The Utilitarian Approach

Given our present perspective, it is amazing that Christian ethics down through the centuries could have accepted almost unanimously the sententious doctrine that "the end does not justify the means." We have to ask now, "If the end does not justify the means, what does?" The answer is, obviously, "Nothing!"

Joseph Fletcher, Moral Responsibility (1967)

7.1. The Revolution in Ethics

Philosophers like to think that their ideas can change society. Often it is a vain hope: philosophers write books that are read, perhaps, by a few other like-minded thinkers, while the rest of the world goes on unaffected. On occasion, however, a philosophical theory can profoundly alter the way people think. Utilitarianism, a theory proposed by David Hume (1711-1776) but given definitive formulation by Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873), is a case in point.

The late eighteenth and nineteenth centuries witnessed an astonishing series of upheavals. The modern nation-state was emerging in the aftermath of the French Revolution and the wreckage of the Napoleonic empire; the revolutions of 1848 showed the continuing power of the new ideas of "liberty, equality, fraternity"; in America, a new country with a new kind of constitution was born, and its bloody civil war was to put an end, finally, to slavery in Western civilization; and all the while the industrial revolution was bringing about nothing less than a total restructuring of society.

It is not surprising that in the midst of all this change people might begin to think differently about ethics. The old values—the old ways of thinking—were very much up in the air, open to challenge.
Against this background, Bentham's argument for a new conception of morality had a powerful influence. Morality, he urged, is not a matter of pleasing God, nor is it a matter of faithfulness to abstract rules. Morality is nothing more than the attempt to bring about as much happiness as possible in this world.

Bentham argued that there is one ultimate moral principle, namely "the Principle of Utility." This principle requires that whenever we have a choice between alternative actions or social policies, we must choose the one that has the best overall consequences for everyone concerned. Or, as he put it in his book *The Principles of Morals and Legislation*, published in the year of the French Revolution:

> By the Principle of Utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question; or what is the same thing in other words, to promote or to oppose that happiness.

Bentham was the leader of a group of philosophical radicals whose aim was to reform the laws and institutions of England along utilitarian lines. One of his followers was James Mill, the distinguished Scottish philosopher, historian, and economist. James Mill's son, John Stuart Mill, would become the leading advocate of utilitarian moral theory for the next generation, and so the Benthamite movement would continue unabated even after its founder's death.

Bentham was fortunate to have such disciples. John Stuart Mill's advocacy was, if anything, even more elegant and persuasive than the master's. In his *Utilitarianism* (1861), Mill presents the main idea of the theory in the following way. First, we envision a certain state of affairs that we would like to come about—a state of affairs in which all people are as happy as they can be:

> According to the Greatest Happiness Principle . . . the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments.

The primary rule of morality can, then, be stated quite simply. It is to act so as to bring about this state of affairs, insofar as that is possible:

This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality, which may accordingly be defined, as the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind, and not to them only, but, so far as the nature of things admits, to the whole of sentient creation.

In deciding what to do, we should, therefore, ask what course of conduct would promote the greatest amount of happiness for all those who will be affected. Morality requires that we do what is best from that point of view.

At first glance, this may not seem like such a radical idea—in fact it may seem a mild truism. Who could argue with the proposition that we should oppose suffering and promote happiness? Yet in their own way Bentham and Mill were leading a revolution as radical as either of the other two great intellectual revolutions in the nineteenth century, those of Marx and Darwin. To understand the radicalness of the Principle of Utility, we have to appreciate what it leaves out of its picture of morality: gone are all references to God or to abstract moral rules "written in the heavens." Morality is no longer to be understood as faithfulness to some divinely given code, or to some set of inflexible rules. The point of morality is seen as the happiness of beings in this world, and nothing more; and we are permitted—even required—to do whatever is necessary to promote that happiness. That, in its time, was a revolutionary idea.

The utilitarians were, as I said, social reformers as well as philosophers. They intended their doctrine to make a difference, not only in thought but in practice. To illustrate this, we will briefly examine the implications of their philosophy for two rather different practical issues: euthanasia and the treatment of nonhuman animals. These matters do not by any means exhaust the practical applications of Utilitarianism; nor are they necessarily the issues that utilitarians would find most pressing. But they do give a good indication of the kind of distinctive approach that Utilitarianism provides.

