Human Rights and The Greatest Good: Classical Ethical Decision Theories

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Most current debates over human rights and associated matters of public policy overlook the questions of just what a human right is and why we claim to have them. This course investigates the Western philosophic foundations of human rights and associated theories for ethical decision-making. These enlightenment - era notions constitute roots for modern thinking about human rights, personal decision-making, justice, and governance. Importantly, their ethical aspects are inextricably rooted in metaphysical and epistemological theories about just what sort of beings humans are, and how we gain knowledge of both our selves and the world at large. Adopting an account of human rights is, typically, to adopt associated accounts of human nature, sensation, and rationality. In short, thinking about human rights requires thinking about what it *is* to be human.

We'll generally proceed from simplicity to complexity, or, if you prefer, from easy-to-grasp to harder-to grasp. That means we'll not be following a strict chronological order. We will start with the earliest work from the 17th century, move to the 19th, and then back to the 18th. If there's time, we can move to the 20th century for a brief look at recent refinements.

The course opens with a brief look into Thomas Hobbes (1588 – 1679) and his *Leviathan*. It's helpful to appreciate Hobbes as offering a foundation for the idea of rights themselves, as well as how they might reasonably be restricted with our consent. Essential concepts in *Leviathan* include:

The "State of Nature" (life without government) and human equality in it

"Tumult of the mind" — Desires and aversions

The "right of nature"

The "causes of quarrel"

A "social contract" -- trading unqualified liberty for security and freedom

Natural Laws

How contracts serve our mutual rational self-interest

One way to think of government and its role – contract enforcement

Why governments need power and how they acquire it

We'll compare Hobbes's thinking to that of John Locke (1632 -1704), who followed Hobbes but offered a different perspective on concepts such as the state of nature. It is not hard to find echoes of both
Hobbes and Locke (and their differing "takes") in contemporary political discourse.

Students will recognize enlightenment concepts such as the "consent of the governed" and fundamental equality between persons in both of these 17th century thinkers. There's an associated move away from tribalism and toward a universal perspective on humanity itself. We'll see these concepts developed further in the 19th century and the first of two of today's widely accepted ethical theories: Utilitarianism.

John Stuart Mill (1806-1873) is one of the leading figures in the history of Western liberal thought. We'll be focusing on only one part of his work, *Utilitarianism* (1863).

Those familiar with ethical thought from Mr. Spock in *Star Trek* will recognize it in Mill. "The needs of the many outweigh the needs of the few." This sort of thinking is consequentialist – outcomes are the pivot-point for ethics. The outcome that we're interested in is happiness. *Utilitarianism* calls for the maximization of happiness overall.

Key concepts include:

Sense - data as the fundamental source of ethically relevant information

Capacity to sense as critical to rights - bearing

Human equality

The Greatest Good for the greatest number

The distinction between quality and quality of pleasure

The "doctrine of swine" and human dignity

The importance of the future (and the worries it entails)

Conquering evil

Fundamentals of justice

Act versus rule utilitarianism

Reason's role

Recommended Reading: Mill's *Utilitarianism*: Chapters 2 (first half), and 5.

After exploring Mill's consequentialism, we'll survey deontological (duty-based) ethical thinking. Immanuel Kant (1724 – 1804) is its best-known proponent. Though he wrote voluminously, we'll cover only a small portion from his *Groundwork of the Metaphysics of Morals* (1785). In contrast to Mill, Kant locates the moral quality of any act *in the act itself*, not the outcome it produces. Accordingly, there's no requirement to "predict the future" for Kant. This focus on acts – in – themselves offers a form of certainty regarding the duty to respect human rights.

It's worth pointing out here that Kant's writing is a bit difficult to understand, though much of his work offers intuitive appeal once one "gets it." We'll cover the fundamentals in this course. These include:

The good will

Reason's role

Freedom and consent

Heteronomy and Autonomy

Act "types"

The categorical imperative

Human dignity

What is conscience all about?

Are some acts good – in - themselves, regardless of outcome?

How deontic thinking relates to consequentialist thought – middle ground?

Recommended reading: Kant's *Groundwork* (Berlin Academy numbers): 393-406; 412.5-421; 428-441.

The readings in Kant and Mill are recommendations only. Though students will get more from the course they can correlate the lectures to the texts, I will do my best to distill concepts in class and make them approachable for everyone.

In a few weeks, the most we can do is survey the high points in a few thinkers. If there's interest, I'm happy to consider a deeper, more focused dive in future sessions.

One more note: Though I will act as a “zealous advocate” for each of the thinkers we examine, that does not mean that I support one over the other. All of them are worthy in their own right, and all of us owe quite a bit to them. If students can appreciate how the ideas we cover link to each other in an intellectual tapestry that continues to this day, the course will have achieved its goals.