What is ethics? Ethics is the study of right and wrong, of morality, of how human beings ought to act in any area of life. The realm of ethics overlaps with law, religion, politics, culture and social life, and with human feelings about what is moral (“conscience”), but it is not exactly the same as any of these. In ethics we use reason, we think critically, and we evaluate information in order make decisions about ethical issues. In colleges and universities, ethics is a subfield of philosophy, and Philosophy 2 is LMC’s ethics course.

What is Philosophy 2? At LMC, Philosophy 2 focuses on contemporary ethical (moral) issues. “Ethical inquiry” means we will inquire into ethical topics; we will explore, investigate, think, and ask questions about things that matter in 2012. To study these issues, we will use ethical theories such as utilitarianism, Kantian ethics, theories of rights and justice, and more. This section of Phil 2 will focus on inequality, so we will use the ethical theories to think and write about issues having to do with inequality.

The ethics of inequality. Under what conditions is inequality, especially economic inequality, morally defensible, and under what conditions is inequality unjust? This will be our central question this semester. The idea is inspired by Occupy Wall Street and the Occupy movement, which argues, in various ways, that American economic and social inequality is unjust. This brings up many different issues! Here’s a very incomplete list: concentration of wealth and income in the top 1%; unemployment and economic stress in the “Great Recession;” the deeds of Wall St. in the financial crisis; the influence of the big money in politics; the foreclosure crisis and predatory lending; inequalities linked to race, ethnic origin, gender, sexual orientation, class origin, disability, or immigration status; global poverty and differences in wealth between nations; inequalities in access to education and health care; attempts to remedy inequality via affirmative action, taxing the rich, the minimum wage, or the various welfare and social programs known as the “social safety net.”

As it turns out, the ethics of inequality is a big topic in philosophy, especially in ethics, theories of justice, and social and political philosophy. For example, there is a whole field of ethics known as “distributive justice.” Justice means fairness, more or less, and distribution is about how all sorts of things—money, jobs, access to education or health care, etc.—are given out in a society. In the United States, do we give things out fairly? Do we have a just society in terms of how all sorts of goods are distributed? The Occupy movement says no. What do you think? In this course we will make connections between hot current issues and ethical theories that can help us understand the deep moral questions involved.
A Few Ethical Theories

IMPORTANT! These are not all the ethical theories that exist. This list is made up of (a) some theories commonly taught in introductory ethics courses and (b) ideas that will be useful in exploring our theme—the ethics of inequality.

Utilitarianism: an act (or set of actions) is morally right if it causes “the greatest happiness for the greatest number.” Utilitarians are consequentialists, meaning they focus only on the consequences of actions in deciding what is right or wrong. John Stuart Mill (1806-1873) is the most well-known utilitarian philosopher.

Kantian Ethics: an act (or set of actions) is morally right if
a) It is done for the sake of duty, because it is the right thing to do (not based on consequences, which makes this kind of ethics deontological).

b) Its implied maxim (rule) can be willed as a universal law. This is the categorical imperative. It’s like saying, “this action is right if it’s rational to say that anyone in my shoes should do the same thing, should follow the same rule.”

c) It treats people with respect, as ends in themselves, not as means to an end.

Rights-based: an act (or set of actions) is morally right if it honors or does not violate anyone’s rights. We will focus on moral rights, not legal rights, though the two sometimes overlap. Some rights are considered fundamental, or human rights, such as the rights to “life, liberty, and the pursuit of happiness,” or rights to free speech and freedom of religion. Other rights only pertain to citizens or people in certain contexts. Some rights are prima facie, or presumptive, meaning we assume a person has the right unless it is overridden by another right or some other moral consideration. Some rights are negative rights, rights of noninterference (e.g. freedom of movement), and other rights are positive rights, in which case there is a duty that corresponds to the right (e.g. the right to an education means society has a duty to provide schools).

Distributive Justice: An act of government, a feature of society, or a society as a whole is just to the degree that it distributes benefits (money, jobs, health care, education, honors and social rewards, etc.) and burdens (economic hardship, taxes, punishments, etc.) in a just or morally defensible manner. Distributive justice isn’t a moral theory the way utilitarianism or Kant’s categorical imperative is—it isn’t usually a rule for deciding which actions are morally right. Rather, it is an ethical approach, a way of thinking how a society is set up, and whether that setup is morally defensible. Also, there are many different theories of distributive justice; that is, it’s not one moral theory, but a big category of theories.

