

## ***SAMPLE ALBUM ENTRY WITH COMMENTS***

### **Social Contract Theory, Ethical Egoism, and Rape**

[New York professor under fire over 'hypothetical' questions about rape](#)

**Comment [KLB1]:** NOTE: The student has correctly added a hyperlink to the source article. The article is correctly copied and pasted below in single-space format.

A University of Rochester professor will keep his job after comments he made on his personal blog questioning whether the rape of unconscious victims should be illegal, a school spokeswoman confirmed to FoxNews.com.

Economics professor Steven Landsburg came under fire from students at the university after he recently posted on the blog questions about rape — citing, in particular, the Steubenville, Ohio, case in which two high school football players were convicted of raping an underage girl who was unconscious.

On his blog, "Censorship, Environmentalism and Steubenville," Landsburg posed questions such as: "As long as I am safely (unconscious) and therefore shielded from the costs of an assault, why shouldn't the rest of the world (or more specifically my attackers) be allowed to reap the benefits?"

Landsburg also wrote: "If we legalize the rape of unconscious people, we will create an incentive to render people unconscious."

In an interview with FoxNews.com, Landsburg acknowledged that his remarks on an ongoing academic discussion could have been better worded, saying, "This was not one of my better blog posts."

"The whole reason it's an interesting question is that it seems so obvious to me that it should not be allowed," he said. "The reason I'm asking a question is because my personal strong feelings run so counter to what would seem to follow from the standard principles of policy analysis. Those standard principles say that if there's no harm perceived than the action should be allowed."

University spokesman Bill Murphy said in a statement Thursday that: "The University of Rochester is committed to the academic freedom of our faculty and students. Their views are their own; they do not speak for the University." "In his personal blog, Professor Landsburg poses some hypothetical questions about an unconscious rape victim," Murphy said. "He asks whether such rapes should be illegal. The University's answer is that rape is abhorrent. It is and should be a crime."

When asked whether disciplinary action would be taken against Landsburg, Murphy said, "Not on the basis of what we now know."

But Landsburg's explanation and the school's have done little to quell outrage from students who are calling for him to be censured.

Some students have started an online petition urging the school's president to censure Landsburg and the newspaper reported that they plan to stage a protest outside his class on Monday.

"We want to give the university a chance to express its outrage," Daniel Nelson, a UR graduate student who drafted the student petition, told the The Democrat and Chronicle of Rochester newspaper. "There are many people who have not signed the petition but nevertheless want to protest his remarks as insensitive, irresponsible and even dangerous."

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### Analysis of [New York professor under fire over 'hypothetical' questions about rape](#)

This article discusses the ethical issue of whether or not it is permissible to rape someone who is unconscious. For the purpose of this assignment, I will focus on this idea and its fundamental implications rather than on whether or not the professor's actual posting of the statement was morally correct.

#### Social Contract Theory

Hobbes' **Social Contract Theory** asserts that one should follow rules that rational, self-interested people would agree to follow for their personal benefit. His theory is more commonly thought of as the negative version of the **Golden Rule**: "Do not that to another, which thou wouldst not have done to thyself." The **Social Contract Theory** would argue that we can get out of the state of nature (a constant state of war where we have to compete and no one can prevail) by building trust which can be done by agreeing to give up some of your rights as long as others agree to give up those same rights. It is reasonable to assume that the right to kill or harm another person must be given up in order to function in society. Therefore, raping an unconscious person would break the social contract. Even though an unconscious person is unaware of what is happening, they are still a member of society and therefore receive the protection provided by the social contract. A follower of the social contract theory would be opposed to the following statement found in the article,

"As long as I am safely (unconscious) and therefore shielded from the costs of an assault, why shouldn't the rest of the world (or more specifically my attackers) be allowed to reap the benefits?"

**Comment [KLB2]:** A very concise introduction. The student should also have briefly indicated which ethical frameworks will be compared/contrasted throughout the analysis. Some hint should also have been provided concerning the conclusion that will be reached. NOTE: On the plus side, the student is using the correct double-spacing format and the correct font.

**Comment [KLB3]:** There is no need for upper case letters when referring to ethical frameworks. Throughout the entry, text highlighted in red indicate grammatical errors.

**Comment [KLB4]:** When quoting from assigned readings or texts other than the article under analysis, please insert a footnote with information concerning source, author(s), page number(s), etc. Although use of this quote is certainly appropriate, this particular quote is not from the assigned reading. It is from Hobbes' Leviathan. Chapter 17 of Exploring Ethics contains an excerpt from Leviathan. I included the quote in one of my PowerPoint slides. The student got the quote from there. . . .

**Comment [KLB5]:** By the way, here was a missed golden opportunity to employ a quote from the reading assignment.

**Comment [KLB6]:** Instead of the quote used here, the student should have paraphrased—e.g., A follower of the social contract theory would be opposed to professor Landsburg's implication that an unconscious victim of rape suffers no harm. In general, it is far more appropriate to quote from assigned readings than from the article in the preface of the album entry.

