheat...
 - This is not a long-term strategy
 - So, it is rational to be a virtuous person and it is rational to stay this way

The role of consent

Some think it's a moral duty to honour our commitments, but we have never promised this

- Tacit consent: expressed through silence and a lack of opposition to the government
 - Defenders: if people were rational, they would see the benefits and agree
 - \leftrightarrow some people stay silent because they don't have a voice, don't dare to speak

Consent Argument

- 1 We have a duty to obey the law only if we have consented to do so
 - Yes: abusive government's power is only justified if it respects citizens' will
 - No: implausible to suppose we are only morally required to do what we want to do
- 2 Many have not given their consent
- 3 Therefore, many people do not have a duty to obey the law

Contractarians: the social contract is not something all of us agree with, give consent to; but it is something we would agree to if we were all free, rational people

- You don't have to do what social customs and law wants you to do, but you are morally required to live up to the standards of a rational version of yourself
- Contractarianism is a way to evaluate society's actual rules

Disagreement among the contractors

What if rational people disagree with each other

- Rawls: the veil of ignorance makes every contractor a clone
- Hobbes: nobody from a different family, background, city... would ever agree to the same
 - Moral rules are those we, situated as we are, would rationally agree to
 - What if we disagree: actions/policies are morally neutral
 - We will never know how much disagreement there would be

The scope of the moral community

Who has rights: anyone whose interests are protected by the rules that contractors agree upon

- Defining features of contractors
 - They are potential threats and potential benefactors
 - They are our equals
 - We must be able to gain anything from them without their consent
 - They are rational and self-interested (= concerned how well they are faring in life)
- Hobbes: sacrifice requires compensation → only contractors have membership because they can give us the compensation, otherwise we wouldn't make the sacrifice
- = duty ↔ charity: be nice to trees and animals (it's a choice, they give us everything we need without us having to make sacrifices)
 - Puts the most vulnerable in a bad place (infants, severely retarded)

Conclusion

Pros	Cons
Morality is a social matter we would all accept if we were free, equal and fully rational	Can't eliminate the possibility that immoral actions can be rational
Procedure for evaluating moral claims	Denies the membership of our moral community to the neediest of society and thus opens up a way to their exploitation
Justifies even the basic moral views	
Explains the objectivity of morality	
Explain why we are bound to obey the law	
Explain why we can sometimes break the law	
Explains why we can and should punish criminals	
Explains why it is usually rational to behave morally	

A theory of justice – John Rawls

The main idea of the theory of justice

Principles of justice for the basic structure of society are the object of the original agreement

- Principles that free, rational people, who engage in social cooperation, concerned to further their own interests would accept in an initial position of equality. Choice of basic rights and duties and determine the division of social benefits

Original position of equality: veil of ignorance

- Purely hypothetical
- No one knows their place in society

→ principles which free and equal persons would assent to under fair circumstances, so no one is (dis)advantaged in the choice → members are autonomous and obligations they recognize self-imposed → public acceptance

Principles chose by people under the veil of ignorance

- Equality in assignment of basic rights and duties
- Social and economic inequalities are just only if they result in compensating benefits for everyone and in particular for the least advantaged

→ fair basis on which the better/less fortunate can expect the willing cooperation of others

The original position and justification

Ideal of the person

- Free: self-originating sources of moral claims
- Equal: same rights in the procedure, can all make proposals and defend them... they are all symmetrically situated behind the veil of ignorance
- Rational: motivated by pursuit of self-interest ≠ selfish
- Reasonable: want to cooperate with others on terms that are fair

Conception of society: cooperative venture for mutual advantage

- Identity of interests: social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts
- Conflict of interest: persons are not indifferent as to how the greater benefits produced by their collaboration are distributed

Maybe you don't agree with the principles, but they are still justified because they would be agreed to in an initial situation of equality and these are in fact thus principles we would accept

Economic Justice (8)

Theories of economic justice

Different theories are differentiated by the degree of intervention they advocate

How should benefits and burdens be distributed among people

- What are we distributing – metric/currency
- According to which rule – principle
- Among whom? – domestic vs. global
- What does it mean to distribute – re-distribute/pre-distribute/no distribution

Libertarianism

Libertarian theories: keep the government as far as possible, huge opposition to coercive forms of redistribution of wealth and income

Robert Nozick: each one of us has rights of self-ownership and the correlate absolute duty to respect the self-ownership of each other

- Just acquisition: how unowned things can come to be owned justly
 - Lockean proviso: no one should be rendered worse off by the existence of private property
- Just transfer: how justly owned things can be transferred justly
 - If it is voluntary and does not violate the Lockean proviso
- Rectification: what to do about unjust acquisitions and transfers
- ↔ patterned principles: distribution requiring conformity to a pattern
 - This would violate individual liberty = unacceptable
 - Redistribution → disincentive to transactions = prohibition → in both situations individual liberty is involuntarily sacrificed = violation
- Foundational assumption: absolute right of self-ownership and the absolute duty to respect each other's self-ownership

Critique by Rawls: the most obvious injustice of a system of natural liberty is that it permits distributive shares to be improperly influenced by factors so arbitrary from a moral point of view

- Social contingencies: socio-economic and cultural background of family
- Natural fortune: talents

Normative claim: just societies should mitigate the unfairness of the social and natural lottery, consistent with efficiency

Broad egalitarianism

How should burdens and benefits be distributed? How should the state intervene in mitigating the effect of the social and natural lottery on life prospects?