Libertarianism: An act of government, a feature of society, or a society as a whole is just to the degree that it upholds as primary the right of individual liberty, the right of self-ownership, and the right to private property. Libertarians believe that government should be very small, and should feature no laws that are paternalist (e.g. seat belt laws) and no morals legislation (e.g. laws prohibiting same sex marriage). More importantly for our purposes, libertarians argue that there should be no redistribution of wealth from the rich to the poor; that is, they believe it is
wrong to tax people and use that money to provide a “social safety net”: welfare, food stamps, Medicare, Social Security, public housing, etc. (This makes libertarianism at odds with many theories of distributive justice.) On issues of economics and government spending, American conservatives are libertarians, at least roughly, but on social and moral issues (e.g. same sex marriage or abortion), liberals are more libertarian. There is a libertarian currently running for president: Ron Paul.

The Five Faces of Oppression: An act of government, a feature of society, or a society as a whole is just to the degree that it avoids oppression, and is unjust to the degree that it is oppressive. From Iris Marion Young’s Justice and the Politics of Difference, these are the “five faces of oppression”:

- **Exploitation:** “the steady process of the transfer of the results of the labor of one social group to benefit another” (p. 49). In a capitalist economy, owners “extract benefits” from workers (p. 49). Workers produce things, but then business owners (capitalists) reap most of the benefits in the form of profits. Thus workers are exploited, according to Young.

- **Marginalization:** “Marginals are people the system of labor cannot or will not use” (p. 53). Marginalized people are on the sidelines, excluded from participation.

- **Powerlessness:** Working class people are powerless in their jobs: “they take orders and rarely have the right to give them” (p.56). They have little or no decision-making power or autonomy, and few opportunities to be critical or creative thinkers, to express themselves in their work, or to develop a sense of self. Powerlessness can also mean disrespectful treatment due to low status.

- **Cultural imperialism:** In a society, one culture may be dominant, and other cultures subject to cultural imperialism. This means people from non-dominant cultures are invisible, stereotyped, labeled deviant or inferior, and marked as “Other” (p. 59). Meanwhile, “dominant groups project their own experience as representative of humanity as such” (p. 59).

- **Violence:** When random individuals commit violent acts against random people, that is immoral, but is not a form of oppression. Rather, violence as a form of oppression is systemic, is a “social practice” directed at certain groups of people based on their membership in those groups (p. 62).

Feminist Ethics and the “Ethics of Care”: Feminist ethical thinking can mean a variety of things, but often involves the following:

- a sensitivity to gender inequality and the fact that men and women often have different experiences of the world

- attention to the “private sphere,” such as personal relationships and family-related issues

- taking seriously the moral experiences and moral voices of women and girls (see Hinman, “The Ethics of Diversity: Gender”)

- **The ethics of care:** being a moral person means caring for self and others. An act (or set of actions) is morally right if it honors this principle.
The Ethics of Inequality—a few possible term paper topics

- Occupy Wall Street/Occupy movement (EBSCO)
- Domestic poverty/ Middle-class squeeze (CQ Researcher)
- Mortgage foreclosure crisis (CQ)
- Predatory lending (EBSCO)
  - Payday lenders (EBSCO)
- Income inequality (CQ)
- The “poverty draft” and the US military (Sandel)
- Homelessness
- Bailing out the banks in 2008
- Executive pay (CQ, EBSCO)
- Taxing the Rich (EBSCO)/“Path to Prosperity” plan April 2011
- Campaign finance reform (CQ) and the influence of the rich in American politics
- 2009 American Recovery and Reinvestment Act/economic stimulus package
- Should all Americans have the right (be entitled) to health care? (Procon.org) Universal healthcare/single-payer
  - Obama’s health care bill
- The social safety net (CQ, The Nation)
  - Welfare reform/TANF (CQ)
  - Food stamps
  - Unemployment insurance
  - Social security
  - Earned Income Tax Credit
  - Making Work Pay tax credit
  - Public housing/Section 8 housing
  - Medicare/Medicaid/MediCal
  - European social democracy vs. the U.S.
- Treatment of low-wage workers (e.g. at Wal-Mart, Shipler)
- Labor unions (CQ)
  - Wisconsin/collective bargaining/Scott Walker affair (EBSCO)
- Gender pay gap/sexism (CQ)
- Racial inequality (EBSCO)
- How different people were affected by Hurricane Katrina, New Orleans, 2005.
- Affirmative Action (CQ, Sandel)
- Reparations for past injustice (CQ)
- Minimum wage (CQ)
  - Living-wage movement (CQ)
- World poverty (CQ, Pogge in EBSCO)
- Sweatshop labor/maquiladoras
- The Zapatista movement in Mexico
- Student debt/financial aid (CQ, EBSCO)
- Budget cuts for CA colleges & universities (EBSCO)
- Urban schools (CQ, Noguera in the Nation Jan 2 2012)
- What are the solutions to illegal immigration in America? (Procon.org)
- Undocumented immigrants/amnesty debate
- NAFTA and US/Mexico inequality
- Cultural inequality: Huntington’s “The Hispanic Challenge” vs. critics (EBSCO)
The Ethics of Inequality: selected readings & resources