### 7.2. First Example: Euthanasia

Matthew Donnelly was a physicist who had worked with X-rays for thirty years. Perhaps as a result of too much exposure, he contracted cancer and lost part of his jaw, his upper lip, his nose, and his left
hand, as well as two fingers from his right hand. He was also left blind. Mr. Donnelly's physicians told him that he had about a year left to live, but he decided that he did not want to go on living in such a state. He was in constant pain—one writer said that “at its worst, he could be seen lying in bed with teeth clenched and beads of perspiration standing out on his forehead.” Knowing that he was going to die eventually anyway, and wanting to escape this misery, Mr. Donnelly begged his three brothers to kill him. Two refused, but one did not. The youngest brother, 36-year-old Harold Donnelly, carried a .30-caliber pistol into the hospital and shot Matthew to death.

This, unfortunately, is a true story, and the question naturally arises whether Harold Donnelly's act was immoral. On the one hand, we may assume that Harold was motivated by noble sentiments; he loved his brother and wanted only to relieve his misery. Moreover, Matthew had asked to die. All this argues for a lenient judgment. Nevertheless, according to the dominant moral tradition in our society, what Harold Donnelly did was wrong.

The dominant moral tradition in our society is, of course, the Christian tradition. Christianity holds that human life is a gift from God, so that only he may decide when it will end. The early church prohibited all killing, believing that Jesus's teachings on this subject permitted no exceptions to the rule. Later, some exceptions were made, chiefly to allow capital punishment and killing in war. But other kinds of killing, including suicide and euthanasia, remained absolutely forbidden. To summarize the church's doctrine, theologians formulated a rule saying that the intentional killing of innocent people is always wrong. This conception has, more than any other single idea, shaped Western attitudes about the morality of killing. That is why we are so reluctant to excuse Harold Donnelly, even though he may have acted from noble motives. He intentionally killed an innocent person; therefore, according to our moral tradition, what he did was wrong.

Utilitarianism takes a very different approach. It would have us ask: Considering the choices available to Harold Donnelly, what course of conduct will have the best overall consequences? What action will produce the greatest balance of happiness over unhappiness for all concerned? The person who will be most affected will, of course, be Matthew Donnelly himself. If Harold does not kill him, he will live on, for perhaps a year, blind, mutilated, and in continuing pain. How much unhappiness would this involve? It is hard to say precisely; but Matthew Donnelly's own testimony was that he was so unhappy in this condition that he preferred death. Killing him would provide an escape from this misery. Therefore, utilitarians have concluded that euthanasia may, in such a case, be morally right. Their argument can be summarized like this:

1. The morally right thing to do, on any occasion, is whatever would bring about the greatest balance of happiness over unhappiness.

2. On at least some occasions, the greatest balance of happiness over unhappiness may be brought about by mercy killing.

3. Therefore, on at least some occasions, mercy killing may be morally right.

Although this kind of argument is very different from what one finds in the Christian tradition—as I said before, it depends on no theological conceptions, and it has no use for inflexible “rules”—the classical utilitarians did not think they were advocating an atheistic or antireligious philosophy. Bentham suggests that religion would endorse, not condemn, the utilitarian viewpoint if only its adherents would take seriously their view of God as a benevolent creator. He writes:

The dictates of religion would coincide, in all cases, with those of utility, were the Being, who is the object of religion, universally supposed to be as benevolent as he is supposed to be wise and powerful. . . . But among the votaries of religion (of which number the multifarious fraternity of Christians is but a small part) there seem to be but few (I will not say how few) who are real believers in his benevolence. They call him benevolent in words, but they do not mean that he is so in reality.

The morality of mercy killing might be a case in point. How, Bentham might ask, could a benevolent God forbid the killing of Matthew Donnelly? If someone were to say that God is kind but that he requires Mr. Donnelly to suffer for the additional year before finally dying, this would be exactly what Bentham means by “calling him benevolent in words, but not meaning that he is so in reality.”

But the majority of religious people do not agree with Bentham; and not only our moral tradition but our legal tradition as well has evolved under the influence of Christianity. Euthanasia is illegal, and Harold Donnelly was duly arrested and charged with homicide.
What would Utilitarianism say about this? If, on the utilitarian view, euthanasia is moral, should it also be made legal?