Elements of a conception of distributive justice:

Currency

Revitalization of egalitarianism: to make people equal in one way is very likely to make them unequal in another aspect

Needs

Marx: 'to each according to their need' → everyone should have at least their essential needs satisfied, provided this is possible = vague

- Very hard matter for everyone to agree on + what is the index to compare need satisfaction
 - Objectively: measurable currencies
 - Subjectively: preference satisfaction

Preferences

It's possible to create a complete utility function for each individual over the whole range of goods

It lacks plausibility as a currency of justice

- Scanlon: justice is captive to individual taste, leads to counter-intuitive results
- Dworkin: expensive taste will take a great share of society's resources
- Problems with using a metric of preference satisfaction:
 - Some people have unpleasant preferences
 - Society is responsible to ensure each individual has the means to a fulfilling life, but it's the individual's choice to employ those means
 - Need of an uncontroversial way of deciding which group is worse off
 - Have one's preferences satisfied, but only because preferences are deformed

Resources

Rawls and primary goods

- Things that every rational man is presumed to want = all-purpose means (liberty, opportunity, self-respect...)
- Focus on income to decide on the group that is worse off
 - What about people who face uncertain/diminished life prospects?

Dworkin and internal and external resources

- Theory of equality of resources
 - Envy test: if bundles of good are carolled up in such a way that no one prefers another's bundle, then we can say that the division of resources is equal
- People with disabilities
 - See a disability as a resource
 - Special version of the veil of ignorance
 - What level of insurance would one take out against disability if one knew the prevalence, disadvantage and cost of various forms of disability, but were unaware if one would one day develop one
 - Concerns
 - Distributions would not pass the envy test
 - Is cash compensation the most appropriate

Basic capabilities

Sen: equalize the capability set = freedom to achieve

- Resource metric is insensitive to internal and external variation → some need more resources to achieve an adequate level of functioning and thus have a greater claim
 - Governments responsibility that everyone had the capabilities, not how people use their capabilities
 - Capability set: one's capability to achieve a level of functioning = currency of justice

Pattern or principle of distribution

Equality

Rawls's difference principle: the idea that the worst off are to be as well off as possible

- Allows inequalities: it may be possible to make everyone better off by departing from equality
- \leftrightarrow levelling-down: destroy things that make us unequal

Sufficiency

Frankfurt: what matters is that people have enough, if everyone does inequality doesn't matter

- Equality requires us to compare ourselves to others, rather than concentrate how our lives are going

Absolute priority and qualified priority

Absolute priority: we must always raise the position of the worst-off group

Qualified priority: the worst off are given priority in decision making, but not so much that it swamps everything else

Responsibility

Rawls: doesn't take into account the disabled and the reason why people are badly off

- Maybe include the primary good leisure?

Dworkin: individuals should be held responsible for the true social cost of their choices

- Distributions should be ambition sensitive and endowment insensitive
 - Possessions shouldn't be affected by the level of talent, but should by the consequences of carrying out freely made choices
- Brute luck (matter of nature) vs. option luck (matter of deliberately accepted risk)

Feminism, equality of opportunity and the myth of merit (10)

Two principles of justice

→ apply to the basic structure of society and govern the assignment of rights and duties and regulate the distribution of social and economic advantages

1) Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others

- Liberties are not absolute (infringement of the basic equal liberties cannot be justified by greater social and economic disadvantages)

2) Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all

- Wealth doesn't have to be distributed equally as long as it's to everyone's advantage (so you can't justify differences because the increase in disadvantage for one is smaller than the increase in advantage for another)
- Positions of authority and responsibility should be available to everyone

Application on institutions

- The rights and basic liberties referred to are those which are defined by the public rules of the basic structure

Interpretation of the second principle

'Equally open'	'Everyone's advantage'	
	<i>Principle of efficiency</i>	<i>Difference principle</i>
<i>Equality as careers open to talents</i>	System of natural liberty	Natural aristocracy
<i>Equality as equality of fair opportunity</i>	Liberal equality	Democratic equality

Preferred option: democratic equality

Natural liberty

Principle of efficiency: positions are open to those able and willing to strive

- Pareto optimality: configuration is efficient whenever it is impossible to change it so as to make some persons (at least one) better off without at the same time making other persons (at least one) worse off
 - When changing the basic structure, we can't violate the principle of equal liberty and the requirement of open positions
 - All efficient arrangements are equally just?
 - No! Depends on the starting point: slavery is unjust, but abolishing slavery lowers the expectation of the owners
- Cannot serve alone as a conception of justice: is constrained by background institutions
 - If we accept the outcome of the principle of efficiency as just, we must also accept the initial distribution of assets
 - The initial distribution is strongly influenced by natural and social contingencies

Natural liberty is unjust because it permits distributive shares to be improperly influenced by arbitrary factors. The existing distributions are a cumulative effect of prior distributions of natural assets as these have been developed or left unrealized and their use favoured or disfavoured. (life prospects are influenced by social contingencies and natural fortune.)

Liberal equality

Tries to correct natural liberty by adding that all positions should be open to everyone

- People from different classes with the same initial abilities should have similar chances in life
- Mitigates the influence of social contingencies and natural fortune on distributive shares
- Important: prevent excessive accumulations of wealth and of maintaining equal opportunities for education

Still defect

- Permits the distribution of wealth and income to be determined by the natural distribution of abilities and talents
 - Why distribution of wealth could be based on natural lottery but not on historical fortune?