The Universal Declaration of Human Rights: in-class activity

Negative rights: rights of non-interference—if you hold a negative right, the duty of others is only to stay out of your way. Freedom of speech is a negative right, because the duty of others is only to allow you to speak. “Negative rights are claims against others to refrain from certain kinds of actions against you.” (Internet Encyclopedia of Philosophy)

Positive rights: if you hold a positive right, then someone has a duty to provide you with something which corresponds to that right. The right of children is a positive right recognized in the U.S.; it is the duty of the government to provide schools for children. “Positive rights are claims against others to perform some sort of positive action.” (Internet Encyclopedia of Philosophy)

Tasks:

1. In the UDHR, mark each right as negative, positive, or both.
2. The “un-American” right:
   a. Which right isn’t granted in the American system of laws and values?
   b. Should this right be granted in the United States?

The Universal Declaration of Human Rights, which was adopted by the UN General Assembly on 10 December 1948, was the result of the experience of the Second World War. With the end of that war, and the creation of the United Nations, the international community vowed never again to allow atrocities like those of that conflict happen again. World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. The document they considered, and which would later become the Universal Declaration of Human Rights, was taken up at the first session of the General Assembly in 1946. The Assembly reviewed this draft Declaration on Fundamental Human Rights and Freedoms and transmitted it to the Economic and Social Council “for reference to the Commission on Human Rights for consideration . . . in its preparation of an international bill of rights.” The Commission, at its first session early in 1947, authorized its members to formulate what it termed “a preliminary draft International Bill of Human Rights”. Later the work was taken over by a formal drafting committee, consisting of members of the Commission from eight States, selected with due regard for geographical distribution.

In 1950, on the second anniversary of the adoption of the Universal Declaration of Human Rights, students at the UN International Nursery School in New York viewed a poster of the historic document. After adopting it on December 10, 1948, the UN General Assembly had called upon all Member States to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.” (UN Photo)
The Commission on Human Rights was made up of 18 members from various political, cultural and religious backgrounds. Eleanor Roosevelt, widow of American President Franklin D. Roosevelt, chaired the UDHR drafting committee. With her were René Cassin of France, who composed the first draft of the Declaration, the Committee Rapporteur Charles Malik of Lebanon, Vice-Chairman Peng Chung Chang of China, and John Humphrey of Canada, Director of the UN’s Human Rights Division, who prepared the Declaration’s blueprint. But Mrs. Roosevelt was recognized as the driving force for the Declaration’s adoption.

The Commission met for the first time in 1947. In her memoirs, Eleanor Roosevelt recalled:

“Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than simply Western ideas and Dr. Humphrey would have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at some length the philosophy of Thomas Aquinas. Dr. Humphrey joined enthusiastically in the discussion, and I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism!”

The final draft by Cassin was handed to the Commission on Human Rights, which was being held in Geneva. The draft declaration sent out to all UN member States for comments became known as the Geneva draft.

The first draft of the Declaration was proposed in September 1948 with over 50 Member States participating in the final drafting. By its resolution 217 A (III) of 10 December 1948, the General Assembly, meeting in Paris, adopted the Universal Declaration of Human Rights with eight nations abstaining from the vote but none dissenting. Hernán Santa Cruz of Chile, member of the drafting sub-Committee, wrote:

“I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing—which gave rise to the inalienable right to live free from want and oppression and to fully develop one’s personality. In the Great Hall…there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes, the like of which I have not seen again in any international setting.”

The entire text of the UDHR was composed in less than two years. At a time when the world was divided into Eastern and Western blocks, finding a common ground on what should make the essence of the document proved to be a colossal t

**Article 1.**

• All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2.**

• Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3.**

• Everyone has the right to life, liberty and security of person.

**Article 4.**

• No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.**

• No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.**

• Everyone has the right to recognition everywhere as a person before the law.
Article 7.