This question is connected with the more general question of what the purpose of the law ought to be. Bentham was trained in the law, and he thought of the Principle of Utility as a guide for legislators as well as for ordinary people making individual moral decisions. The purpose of the law is the same as that of morals: it should promote the general welfare of all citizens. Bentham thought it obvious that if the law is to serve this purpose, it should not restrict the freedom of citizens any more than necessary. In particular, no type of activity should be prohibited unless, in engaging in that activity, one is doing harm to others. Bentham objected to laws regulating the sexual conduct of “consenting adults,” for example, on the grounds that such conduct is not harmful to others, and because such laws diminish rather than increase happiness. But it was Mill who gave this principle its most eloquent expression, when he wrote in his essay On Liberty (1859):

The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

His own good, physical or moral, is not a sufficient warrant.

... Over himself, over his own body and mind, the individual is sovereign.

Thus for the classical utilitarians, laws prohibiting euthanasia are not only contrary to the general welfare; they are also unjustifiable restrictions on people’s right to control their own lives. When Harold Donnelly killed his brother, he was assisting his brother in concluding his own life in a manner that he had chosen. No harm was caused to any other member of society, and so it was none of their business. It is worth noting that, consistent with his philosophy, Bentham himself is said to have requested euthanasia in his final days, although we do not know whether this request was granted.

7.3. Second Example: Nonhuman Animals

The treatment of nonhumans has not traditionally been regarded as presenting much of a moral issue. The Christian tradition says that man alone is made in God’s image and that mere animals do not even have souls. Thus the natural order of things permits humans to use animals for any purpose they see fit. St. Thomas Aquinas summed up the traditional view when he wrote:

Hereby is refuted the error of those who said it is sinful for a man to kill dumb animals: for by divine providence they are intended for man’s use in the natural order. Hence it is no wrong for man to make use of them, either by killing them or in any other way whatever.

But isn’t it wrong to be cruel to animals? Aquinas concedes that it is, but he says the reason has to do with human welfare, not the welfare of the animals themselves:

If any passages of Holy Writ seem to forbid us to be cruel to dumb animals, for instance to kill a bird with its young: this is either to remove man’s thoughts from being cruel to other men, and lest through being cruel to animals one becomes cruel to human beings: or because injury to an animal leads to the temporal hurt of man, either the doer of the deed, or of another.

Thus people and animals are in entirely separate moral categories. Strictly speaking, animals have no moral standing of their own. We are free to treat them in any way that might seem to our advantage.

When it is spelled out as baldly as this, the traditional doctrine may make one a little nervous: it seems rather extreme in its lack of concern for the animals, many of whom are, after all, intelligent and sensitive creatures. Yet only a little reflection is needed to see how much our conduct is actually guided by this doctrine. We eat animals; we use them as experimental subjects in our laboratories; we use their skins for clothing and their heads as wall ornaments; we make the objects of our amusement in zoos and rodeos; and, indeed, there is a popular sport that consists in tracking them down and killing them just for the fun of it.

If one is uncomfortable with the theological “justification” for these practices, Western philosophers have offered an abundance of secular ones. It is said, variously, that animals are not rational, that they lack the ability to speak, or that they simply are not human—and all these are given as reasons why their interests are outside the sphere of moral concern.

The utilitarians, however, would have none of this. On their view, what matters is not whether an individual has a soul, is
rational, or any of the rest. All that matters is whether he is capable of experiencing happiness and unhappiness—pleasure and pain. If an individual is capable of suffering, then we have a duty to take that into account when we are deciding what to do, even if the individual in question is nonhuman. In fact, Bentham argues, whether the individual is human or nonhuman is just as irrelevant as whether he is black or white. Bentham writes:

The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the vileness of the skin, or the termination of the os sacrum are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discoursing? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor Can they talk? but, Can they suffer?

Mill, in the passage quoted on page 81, makes the same point in a more general way. He describes morality as the “rules and precepts for human conduct” by which a pleasurable existence “might be ... secured to all mankind, and not to them only, but, so far as the nature of things admits, to the whole of sentient creation."

Because humans and nonhumans can suffer, we have the same reason for not mistreating both. If a human is tormented, why is it wrong? Because he suffers. Similarly, if a nonhuman is tormented, he also suffers, and so it is equally wrong for the same reason. To Bentham and Mill, this line of reasoning was conclusive. Humans and nonhumans are in exactly the same moral category.