Natural aristocracy

Advantages of people with greater endowment are limited to those that further the good of the poor

- A better situation is just only if others in lower situations would be worse off if the ones in better situations would have had less

Democratic equality and the difference principle

The difference principle

Removes the indeterminateness of the principle of efficiency by singling out a particular position from which the social and economic inequalities of the basic structure are to be judged

- The higher expectations of those better situated are just if they work as part of a scheme which improves the expectations of the least advantaged members of society
- Equal distribution is preferred unless another distribution makes everyone better off
= egalitarian view

Remarks

- Perfectly just scheme: expectations of the least advantaged are completely maximised
- Just throughout scheme: expectations of all those better off at least contribute to the welfare of the more unfortunate
- Difference principle is compatible with principle of efficiency: when difference principle is satisfied, it is impossible to make one man better off without making another one worse off

Chain connection

If an advantage has the effect of raising the expectations of the lowest position, it raises the expectations of all positions in between

- Doesn't mean that all effects move together

Affirmative action and the myth of merit

Affirmative action: challenges the primacy of a principle of non-discrimination and the conviction that persons should be treated only as individuals and not as members of groups

Often assumed as not unjust:

- Hierarchical division of labour with scarce positions of high income power and prestige at the top and less privileged positions at the bottom
 - Division between task design and task execution allows only relatively few to develop and exercise their capacities
- Positions are distributed according to merit
 - In order to do so, you must identify individual performance, not possible since most criteria have normative and cultural content

Affirmative action and the principle of non-discrimination

Fullinwider: if we do not use preferential hiring, we permit discrimination to exist. But preferential hiring is also discrimination. Thus, if we use preferential hiring, we also permit discrimination to exist.

- Affirmative action programs have been justified as compensation for past discrimination
 - Used for combat against discriminatory principles, assumptions and perceptions
- Affirmative action calls for consciously and explicitly preferring members of particular groups on account of their groups membership = wrong
- Equality is sometimes better served by differential treatment

Primary purpose of affirmative action: mitigate the influence of current biases and blindness of institutions and decisionmakers

- Inclusion brings advantages: unique perspectives to supplement those of others
- Distributive paradigm of social justice

Focus on oppression instead of discrimination

- Oppression: Institutions, assumptions, and behaviors produce the material and non-material conditions that provide greater opportunities and prioritize the point of view of men
 - Affirmative action is discriminatory, but is it wrong? Depends on the purpose!
- Discrimination: Exclusion/preference of some people based on their social group membership in the distribution of benefits, treatment received, positions occupied (restrict to intentional and explicit policies)

Formal equality of opportunity vs. fair equality of opportunity

- Careers open to talents, hiring process should look at job-related characteristics, not at your race or sex vs.
- Those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system

Affirmative action discussion and the distributive paradigm

Affirmative action: successfully redistribute desirable positions

- Exhibits the distributive paradigm of social justice (achieve greater justice legitimates preferential treatment)
- These programs still require highly qualified people, and so do not increase opportunities for everyone

The myth of merit

Positions and rewards should be distributed according to individual merit (those with the greatest aptitude and skills to perform the tasks the positions require, so no privileged positions for certain)

- Rawls: a person is just as little responsible for his talents than for his race
 - Effort and achievement should be a large part of the merit criteria

Use of principle of merit to allocate scarce positions is just if

- Qualifications must be defined in terms of technical competence (competence in producing certain results) and are independent of and neutral with respect to values and culture
- Technical competences must be job-related = predictors for excellent performance
- Performance and competence must be judged individually

Normatively and culturally neutral measures of individual performance do not exist for most jobs

- Most jobs are too complex and multifaceted to allow for a precise identification of their tasks
- Often not possible to identify individual contribution
- Many jobs require wide discretion in what the worker does and how best to do it
- Often, those evaluating a worker's performance are not familiar with the actual work process
 - Incompetent superior will evaluate social comportment
- Not all skills required in a job are measurable (judgement, discretion, verbal acuity)

Education and testing as performance proxies

Educational credentials and standardized test results has become a major criterion

- Rich kids go to better schools and are better prepared
 - Degrees are relatively devaluated, a lot of other people have done the same, so people have to take jobs they are overqualified for and thus raise formal standards
- Most tests are broad-band tests used for different kind of jobs and are thus biased and they don't measure job-specific skills
- Tests are often constructed by white men, so skills typical for woman, other races will often be undervalued
 - No technical method to prevent bias

Conclusion: standardized test cannot be said to provide precise quantitative individual measure of technical or cognitive competence independent of and neutral with respect to values and culture

The politics of qualification

Merit distribution of positions of reward and privilege can legitimate a social hierarchy only if criteria for determining people's qualifications assess their skills and competences and not whether they belong to a certain group, behave in a certain way or conform to the evaluator's preferences and purposes

- Criteria used is often value-laden and normatively and culturally specific
- Justification of hierarchical decision-making power is problematic
 - Powerful people can choose preferred people based on their school, exhibit preferred behavioural and temperamental characteristics
- Decision-making should be done in cooperation with employees (future co-workers), consumers or clients affected by the work performed by the position, oppressed groups
- Ranking interviewees is okay as long as criteria are explicit and open to challenge and revision
- Fairness in decision-making
 - Criteria for qualifications should be explicit and public
 - Criteria should not exclude social groups
 - All candidates should be given thorough consideration
 - Certain people from groups/with social positions can be preferred, but only to compensate for disadvantage or undermine oppression

The democratic division of labour

Social justice requires democracy in the workplace and an undermining of the division between task definition and task execution

- Employees must participate in the basic decisions
 - No top executives with initiating and final authority
- Employees must participate in specific decisions that concern their work situation
 - Democratically elected search committees should decide on job qualifications
- Community in which the enterprise is located deserves representation
- Shareholders deserve representation
- Socially oppressed/disadvantaged groups deserve representation