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From a **Social Contract** point of view, this statement is extremely easy to refute. As I mentioned above, we implicitly agree to give up certain rights in order to function in **society and** raping an unconscious person is undoubtedly one of the rights we give up. Even if the **person** is “shielded from the costs” of the rape because **they** are unconscious (as the article states) **they** could still be affected by it in both the short term and long term. For example, the unconscious person who apparently is “shielded from the costs” could contract a sexually transmitted disease from the rapist or even become pregnant. Therefore, it is completely incorrect to assume that the **person** is shielded from costs because **they** are unconscious. Social contract theory points out obvious flaws in the aforementioned statement because in order to function in a society, we must give up certain rights.

#### **Ethical Egoism**

As I mentioned earlier, ethical egoists assert that we should do whatever promotes our own interests in the long run and that **we have no duties to others.** An ethical egoist would therefore have the complete opposite view **than** a social contract follower. Consider this quote from the article that I mentioned above,

"As long as I am safely (unconscious) and therefore shielded from the costs of an assault, why shouldn't the rest of the world (or more specifically my attackers) be allowed to reap the benefits?"

An ethical egoist would not have a problem with this statement. **They** would say that you have no duty to others and would therefore be allowed to reap the benefits of the assault.

**Comment [KLB7]:** Here the student is referring to an earlier album entry. Such a reference should be more explicit. For example: “As I mentioned in my separate analysis of euthanasia (see Album Entry #2). . . .” Each album entry should be able to stand on its own without referring to other album entries.

**Comment [KLB8]:** Of course, an ethical egoist might believe it is in his/her interest to have duties to others. However, the only justification for the ethical egoist to assign such duties is a fundamental sense of self-interest.

**Comment [KLB9]:** This does not necessarily follow. Hobbes specifically formulated his social contract theory in such a way to make it appealing to the ethical egoist. Hobbes believed that the ethical egoist (provided that s/he is rational) would conclude that it is in his/her interest to obey the social contract.

**Comment [KLB10]:** Since the analysis is so brief, repeating a quote (particularly when such a quote is not as relevant as one from assigned readings) looks like a cheap attempt to fill up space without delving into the moral principles associated with the ethical frameworks encountered in the assigned readings.

**Comment [KLB11]:** Again, this statement is problematic. Although some ethical egoists might be short-sighted enough to condone raping an unconscious person, others might conclude that such an act is too risky—i.e., it is not a rational action since the rapist could get caught and punished. Remember also that one could accuse Mother Teresa of being an ethical egoist—of imposing on herself duties to others solely for the selfish reason of reaping eternal rewards in the afterlife. . . .

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### Conclusion

Social contract theory and ethical egoism have extremely opposite views on the morality of raping someone who is unconscious. In short, social contract theory would be appalled by the idea of raping an unconscious person because that is one of the rights we must give up in order to live in a society. Ethical egoism, on the other hand, would permit this action as long as the person is doing what is in their best interest over the long run.

In class, we learned that one of the downfalls of ethical egoism is that it would force us to approve of someone benefitting from doing something wicked, which is exactly what this article proves. It assures us that it is right to value ourselves over others, yet the theory does not tell us why we are so special that we deserve that treatment. Ethical egoism neglects to consider impartiality, which is a major flaw because morality emerges when we realize we are on par with others and are obligated to recognize their needs. Therefore, I do not side with the ethical egoists in relation to this issue. I assert that Hobbes' social contract theory provides a fair framework for this issue. I agree that in order to live in a society and cooperate with others, we must all give up some rights and that assaulting another person is certainly one of the first rights that is logical to give up. Social contract theory is applicable because it requires us to follow rules that rational people would agree to follow, which ensures that rules are not too demanding or unfair. It also offers sufficient punishment because the social contract can be disregarded for those who refuse to follow it. This is essentially the punishment structure in our society because if someone rapes someone else, for example, they are imprisoned for their actions.

**Comment [KLB12]:** The theory would not be appalled; however, a *follower* of the theory certainly might be.

**Comment [KLB13]:** This claim is less problematic than the one made earlier. Here the student has correctly noted that an action can be justified by the ethical egoist if s/he believes it is in his or her interests in the long run.

**Comment [KLB14]:** The student should have elaborated on this point. Instead of vaguely referring to what was discussed in class, the student should have explained why ethical egoism would permit acts of wickedness.

**Comment [KLB15]:** This is another blown opportunity to reference an assigned reading. This is a paraphrase of Rachels' conclusion in Chapter 5 of *The Elements of Moral Philosophy*. These points were included in my PowerPoint presentation on ethical egoism. The student has thus provided a not-so-subtle hint that she accessed my presentation rather than the text when creating this album entry.

**SCORE: 7/10**

**Comment [KLB16]:** The student is on the right track but committed too many errors to earn a good grade. One of the most troubling aspects of this entry was the overt hint that the assigned readings were not utilized. This no doubt contributed to the student's misrepresentation of ethical egoism as necessarily in opposition to social contract theory.