

Ford pinto case



The Ford Pinto Case ■ Did Ford act unethically in the Pinto case? Yes, Ford acted unethically in the Pinto case. In its most basic practical application, ethics demands that one's actions should be pursued in accordance with good faith, and good faith requires that the agent has no knowledge that his acts would perform a harm or injustice to another. In the case of the Ford Pinto, Ford engineers determined that the car's design poses a high probability of danger to life and limb of its riders, and such concern was communicated to the management and the government agency. When management and the government agreed to continue production despite the serious defect in the design, they did so in bad faith, rendering the act unethical.

This line of thinking is supported by the first principle in Rawls' theory of justice: that each person is entitled to the most extensive total system of equal basic liberties (Oyeshile, 2008, p. 65). Among our human liberties, nothing is more basic than the liberty to be secure in one's right to life and well-being. The intentional deprivation of one's life and health becomes an unethical act and works against the theory of justice of Rawlsianism.

Furthermore, in weighing the theoretical costs to benefits, Ford transgressed the principle of Mill's utilitarianism which defines value as not merely that which pertains to quantity (pursuant to Bentham's hedonism), but that which takes into account the quality, or the good making properties which determine value (West, 2006, p. 120). In short, the net benefit in dollars and cents cannot offset the threat to human life and health that their design posed.

■ Is American industry at too much risks for lawsuits to remain competitive? Should lawsuits such as the one against Ford be disallowed or limited? Why

or why not? Should we try to restrain, in this and other product liability situations, the litigiousness that seems to characterize American life? How might we do this?

There are some lawsuits built on superficial claims of product liability, simply because they negate the role played by customer negligence. In the case of the Ford Pinto, however, the customer has a real and valid actionable claim against Ford. The sale of a product is inclusive of warranties against product defects, and in the Pinto case, an exploding gas tank is a huge defect.

Furthermore, seen from the Rawlsian difference principle, social and economic inequalities are to be arranged so that they are both to the greatest benefit of the least advantaged. In this case, individual customers are the much disadvantaged party when pitted against the corporate might of Ford, and thus the law should be solicitous of the customer's right to his life over the company's right to profit. The same theory promotes the concept of justice as fairness (Wenar, 2008). Further yet, viewed from the utilitarian point of view, actions, laws, policies, and institutions are to be evaluated by the degree to which they have better consequences than other alternatives (West, 2006, p. 1). The better consequence should have been for human life to be preserved, even at the cost of financial gain.

■ Will your answers to any of the above change now that the US government (you, the taxpayer) are part owners of the car companies? Does your ethical stance change if the government (or a private company partially owned by the government) is the party under discussion rather than a totally private company?

To enable the formulation of a standard of justice, Rawls recommends a device called the veil of ignorance. The veil allows individuals to know the

general facts of human society without knowing their role in the situation (Risse, 2002). Therefore, my answers should not change even if I considered myself, through the government, part owner of Ford. In assessing the moral and ethical correctness of a course of action, one should view the situation from a detached perspective, without any vestige of personal interest.

Therefore, if afterward our role as owner becomes apparent, the reasoning should remain the same, and so should the moral choice. Ford would still be morally, ethically and legally accountable to its customers for the loss of life and limb.

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