→ reduces oppression, powerlessness, domination and subordination

Why division task designing and task executing is wrong

- Professional class monopolizes knowledge; schooling should be available to anyone
- Privilege on grounds of prestige is wrong
- Mobility from less skilled to more skilled is almost not available
- They never did the hands-on works

Not unjust about division of labour

- Specialization
- There is good reason for establishing supervisory roles, but there should be upper and lower limits to authority
- Differential pay is okay, hard work (above average productivity) and sacrificing should be rewarded

Ethics of social security: basic income (11)

A new world

Basic income: a regular income paid in cash to every individual member of a society, irrespective of income from other sources and with no strings attached

New world: polarization of earning power

- Technological change: automation, robotization
 - Enables wealth of the few who can design, control...
- Globalization
 - Worldwide market for those with scarce skills, but high competition for those with widely held qualifications
- Differences in saving capacity, inheritance, amplified by returns on capital
- Limits of growth as a solution for unemployment
 - Irreversible and largely unpredictable impact on the climate
 - Doubts about the possibility of growth → secular stagnation
 - Growth doesn't offer a structural solution to unemployment and precariousness

Basic income

Need to provide the growing jobless population with means, 2 options

- Public assistance to supplement income
 - Major contributions to eliminating extreme poverty
 - Conditionality: tendency to turn beneficiaries into a class of permanent welfare claimants
- Unconditional minimum income scheme
 - Paid in cash
 - Cannot be mortgaged (it is a bottom layer of income)
 - Income-tax-free (might give less to bigger households, or easier for state)
 - Amount: sustainable and generous enough for it to make a difference
 - $\frac{1}{4}$ GDP per capita, mostly above absolute poverty line
 - Higher can be ethically justified
 - Lower levels are politically expedient
 - Individual entitlement
 - Universal
 - Not the amount
 - Vary with age
 - Vary with geography (but within territories universal), could recue the redistributive impact in favour of poor areas
 - Variable across time, but paid on a regular basis and stable enough
 - Obligation-free
 - Still conditional: recipients must be members of a particular, territorially defined community (fiscal residents rather than citizenship)
 - NOT a full substitute for transfers, public funding of quality education/health care/...

Cash income

Argument against cash payments

- More likely that resources will provide for basic necessities for all members of household
 - Food stamps, vouchers
- In emergency or temporary situations: only way to save people is to provide food and shelter
- Cash payment advantages depend on the existence of an open and transparent market
- Cash income can't replace services provided or funded by the state
 - These provisions in kind defend long-term interests and society's interests

Arguments for cash payments

- Less bureaucracy
- Less prone to clientelistic pressures, waste through misallocation
- Creates purchasing power and boosts local economy rather than depressing it with imported free food
- Greater freedom for individual preferences

Conclusion: strong case for basic income paid in cash with support of public provision of various services in kind

Individual income

Strictly individual: paid to each individual, independent of that individual's household situation

- Makes a difference insofar it affects the distribution of power within the household

Arguments against individual income

- Simplicity to just give it to the head of the household
- People living alone don't have economies of scale and thus need more than a household
 - But cohabitation becomes hard to confirm (shorter marriages, unregistered cohabitation, privacy threats)
 - Could discourage people from living together = loneliness trap
→ scarce materials are underutilised

Unconditional: universal income

Minimum-income scheme

- Means test
- Falls as income from other sources increase
- Operates ex post: on the basis of some prior assessment
- Target efficiency: proportion of the program's expenditure that contributes to closing the poverty gap is higher

Basic income

- No means test
- Operates ex ante: paid upfront
- Enhances effectiveness in terms of poverty alleviation
 - People may fail to take steps to get benefits from the minimum-income scheme
 - No decisions need to be made about who to include/exclude
 - No humiliation about having to prove you're poor, can't find a job...
- People can take jobs or create their own with less fear
 - No need to re-register if you lose your job, no uncertainty with low-paid jobs...
 - No threat of triggering off a spiral of debt
- Any earnings people do produce go to increase their net income

- ↔ poverty/unemployment trap in public assistance scheme: the earning people receive for a low-paid job are offset, or even more than offset, owing to work-related expenses, by the corresponding reduction or suppression of the means-tested benefit (because conditional scheme: clawing back one unit of benefit for every unit earned)

Means-tested minimum-income scheme vs. basic income

- Safety net that fails to catch people and a poverty trap vs. a stable floor

Unconditional: obligation-free income

Employment trap: having to take badly paid jobs with low certainties = exploitation by employer

- Not in basic income model
- Result: unattractive jobs must be made more attractive with a higher salary OR automation
 - Net effect cannot be predicted

Combination of universality and obligation-free income gives more options to people with the least

An active welfare state

Is basic income sustainable?

