Rules and Outcomes

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When we held our program on the medical ethical challenges of the coronavirus crisis, Dr. Steve Jackson laid out two schools of ethical philosophy: deontology and consequentialism. The first is judging an action ethical by its adherence to a set of rules or principles, and the second by its outcomes.

Most of us today, judge by outcome, we are utilitarians of various sorts, finding rule-based ethics problematic. For example, "always tell the truth" might seem like a good rule—until it isn't. For a circumstance in which you don't want someone to tell the truth, I think of a story told in Rabbi Larry Kushner's book *Invisible Lines of Connection*. It is a true story about the grandmother of Shifra Penzias, a rabbi at Temple Beth El in Santa Cruz.

Rabbi Penzias's grandmother was hiding from the Nazis in Berlin when she needed to get from one safehouse to another. It was decided that the most secure way to do this quickly was for her to get on the tram—but of course she had no papers. She got on the tram and found a seat, but immediately, at the very next stop, two Nazi officers boarded and began asking each passenger to show their papers. She turned in desperation to the man next to her, "I have no papers," she whispered. The man immediately began to shout at her, "You stupid woman, you cow! How many times have I told you?" He even gave her a slap. The Nazis came over to see what the fuss was about, and he explained, "My wife is so

stupid! How many times have I told her?" They laughed and told him not to worry.

Clearly in that circumstance, the man's willingness to lie—and also to do some quick thinking on the spot—was life-saving.

But a utilitarian approach also has its challenges. The calculation of costs and benefits is subjective, and costs to oneself are frequently taken more seriously than benefits to others. Utilitarian arguments can be used to justify extreme malfeasance, as when a leader, let's say Benjamin Netanyahu, is genuinely convinced that they are the only one who can save their country. Then anything they do, legal or illegal, moral or immoral, is justified by that greater good.

Let's go back to our example of "always tell the truth." We have seen that there are times when following that rule will lead to bad outcomes. But over the last few years we have also seen the costs to society when that is no longer a rule, when people can't depend on the veracity of statements that are made by public officials or information that is shared in the public sphere.

I used to think that these two approaches, deontology and consequentialism, were opposites and one had to choose, but more recently I have come to the viewpoint that they are necessary to balance each other out. They each provide the guardrails on the excesses that are possible with the other.

As I mentioned, we live in a society where most of the time we work on utilitarian principles, what will lead to the greatest good for the greatest number. For that reason, codes of laws, rules like the Ten Commandments, provide an important

balance to our general thinking. They are a reminder that when we reach a conclusion that has us violating a previously held rule or norm, we should think twice about whether that action is really as justified as we initially thought.

The Ten Commandments are found twice in the Torah, as Moses sees the need to remind the people, 40 years later, of these core basic rules for living in society. It is this second reading of the Ten Commandments that the Cantor will chant for us this evening.