However, this view may seem as extreme, in the opposite direction, as the traditional view that gives animals no independent moral standing at all. Are animals really to be regarded as the equals of humans? In some ways Bentham and Mill thought so, but they were careful to point out that this does not mean that animals and humans must always be treated in the same way. There are factual differences between them that often will justify differences in treatment. For example, because humans have intellectual capacities that animals lack, they are able to take pleasure in things that nonhumans cannot enjoy—humans can do mathematics, appreciate literature, and so on. And similarly, their superior capacities might make them capable of frustrations and disappointments that other animals are not able to experience. Thus our duty to promote happiness entails a duty to promote those special enjoyments for them, as well as to prevent any special unhappinesses to which they are vulnerable. At the same time, however, insofar as the welfare of other animals is affected by our conduct, we have a strict moral duty to take that into account, and their suffering counts equally with any similar suffering experienced by a human.

Contemporary utilitarians have sometimes resisted this aspect of the classical doctrine, and that is not surprising. Our “right” to kill, experiment on, and otherwise use animals as we please seems to most of us so obvious that it is hard to believe we really are behaving as immorally as Bentham and Mill suggest. Some contemporary utilitarians, however, have produced powerful arguments that Bentham and Mill were right. The Australian philosopher Peter Singer, in a book with the odd-sounding title Animal Liberation (1975), has urged, following the principles laid down by Bentham and Mill, that our treatment of nonhuman animals is deeply objectionable.

Singer asks how we can possibly justify experiments such as this one:

At Harvard University R. Solomon, L. Kamin, and L. Wynne tested the effects of electric shock on the behavior of dogs. They placed forty dogs in a device called a “shuttlebox” which consists of a box divided into two compartments, separated by a barrier. Initially the barrier was set at the height of the dog’s back. Hundreds of intense electric shocks were delivered to the dogs’ feet through a grid floor. At first the dogs could escape the shock if they learned to jump the barrier into the other compartment. In an attempt to “discourage” one dog from jumping, the experimenters forced the dog to jump into shock 100 times. They said that as the dog jumped he gave a “sharp anticipatory yip which turned into a yelp when he landed on the electrified grid.” They then blocked the passage between the compartments with a piece of plate glass and tested the same dog again. The dog “jumped forward and
smashed his head against the glass." Initially dogs showed symptoms such as "defecation, urination, yelping and shrieking, trembling, attacking the apparatus" and so on, but after ten or twelve days of trials dogs that were prevented from escaping shock ceased to resist. The experimenters reported themselves "impressed" by this, and concluded that a combination of the plate glass barrier and foot shock were "very effective" in eliminating jumping by dogs.

The utilitarian argument is simple enough. We should judge actions right or wrong depending on whether they cause more happiness or unhappiness. The dogs in this experiment are obviously being caused terrible suffering. Is there any compensating gain in happiness elsewhere that justifies it? Is greater unhappiness being prevented, for other animals or for humans? If not, the experiment is not morally acceptable. We may note that this style of argument does not imply that all such experiments are immoral—it suggests judging each one individually, on its own merits. But it does insist that the pain caused to the animals requires justification. We cannot simply assume, because they are not human, that anything goes.

But criticizing such experiments is too easy for most of us. Because we are not involved in the experiments, we may feel superior or self-righteous. Singer points out, however, that none of us is free of blame in this area. We are all involved in cruelty just as serious as that perpetrated in any laboratory, because we all (or, at least most of us) participate in the business of meat eating. The facts about meat production are at least as harrowing as the facts about animal experimentation.

Most people believe, in a vague way, that while the slaughterhouse may be an unpleasant place, the animals that are raised for food are otherwise treated well enough. But, Singer's argument points out, nothing could be further from the truth. Veal calves, for example, spend their lives in pens too small to allow them to turn around or even to lie down comfortably—but from the producers' point of view, that is good, because exercise toughens the muscles, which reduces the "quality" of the meat; and besides, allowing the animals adequate living space would be prohibitively expensive. In these pens the calves cannot perform such basic actions as grooming themselves, which they naturally desire to do, because there is not room for them to twist their heads around. It is clear that the calves miss their mothers, and like human infants they want something to suck: they can be seen trying vainly to suck the sides of their stalls. In order to keep their meat pale and tasty, they are fed a liquid diet deficient in both iron and roughage. Naturally they develop cravings for these things. The calf's craving for iron becomes so strong that if allowed to turn around, it will lick at its own urine, although calves normally find this repugnant. The tiny stall, which prevents the animal from turning, solves this "problem." The craving for roughage is especially strong, since without it the animal cannot form a cud to chew. It cannot be given any straw for bedding, since the animal would be driven to eat it, and that would affect the meat. So for these animals, the slaughterhouse is not an unpleasant end to an otherwise contented existence. As terrifying as the process of slaughter is, for them it may actually be a merciful release.