- Basic income is the replacement of 'production within the firm' by 'production within the household' and by 'consumption within the firm'
 - Problem: only production within the firm can provide basic income with the tax base needed

Considerations in the discussion of economic impact and sustainability of basic income

- Worry: bad effect on supply of labour by obligation-free minimum income and increased tax
 - Modest income enables to work as it provides means of subsistence
- Relative level of remuneration determines social pecking; absolute level of marginal gain might do little to reduce worker's interest in economic advancement
- People have various motives to work
 - Respect, fulfil psychological needs, maintain social participation
- Basic income unleashes entrepreneurship by buffering the self-employed
- Expected long-term effect on human capital
 - Getting rid of unemployment trap
 - Universality and freedom from obligation generates jobs with high training content
 - Easier to work part-time to acquire further skills, reduce burn-out risk
 - Beneficial effect on children's health and education, more attention from parents

Cost of basic income

- Redistribution of private spending (taking and giving to the same household)
 - Not an opportunity cost! (partly)
- Investment rather than a cost (greater security and flexibility)

Main difference from other public assistance schemes: instrument to fight poverty + freedom

- Frees people to work rather than force them to work
 - ↔ minimum-income scheme: focus transfers on inactive and keeps them inactive
 - Obligation-free: de-commodify labour and universal: commodify labour of excluded
- Broadens the range of options: provides the basis to choose the path one really wants to pursue in life

Sane economy

Sane economy: a way of organizing our economy that does not make people sick, but also provides a sustainable way of living

- Reduced working time possible
- No involuntary (un-employment), so more freedom
- Real chance of getting meaningful paid work for all who want

Objections to obligation free

- Perfectionist work ethic: work is part of the good life
 - Basic income looks at a broader view: work we do for others
- Liberalist view: it is unfair for the able-bodied to live off the labour of others, free riding
 - Basic income is an entitlement, fair share of common heritage

Basic income and free riding

Cooperative justice

Cooperative justice: fair allocation of benefits and burdens of cooperation between participants in some cooperative venture

Reasons to relativize the charge of free riding of basic income

- Double standards: unfairness of free riding is applied to the able-bodied poor not working and not to the able-bodied rich not working
 - Denial of income to those able but unwilling to work should apply to the rich and poor
- Technological progress: leads to overabundant workers
 - Less labour can guarantee the functioning of society and needs fulfillment of all
 - Income should be detached from productive contribution
- Freedom of obligation: only a small minority will take advantage of the system
 - Doesn't translate into an expansion of leisure as idleness
 - Productive activities in a broader sense: education, childcare, engagement in community...

Reasons why basic income can yield progress in terms of cooperative justice

- Cooperative justice implies that those unable to work should get minimal income
 - How will you distinguish unable to work from the unwilling to work
 - Basic income avoids penalizing unfairly the sick and disabled
- Unfairness within households: men free riding on the unpaid work done by their partner
 - Household wage is a bad idea because it will only deepen the household trap, reinforcing the gender division of domestic roles and require bureaucratic monitoring of the work done at home
- Fair distribution of burdens should also take the irksomeness of work into account
 - Irksomeness: lack of intrinsic attractiveness
 - Basic income would strengthen the bargaining power of the most vulnerable and the irksomeness of a job would be better reflected in the pay

Distributive justice

Distributive justice: just distribution of entitlements to resources among the members of a society

- Real freedom for all

- Conception of distributive justice that supports basic income
- Real freedom (vs. formal freedom): the genuine capacity to do whatever one might wish to do in accordance with their conception of the good and corresponding life plan
- Maximin real freedom: greatest real freedom for those with the least of it
- Cash + free or heavily subsidized education and healthcare and provision of healthy and enjoyable environment (at the cost of a lower cash basic income)
- Problem: skewed notion of freedom: the real freedom that matters to lazies (those who care about leisure the most) vs. crazies (who care about income, consumption, prestige, power...)
 - Common heritage: nature, technological progress, capital accumulation, social organization, civility rules
 - Much of what we earn is due to externalities and not effort, so justice requires to maximin the gift that provides the material basis of the exercise of real freedom

Moral limits of markets: goods and their value (12)

The ideals and social relations of the modern market

Ways of valuing goods

- Use: subordinate it to one's own ends, without regard for whatever intrinsic value it might have (commodities)
 - Market ideal of freedom: freedom to use commodities without the constraints implied by the other modes of valuation
- Respect: for aesthetic worth
- Personal value: cherished items are irreplaceable since its value comes from personal connections
- Shared value: value depends on other people also enjoying them, preservation usually requires constraints on use

Norms embedded in the market

- Impersonal: every party is a means for satisfaction, no precontractual obligations
- Freedom to pursue personal advantage: money determines one's access to commodity values, no need to exhibit personal characteristics
- Goods are exclusive and rivals in consumption: one person can reduce the total amount available
- Want-regarding: respond to effective demand and willingness to pay
- Dissatisfaction expressed by exit: 'take it or leave it'

The values of personal relationships and the market

Personal relationships

- Founded on values in which central goods are shared
- Goods exchanged and jointly realized are valued less through use than through appreciation and cherishing
- Spirit of gift
 - Authenticity and worth depend on the motives that people have in providing them, more than generic meaning → cash = inappropriate because doesn't express thought
- Gift exchange vs. market exchange
 - Exchange of gifts affirms and continues the ties
 - Rejecting a gift is to refuse to acknowledge or sustain a friendship
 - Both involve reciprocity, but shape and timing differ
 - Long term vs. a delay is cause for legal action
 - Accounting mentality: unwillingness to be in debt of another = unwillingness to enter in the long-term commitment

Explore some of the ways values are undermined when the norms of the market come to govern the exchange of goods proper to personal relations:

Prostitution:

- Sexual acts: exchanged as gifts in a relationship founded on mutual recognition of partners

- When sexual services are sold on the market, the kind or reciprocity required to realize human sexuality as a shared good is broken
 - Degradation of the prostitute, whose sexuality is reduced to a service

Firms:

- Attending to establish a paternalistic relationship with their employees by putting them into dependent positions and engender feelings of gratitude and loyalty
 - Not reciprocal: employees are exploited to extract more labour

