

## Can Computers Decide Ethics? Rabbi Akiva vs. Bentham vs. Kant in the Prisoner's Dilemma

	Prisoner B Stays Silent	Prisoner B Betrays
Prisoner A Stays Silent	Each serves 6 months	Prisoner A: 10 years Prisoner B: goes free
Prisoner A Betrays	Prisoner A: goes free Prisoner B: 10 years	Each serves 5 years

	Indian Cooperates	Indian Defects
Englishman Cooperates	Both gain \$2	Englishman loses \$1 Indian gains \$4
Englishman Defects	Englishman gains \$4 Indian loses \$1	Both gain \$0

**Consequentialism** - A morally right action is one that produces a good outcome. “The ends justify the means.” Utilitarianism – producing the most pleasure for the most people is one type.

**Duty-based ethics (deontology)** – Judges actions based on rules and duties. “Do unto others...”

Fyodor Dostoyevsky, *The Brothers Karamazov*:

“But tell me,” I asked him, “what will happen to men? If there's no God and no life beyond the grave, doesn't that mean that men will be allowed to do whatever they want?”

“Didn't you know that already?” he said and laughed again. “An intelligent man can do anything he likes as long as he's clever enough to get away with it. But you, you got caught after you killed, so today you have to rot in prison.”

Bavli Shabbat 31a

בא לפני הלל, גייריה. אמר לו: דעלך סני לחברך לא תעביד - זו היא כל התורה כולה, ואידך - פירושה הוא, זיל גמור.  
He came before Hillel and said, “Convert me [on condition that you teach me the whole Torah while I stand on one leg].” Hillel responded, “What is hateful to you do not do to your fellow. This is the whole Torah; the rest is commentary. Go and learn.”

Kant's three significant formulations of the categorical imperative are:

- Act only according to that maxim by which you can also will that it would become a universal law.
- 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.
- Act as though you were, through your maxims, a law-making member of a kingdom of ends.

**Virtue ethics** – Judges actions based on how it develops good character traits.

**1. Mishnah Ketubot 10:6**

מי שהיה נשוי שתי נשים ומכר את שדהו וכתבה ראשונה ללוקח דין ודברים אין לי עמך השניה מוציאה מהלוקח וראשונה מן השניה והלוקח מן הראשונה וחוזרות חלילה עד שיעשו פשרה ביניהם וכן בעל חוב וכן אשה בעלת חוב:

If a man who was married to two wives sold his field, and the first wife had given a written declaration to the buyer, 'I have no claim whatsoever upon you', the second wife may distrain on the buyer, and the first wife on the second, and the buyer on the first wife, and so they go on in turn until they arrange some compromise between them, the same law applies also to a creditor and to a woman creditor.

**2. Saadia Gaon *The Book of Beliefs and Opinions*, 3:2**

I say, then, that divine Wisdom imposed a restraint upon bloodshed among men, because if license were to prevail in this matter, they would cause each other to disappear. . . . Theft was forbidden by [divine] Wisdom because, if it were permitted, some men would rely on stealing the others' wealth, and they would neither till the soil nor engage in any other lucrative occupation. And if all were to rely on this source of livelihood, even stealing would become impossible, because, with the disappearance of all property, there would be absolutely nothing in existence that might be stolen.

**3. Rabbi Yehuda Halevi *Book of Kuzari*, 2:48**

These are the rational [ethical] laws, being the basis and preamble of the divine [ritual] law, preceding it in character and time, and being *indispensable in the administration of every human society*. Even a gang of robbers must have a kind of justice among them if their confederacy is to last. When Israel's disloyalty had come to such a pass that they disregarded rational and social principles which are...*absolutely necessary for a society*...

*Consequentialism – Deontology Debates*

**4. Bavli Baba Metzia 62a**

שנים שהיו מהלכין בדרך, וביד אחד מהן קיתון של מים, אם שותין שניהם - מתים, ואם שותה אחד מהן - מגיע לישוב. דרש בן פטורא: מוטב שישתו שניהם וימותו, ואל יראה אחד מהם במיתתו של חברו. עד שבא רבי עקיבא ולימד: וחי אחיך עמך - חייך קודמים לחיי חבריך.

If two men are traveling on a journey and one has a pitcher of water, if both drink they will both die, but if one only drinks, he can reach civilization.

Ben Patura taught: "It is better that both should drink and die rather than that one should behold his companion's death."

But Rabbi Akiba taught: "That your brother may live with you (Lev 25:36). Your life takes precedence over his life."