Once again, given these facts, the utilitarian argument is simple enough. The system of meat production causes great suffering for the animals. Because we do not need to eat them—vegetarian meals are also tasty and nourishing—the good that is done does not, on balance, outweigh the evil. Therefore, it is wrong. Singer concludes that we should become vegetarians.

What is most revolutionary in all this is simply the idea that the interests of nonhuman animals count. We normally assume, as the dominant tradition of our society teaches, that human beings alone are worthy of moral consideration. Utilitarianism challenges that basic assumption and insists that the moral community must be expanded to include all creatures whose interests are affected by what we do. Human beings are in many ways special; and an adequate morality must acknowledge that. But it is also true that we are only one species among many inhabiting this planet; and morality must acknowledge that as well.
CHAPTER 8

The Debate over Utilitarianism

The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things being desirable as means to that end.

JOHN STUART MILL, UTILITY (1861)

Man does not strive after happiness; only the Englishman does that.

FRIEDRICH NIETZSCHE, TWILIGHT OF THE IDOLS (1889)

8.1. The Resilience of the Theory

Classical Utilitarianism—the theory defended by Bentham and Mill—can be summarized in three propositions:

First, actions are to be judged right or wrong solely in virtue of their consequences. Nothing else matters. Right actions are, simply, those that have the best consequences.

Second, in assessing consequences, the only thing that matters is the amount of happiness or unhappiness that is caused. Everything else is irrelevant. Thus right actions are those that produce the greatest balance of happiness over unhappiness.

Third, in calculating the happiness or unhappiness that will be caused, no one's happiness is to be counted as more important than anyone else's. Each person's welfare is equally important. As Mill put it in his Utilitarianism,

the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator.

Thus right actions are those that produce the greatest possible balance of happiness over unhappiness, with each person's happiness counted as equally important.

The appeal of this theory to philosophers, economists, and others who theorize about human decision making has been enormous. The theory continues to be widely accepted, even though it has been challenged by a number of apparently devastating arguments. These anti-utilitarian arguments are so numerous, and so persuasive, that many have concluded the theory must be abandoned. But the remarkable thing is that so many have not abandoned it. Despite the arguments, a great many thinkers refuse to let the theory go. According to these contemporary utilitarians, the anti-utilitarian arguments show only that the classical theory needs to be modified; they say the basic idea is correct and should be preserved, but recast into a more satisfactory form.

In what follows, we will examine some of these arguments against Utilitarianism, and consider whether the classical version of the theory may be revised satisfactorily to meet them. These arguments are of interest not only for the assessment of Utilitarianism but for their own sakes, as they raise some additional fundamental issues of moral philosophy.

8.2. Is Happiness the Only Thing That Matters?

The question What things are good? is different from the question What actions are right? and Utilitarianism answers the second question by referring back to the first one. Right actions, it says, are the ones that produce the most good. But what is good? The classical utilitarian reply is: one thing, and one thing only, namely happiness. As Mill put it, "The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things being desirable as means to that end."

The idea that happiness is the one ultimate good (and unhappiness the one ultimate evil) is known as Hedonism. Hedonism is a perennially popular theory that goes back at least as far as the ancient Greeks. It has always been an attractive theory because of its beautiful simplicity, and because it expresses the intuitively plausible notion that things are good or bad only on account of the way they make us feel. Yet a little reflection reveals serious flaws in the theory. The flaws stand out when we consider examples like these:
1. A promising young pianist's hands are injured in an automobile accident so that she can no longer play. Why is this a bad thing for her? Hedonism would say it is bad because it causes her unhappiness. She will feel frustrated and upset whenever she thinks of what might have been, and that is her misfortune. But this way of explaining the misfortune seems to get things the wrong way around. It is not as though, by feeling unhappy, she has made an otherwise neutral situation into a bad one. On the contrary, her unhappiness is a rational response to a situation that is unfortunate. She could have had a career as a concert pianist, and now she cannot. That is the tragedy. We could not eliminate the tragedy just by getting her to cheer up.