Marriage contract:

- Avoid the exploitative tendencies of traditional marriages by laying out the duties of both parties in a business partnership
- Undermines the goods of commitment and intimacy proper to marriage

Lending money (substantial and long term) to a friend:

- Undermines capacity of creditor to pursue advantages on the market
- Charging interest threatens friendship

One party uses the norms of the market to manipulate the exchange of sentiments and civilities that are properly governed by the norms of gift exchange

Political values and the market

Fraternity: citizens who agree to refrain from making claims to certain goods that come at the expense of those less well off than themselves and when they view the achievement of such relations with their fellow citizens as a part of their own good

- Providing certain goods in common
- Need-regarding, not only want-regarding

Democratic freedom: idea that citizens are equals engaged in a common cooperative project

Fraternity and democratic freedom conflict with the market

- Exercise their freedom through voice, not through exit
- Uncorrupted democracy distributes goods in accordance with shared principles
- Goods provided by the public body are provided on non-exclusive basis, everyone has access to them

Political goods: subjecting goods to market control

- Dividing the commons: freedom (option to exit from common control of goods) and efficiency would enhance if goods would be owned privately and provided on exclusive basis (schools, parks, streets...)
 - ↔ loss of voice, loss of nonexclusive access and enjoyment, no need to ask permission, no arbitrary restraints on freedom, loss of money for access
 - Locke: paces of free public associations are qualitatively different from those provided by exclusive spaces that ostensibly provide the same goods
 - You meet as equals and there is room for spontaneous interaction and unintended events aside from initial purposes
- Converting public provision of goods in kind to the provision of their cash equivalent
 - Titmuss: blood should be given only as a gift, not sold as a commodity
 - Where volunteering enhances fraternal relations, policy undermines it
 - Value of blood is determined on the motive: if you get paid the small act of giving blood is seen as an inconvenience requiring compensation
 - Welfare state: providing goods in cash rather than in kind is better
 - Increase freedom for the recipient (can do whatever with it)
 - ↔ intuition: some goods like healthcare are better provided in kind

Distinction need-want

- The social practice of distributing goods in accordance with need-regarding, rather than want-regarding principles is one means of fixing these social understandings, thereby enabling us to lead not merely pleasurable but worthwhile lives
- Education example: use voucher system
 - Each parent gets a sum of money and can then spend it on a school of choice
 - Schools compete by offering a variety of options = efficiency increase
 - Replacement of institutions of voice to exit
 - Undermines good of education as a reflection of reasoned ideals
 - No forum for parents to express their desires and needs
 - The more mechanisms of voice opened to the broad, local public; the greater the possibilities for parents to realize their preferences as reasoned ideals rather than private tastes

Conclusion: some ethical limitations of the market

Two classes of goods whose realisation should take place in a nonmarket environment

- Gift values: worth is partly constituted by nonmarket motives
- Shared values: their good cannot be analysed in their terms of being independently good
 - Realization requires a forum for working out understandings together
 - Open access to everyone
 - Rights of the physical vehicles of these values cannot be distributed in exclusive bundles = argument against dividing the commons

When trading them on the market: noneconomic value might be lost, undermines integrity of certain goods by removing it from the social relations

Market claims of freedom and efficiency:

- In a market people are free from relationships and obligations for others
 - Might clash with other ideals of freedoms
 - Relationships can bring you another level of freedom
 - Personal autonomy and relations are harmed when one's access is dependent on personal connections
- Claims of efficiency are only valid if ends are unchanged by alternate means of provision
 - Valuation of commodity is independent of how other value it
 - BUT sometimes participation in a social practice is required to understand its value in the same way

Case: commercial surrogacy

Objection 1: treatment of children as commodities

- Parental norms of love and trust replaced by market norms
- Parental rights as property rights
- Parents as consumers: IQ, race, other selection criteria
- Child treated as commodity to be bought and sold
- Child's sake vs. the interest of other parties (surrogate industry)
- Child's interest: loving home
- Sale of an infant has expressive significance
- Agency policing the surrogate mother's relationship to her child
- Unsold children of surrogate are harmed

- Threatens the way we value children as objects

→ Degrading of children through inappropriate mode of valuation - as use value

Objection 2: use of women's labour as commodity

- Parental norms replaced by economic norms
- Women's reproductive labour = commercial process of the surrogate industry – “baby factory”
- Surrogate mother is treated as an object and not as a person deserving respect and consideration

Surrogate mother = inanimate object; contract labourer (vs. a parents)

- Alienated labour: repression of parental love
- Degrading: mother's perspective denied, illegitimate

Application: ethical issues in supply and demand of human kidneys (Debra Satz)

Sometimes societies ban the sale of goods whose supply they actually wish to support or encourage

Brief background: the status quo systems of kidney procurement

Most of globe's countries: legal bans on kidney sale

- Black markets
- Donating kidneys after death (presumed consent) or while alive out of altruism is permitted
- Opt-out vs. opt-in system
 - All individuals are presumed to consent, permission to rebut the presumption
 - Makes little difference in the number of organs secured
 - Relatives can always refuse and often do
 - Not suitable organs (old, sick)
 - Increases in number of people needing kidney transplants > supply increase

Anti-market considerations

Market

- Freedom of contract and exchange to promote liberty
- Fair price for each input
- Most efficient mechanism for production and distribution of goods

1 Does a market ban necessarily decrease the supply of available organs?

Richard Titmuss: a purely altruistic system for procuring blood is superior to a system that relies on a combination of altruistic donation plus a market

- What if you can buy blood
 - Sellers have reasons to conceal illnesses
 - Those in need of money will supply too often, endangering their own health
 - Not more efficient: it represses the expression of altruism and erodes the sense of community
 - Monetary incentives can crowd out a person's intrinsic reasons (an act performed out of belief isn't the same if that person gets a reward)
 - Not always, markets change social norms and we cannot predict in which direction the net change of behaviour will go
 - Do all the extrinsic reward have the same crowding-out effect as money?