**5. Mishnah Makkot 1:10**

סנהדרין ההורגת אחד בשבוע נקראת חובלנית רבי אלעזר בן עזריה אומר אחד לשבעים שנה רבי טרפון ורבי עקיבא אומרים אילו היינו בסנהדרין לא נהרג אדם מעולם רבן שמעון בן גמליאל אומר אף הן מרבין שופכי דמים בישראל:

A Sanhedrin that carries out an execution once in seven years is called destructive. R. Eleazar ben Azariah says: Once in seventy years, R. Tarfon and R. Akiva say: If we had been members of a Sanhedrin, no one would ever have been put to death. Rabban Gamliel says: They would indeed have increased shedders of blood in Israel.

## 6. II Samuel 20

<sup>14</sup>[Sheba] had passed through all the tribes of Israel up to Abel of Beth-maacah; and all the Beerites assembled and followed him inside. <sup>15</sup>[Joab's men] came and besieged him in Abel of Beth-maacah; they threw up a siegemound against the city and it stood against the rampart. All the troops with Joab were engaged in battering the wall, <sup>16</sup>when a clever woman shouted from the city, "Listen! Listen! Tell Joab to come over here so I can talk to him." <sup>17</sup>He approached her, and the woman asked, "Are you Joab?" "Yes," he answered; and she said to him, "Listen to what your handmaid has to say." "I'm listening," he replied. <sup>18</sup>And she continued, "In olden times people used to say, 'Let them inquire of Abel,' and that was the end of the matter. <sup>19</sup>I am one of those who seek the welfare of the faithful in Israel. But you seek to bring death upon a mother city in Israel! Why should you destroy the LORD's possession?" <sup>20</sup>Joab replied, "Far be it, far be it from me to destroy or to ruin! <sup>21</sup>Not at all! But a certain man from the hill country of Ephraim, named Sheba son of Bichri, has rebelled against King David. Just hand him alone over to us, and I will withdraw from the city." The woman assured Joab, "His head shall be thrown over the wall to you." <sup>22</sup>The woman came to all the people with her clever plan; and they cut off the head of Sheba son of Bichri and threw it down to Joab. He then sounded the horn; all the men dispersed to their homes, and Joab returned to the king in Jerusalem.

## 7. Mishnah Terumot 8:12

[A group of] women to whom [a hostile band of] idolators said: "Hand over one of your number so that we may defile her, otherwise we will defile you all"—let them defile them all, but let them [i.e. the group of women] not hand over to them [even] a single Jewish person.

## 8. Tosefta Terumot 7:23

A group of people who are on a journey and to whom gentiles say: "Hand over one of your number and we will kill him, otherwise we will kill you all"—let them all be killed rather than hand over to them a single Jewish person. However, if they [the gentiles] singled someone out as Sheva ben Bikhri [was singled out], they should hand him over to them and not [allow themselves to] be killed.

## 9. Yerushalmi Terumot 8:4

R. Shimon ben Lakish says: this applies [only] if he is liable to the death penalty like Sheva ben Bikhri. R. Yohanan says: even if he is not liable to the death penalty like Sheva ben Bikhri. Ula bar Koshev was being sought by the authorities. He fled to Lod, where R. Joshua ben Levi resided. [The authorities] came and surrounded the area. They said to them [the Jewish population]: "If you do not hand him [Ula] over to us, we will destroy this area." He [Ula] went to R. Joshua ben Levi, who placated him and handed him over. Now Elijah [the Prophet] of blessed memory used to appear to him [R. Joshua] but [from this time] did not appear. He [R. Joshua] undertook several fasts, and he [Elijah] then appeared to him. He [Elijah] said to him: "[I have not appeared to you recently because] am I to appear to those who hand over fellow Jews?!" He [R. Joshua] replied: "But did I not act in accordance with the law?!" He [Elijah] said to him: "And is this a teaching for the saintly [*mishnat hasidim*]?!"

## 10. Rambam, Mishneh Torah, Hilkhos Yesodei ha-Torah 5:5

If idolaters [gentiles] demanded [of a group of Jews]: "Hand over to us one of your number so that we may kill him, or else we will kill you all," let them all be killed rather than hand over to them a single Jewish person. If, however, they single someone out and say "Give us so-and-so or we will kill you all," if that person was liable to capital punishment like Sheva ben Bikhri, they should hand him over to them—but we do not instruct them thus *ab initio* [*ve-ein morin lahem ken le-khattehillah*]. And if he [the person singled out] is not liable to capital punishment, let them all be killed rather than hand over to them a single Jewish person.