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

- No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.
• (1) Everyone has the right to own property alone as well as in association with others.
• (2) No one shall be arbitrarily deprived of his property.

Article 18.

• Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

• Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

• (1) Everyone has the right to freedom of peaceful assembly and association.
• (2) No one may be compelled to belong to an association.

Article 21.

• (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
• (2) Everyone has the right of equal access to public service in his country.
• (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

• Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

• (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
• (2) Everyone, without any discrimination, has the right to equal pay for equal work.
• (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
• (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

• Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

• (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
• (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.
• (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

• (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

• (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

• (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

• (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

• (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

• (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

• (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

“Justice Island”

Imagine that you will be part of a group of people that is creating a brand new society on a very large, now uninhabited island far away from the rest of humanity. Call this society “Justice Island,” for your goal is to create an ideal society, a new nation that is fair and good for all of its people.

**Write a set of moral principles that will guide all life in this new society.** These maxims will guide how government, the economy, and all life is set up on Justice Island. Write your group’s set of principles on the board.

One more thing: you don’t know who you’ll be in this new society. You don’t know what ethnicity you’ll be, whether you’ll be born into a wealthy or poor family (if there are such differences in your new world), whether you’ll be talented at sports, math, engineering, or philosophy, whether you’ll be male or female, gay or straight, tall or short, etc. Since you don’t know who you’ll be, it’s in your interest to come up with guiding principles that are fair to all.
*Which type of oppression?* See Iris Young’s “five faces of oppression”

1. Gay 15-year-old boy is frequently called a faggot, gets pushed against the lockers in the hallways at school, and walks home a different way to avoid being attacked.

2. Congress fails to pass the DREAM Act, which would have provided a path to citizenship for undocumented immigrant youth who were brought to the U.S. as children.


4. Muslim women in the U.S. who wear traditional head scarves are made to feel different, looked down upon, sometimes inferior, and feel that they always have to justify their practice to Americans.

5. WalMart cuts health benefits for its workers, while the CEO and top executives make multimillion-dollar salaries.

6. At a local grocery store, young employees wearing so-called hip-hop fashions are frequently looked over for promotions to management.

7. A nanny/housekeeper in Beverly Hills is frequently asked to work overtime, has no control over what food she is able to eat, takes a 3-year-old child into her bed at night against her wishes, and is unable to continue her classes at a local community college due to the unpredictability of her work hours.

8. “Fully 70 percent of men between the ages of eighteen and forty-five in the impoverished and overwhelmingly black North Lawndale neighborhood on Chicago’s West Side are ex-offenders, saddled for life with a criminal record.... Large majorities of black men in cities across the United States are once again subject to legalized discrimination effectively barring them from full integration into mainstream, white society” (Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, p. 196 and 192)
As Pogge shows here, the poor worldwide consume a tiny portion of the world’s resources, and would only require a little more to be lifted out of poverty. Meanwhile, residents of more affluent nations consume a hugely disproportionate percentage of the world’s resources.

What are the ethical implications of this disparity? Is this inequality merely sad, or is it an injustice? I believe this inequality is morally indefensible for two different reasons.

First, as a matter of distributive justice, this glaring inequality cannot be defended. I will not argue that all inequalities of wealth and income are unjust, but this inequality is too much. According to the numbers above, nearly 3 billion people, 3/7 of the world’s population, live on 1.3% of the global product, while only 1 billion people consumer 81%. Why is this unjust? It is wrong because there is no way to argue that people fully deserve their fate: the poor don’t truly deserve their poverty, and the affluent don’t deserve their wealth. According to Michael Sandel’s account of Rawls’ *A Theory of Justice*, too much of how much people have is “morally arbitrary,” that is, is the result of accident of birth (Sandel 2009, p. 154). People born into poverty have huge disadvantages that are extremely hard and sometimes nearly impossible to overcome. The situation of their parents, the quality of their schools, the sluggishness and lack of opportunity of the local economy—all of this is morally arbitrary because it is based on pure accident of birth. Same goes for people who grow up middle class and above in wealthy nations: educational advantages and opportunities for success happen to be there based on accident of birth, not due to the merit of the individual. All of this means that the poor don’t really deserve their poverty and the more affluent don’t really deserve their advantages. For this reason the huge disparity in global consumption of resources cannot be morally justified.

Another way of arguing that global economic inequality is unjust can be derived from the Universal Declaration of Human Rights, Article 25. The UDHR was adopted in the aftermath of World War II and was adopted in 1948……

Pogge’s own argument is somewhat different. According to Pogge,……