- The right price might increase total available kidneys
- Some people believe selling organs is wrong, even if it increases supply

2 Vulnerability

Kidney exchange can be seen as objectionable because it is a paradigmatic desperate exchange

- No one would ever do this unless face with no other reasonable alternative
- Allows the rich to exploit the desperation of the poor

Worries could be addressed through regulation: eliminate organ brokers, allow open competition, enforcing terms of a contract, fair price, limited to non-vulnerable sellers

3 Weak agency

Sellers lack full information, because some consequences only happen in the future

- Surgical operations always carry some risk
 - Studies in wealthy countries have reported few adverse effects ↔ higher risk in poor countries
- Vulnerability for future problems (damaged kidney, decline of filtering capacity = normal)
- Indian study
 - 86% reported a deterioration in their health
 - So, potential sellers would be unlikely to sell if they were better informed
 - 79% regrets their decision
 - 71% of sellers are married women
 - Voluntary nature of sales becomes questionable, pressure to donate

Solution: better inform via classes etc.

- Will this stop poor people?
- Not always possible in countries with weak and underfunded regulatory institutions

Argument against altruistic organ donation as well

- But how substantial are the potential harms to buyers and sellers if we compare it to other practices accepted in today's society

4 Equal status considerations

International organ markets transfer organs from poor to rich, third world to first world, female to male and non-white to white

- System of donation is much more likely to have suppliers from all classes
- Counter-argument: society justifies certain hazardous jobs... if those who perform them are justly compensated under conditions that meet health and safety standards
 - Inequality between suppliers doesn't pick out what's objectionable
- Egalitarian: government should create a monopsony in which it is the only legal buyer
 - People are paid after their death
 - Pay for the kidney of the poor
 - Limited resources!
 - Doesn't help the shortage of kidneys

The integrity of the body

Adding a choice to a choice set changes the other choices available to the agent

- Restriction on kidney sales are beneficial for an individual seller, but may be harmful to others = pecuniary externalities

- F.ex. might be harder to obtain a loan if you already sold a kidney/don't want to sell (credit is allocated to people who can provide better collateral)
- Ronald Dworkin: prophylactic line: our body parts are not part of social resources
 - You cannot secure loans with it

Policy

Black market is bigger than ever

- Regulating would go some way in redressing worries about exploitation

Many problems with organ markets arise because they won't be ideal markets, but in addition to the potential for harm to the seller from a kidney market, there is also the potential to extend the life of a person who would otherwise die

<i>Market/Allocation</i>	<i>Weak Agency</i>	<i>Vulnerability</i>	<i>Individual Harm</i>	<i>Harmful Social Inequality</i>
<i>Competitive market in supply and demand</i>	Yes, although could be mitigated by informed consent	Yes	Yes: harm to very poor seller; externalities to other poor	Yes
<i>Competitive market in supply only; government monopsony</i>	Yes: see above	Yes	Yes: see above	No
<i>Futures markets</i>	No	No, unless this gives people an incentive to hasten the death of future donors	No	No
<i>Matching-in kind exchanges</i>	Possible: see above	No	No	No
<i>Altruistic donation</i>	Possible: see above	No	No	No

Public health ethics – disability (13)

Defending following claims:

- Good society meets 2 goals: offer genuine opportunities for secure functioning and should be a society of equals
- A person's opportunities in life are determined by: internal resources, external resources and material structure of the society
- Disabled: one's internal resources together with his external resources are impaired and do not provide one with genuine opportunities for secure functioning, given the society
- Society concerned with enhancing the opportunities of disabled, would pursue politics of personal enhancement or provision of external resources
- Strong reason for status enhancement and the idea of a society of equals
- The focus of social concern is the individual's limited opportunities and not the disability
- Anti-discrimination policy needs to identify a group to be protected

Egalitarian thought and disability policy

Luck egalitarianism: the goal of egalitarian justice is neutralising the effects of good and bad (brute) luck on individual fortune

- Achieve this with compensation: cash/material goods
 - Welfare: disabled suffer from lower levels of welfare, so cash brings the compensation to reach a certain level of welfare
 - Resources: disabled lack internal resources, so offer external resources
 - Poverty: disabled often face an adequate income
 - Special expenses: disabled often need special equipment
- Disability = paradigm of bad luck
- Not appropriate and often not sufficient

The good society

Equality is a matter of distribution and social relations, a good society

- Offers each citizen genuine opportunities for secure functioning
- Should be a society of equals (differences should be accepted)

Genuine opportunities for secure functioning

Amartya Sen: when assessing an individual's well-being, we should consider a person's capability (an individual's opportunity to achieve a functioning) to function

- Governments role: provide opportunities for functioning
 - Gives a citizen a significant degree of responsibility for his fate (no complaints if an individual manages a higher level of functioning through his efforts)
 - ↔ provide functioning: impossible to guarantee functioning without coercion

Inter-personal justifiability: whether it reasonable for someone to act a certain way or not

- Mother who gets a job-opportunity but doesn't take it because she had 5 kids to take care of
 - Opportunity: achieving the functioning of shelter and nutrition
 - Unreasonable

Disadvantages of exposure to risk to achieve a basic level of functioning

- Possibility of getting harmed

- Fear and anxiety about the harm
- Planning blight
- Steps one must take to mitigate the risk

Ways in which functioning can be at risk, can become insecure

- Risk to a specific functioning
 - Risk of being unemployed
 - Vulnerability to technological change of disabled
- Cross-category risk: risk likely to spread to other functioning
 - Risk of unemployment generates risk of nutrition
 - Deteriorating health, risk of anything depending on income
- Inverse-cross-category risk: steps taken to secure on functioning, but putting another one at risk
 - Risk of dying in doing a certain job to secure nutrition for your family
 - Disabled who enter the workplace can be discriminated

A society of equals

One that accepts people in their differences and this will have widespread positive effects

Bridge between distributive idea of well-being and social idea of justice

- Understanding oneself as having a place in the world and not having to look up to others or being regarded as a marginal member of society are themselves important functioning and aspects of well-being

Creating opportunities and remedying disadvantages

Factors for one's opportunities

- What a person has
- What a person does with what he has

The interaction of your internal and external resources with the social and material structure within which you find yourself determines your opportunities, creating for you paths of varying cost and difficulty

If someone lacks opportunity, you can address three spheres:

- Space of internal resources → personal enhancement
 - Education, training, medical intervention
- Space of external resources → cash compensation and targeted resource enhancement
 - Money vs. resources with strings attached
- Space of social and material structure → social enhancement
 - Changes in law, social attitudes, configuration of material environment
 - Recognition is a great achievement and contribution of the social disability movement

The nature of disability

Disability: one's internal resources do not provide one with sufficient genuine opportunities for secure functioning, given the social and material structure in which one lives and the external resources at one's disposal

- Role of external resources: relevant to one's ability to enjoy secure functioning

- External technology can prevent impairment being a disability by mitigating the impairment (not always possible to eliminate a disability)
- There are different ways in which personal and external features intersect to cause reduced opportunity, nothing to do with disability
 - Sexist, racism

Dependency: we are all never fully independent

- Disabled are mostly dependent, but it's not all there is to disability
 - Might still be good as a distinction as anti-discrimination policy needs to pick out a class for social protection

Impairment

- A person who fails to meet a notion of normal biological functioning or species-typical functioning = failure to achieve what is possible for that person
 - Not sufficient for disability
- Disability: to suffer reduced genuine opportunities for secure functioning, where part of the explanation of this reduction in opportunity is mental or physical impairment, given the external resources at one's disposal and the social and material structure within which one operates

Choice of strategies of reasons for personal enhancement

Disabled people should be the focus of special attention, but what sort of attention

- Medical model of disability: we act normally during the medical attention
 - Personal enhancement
 - -: perfectionist, pre-supposes there is a particular way people should be
 - Generally preferred: giving people the most effective way of allowing them to achieve secure functioning; direct, highly effective, enjoyed in a reasonable time
- Social model of disability: modify technology or laws, the built environment, public understanding
 - Status enhancement
 - + : more tolerant of people in their differences
 - May tolerate too much: society adjusts to them, rather than the opposite
 - - : expensive, marginally effectual in short to medium term
- Targeted resource enhancement: support people in their differences or give people only those things which will help enable them to achieve certain approved paths of lifestyle
- Cash compensation
 - - : perfectionist (assumes only goods/money give satisfaction)
 - + : pluralist (does not investigate what people do with the money)

Reasons for status enhancement

Creating a society in which people stand as equal to another

- Non-stigmatising
- Inclusive
- Benefits everyone

Goals

- Address individual disadvantages
- Create a society of equals

→ possible conflict

Good society should be tolerant of differences (differences are accepted)

- Such a society reduces risk of suffering further losses
 - Helps communicate a message that humans are all equals
 - Mitigates the effect of the disability if society shows it's ready and waiting

Status enhancement is rarely possible on individual basis

- Progress relies on the very public courage of the few

Disability and social policy

Social policy: a disabled person is someone who lacks genuine opportunity for secure function owing to physical or mental impairment

- Need to identify disabled people in order to help them and a means of doing so

Need for new definition: what can we call someone's total life experience and those who to worse on these measures have the most urgent social claims

- Humane society should attend to each and every need of each and every person
- BUT resources are limited, we can't do everything
 - Resources have their cost
- So, what matters is whether people have genuine opportunities for secure functioning
- Issue of disability becomes irrelevant, but not in practical terms
 - Remains a marker for a constellation of disadvantages

Anti-discrimination

Radical proposition: there is nothing special about disability

- This also means that there is no ground for special treatment (legal and social policy)
- Common sense view of disability plays an essential role in the formation of legislation and policy protecting against discrimination
 - ↔ distributive justice: concept of disability itself needs no place, except to be recognized as one very common correlate and probable cause of social disadvantage

Conclusion

The advantages of status enhancement as a form of addressing disadvantage

- Non-stigmatising (individuals don't need to be identified in order to be helped)
- Inclusive (welcoming people in their differences)
- Benefits everyone by reducing risk

Exam Questions January 2018

- 1 Explain Hobbes State of Nature (/2)
- 2 According to Nozick, when is a distribution just? (/2)
- 3 Give 2 reasons why organ markets are wrong (/2)
- 4 ... (/2)
- 5 What is the Kantian and the Consequentialist view on extreme poverty. Explain, compare and contrast Singer & Kant's view (/6)
- 6 What are the two strategies Van Parijs uses to defend UBI? Explain both strategies and whether or not you agree with the statements (/6)