2. You think someone is your friend, but really he ridicules you behind your back. No one ever tells you, so you never know. Is this situation unfortunate for you? Hedonism would have to say no, because you are never caused any unhappiness by the situation. Yet we do feel that there is something bad going on here. You think he is your friend, and you are "being made a fool," even though you are not aware of it and so suffer no unhappiness.

Both these examples make the same basic point. We value all sorts of things, including artistic creativity and friendship, for their own sakes. It makes us happy to have them, but only because we already think them good. (We do not think them good because they make us happy—this is what I meant when I said that Hedonism "gets things the wrong way around.") Therefore we think it a misfortune to lose them, independently of whether or not the loss is accompanied by unhappiness.

In this way, Hedonism misunderstands the nature of happiness. Happiness is not something that is recognized as good and sought for its own sake, with other things appreciated only as means of bringing it about. Instead, happiness is a response we have to the attainment of things that we recognize as goods, independently and in their own right. We think that friendship is a good thing, and so having friends makes us happy. That is very different from first setting out after happiness, then deciding that having friends might make us happy, and then seeking friends as a means to this end.

Today, most philosophers recognize the truth of this. There are not many contemporary hedonists. Those sympathetic to Utilitarianism have therefore sought a way to formulate their view without assuming a hedonistic account of good and evil. Some, such as the English philosopher G. E. Moore (1873–1958), have tried to compile short lists of things to be regarded as good in themselves. Moore suggested that there are three obvious intrinsic goods—pleasure, friendship, and aesthetic enjoyment—and that right actions are those that increase the world's supply of such things. Other utilitarians have tried to bypass the question of how many things are good in themselves, leaving it an open question and saying only that right actions are the ones that have the best results, however goodness is measured. (This is sometimes called Ideal Utilitarianism.) Still others try to bypass the question in another way, holding only that we should act so as to maximize the satisfaction of people's preferences. (This is called Preference Utilitarianism.) It is beyond the scope of this book to discuss the merits or demerits of these varieties of Utilitarianism. I mention them only in order to note that although the hedonistic assumption of the classical utilitarians has largely been rejected, contemporary utilitarians have not found it difficult to carry on. They do so by urging that Hedonism was never a necessary part of the theory in the first place.

8.3. Are Consequences All That Matter?

The claim that only consequences matter is, however, a necessary part of Utilitarianism. The most fundamental idea underlying the theory is that in order to determine whether an action would be right, we should look at what will happen as a result of doing it. If it were to turn out that some other matter is also important in determining rightness, then Utilitarianism would be undermined at its very foundation.

The most serious antiutilitarian arguments attack the theory at just this point: they urge that various other considerations, in addition to utility, are important in determining whether actions are right. We will look briefly at three such arguments.

I. Justice. Writing in the academic journal Inquiry in 1965, H. J. McCloskey asks us to consider the following case:

Suppose a utilitarian were visiting an area in which there was racial strife, and that, during his visit, a Negro rapes a white woman, and that race riots occur as a result of the crime, white mobs, with the connivance of the police, bashing and killing Negroes, etc. Suppose too that our utilitarian is in the
area of the crime when it is committed such that his testimony would bring about the conviction of a particular Negro. If he knows that a quick arrest will stop the riots and lynchings, surely, as a utilitarian, he must conclude that he has a duty to bear false witness in order to bring about the punishment of an innocent person.

This is a fictitious example, but that makes no difference. The argument is only that if someone were in this position, then on utilitarian grounds he should bear false witness against the innocent person. This might have some bad consequences—the innocent man might be executed—but there would be enough good consequences to outweigh them: the riots and lynchings would be stopped. The best consequences would be achieved by lying; therefore, according to Utilitarianism, lying is the thing to do. But, the argument continues, it would be wrong to bring about the execution of the innocent man. Therefore, Utilitarianism, which implies it would be right, must be incorrect.

According to the critics of Utilitarianism, this argument illustrates one of the theory’s most serious shortcomings: namely, that it is incompatible with the ideal of justice. Justice requires that we treat people fairly, according to their individual needs and merits. The innocent man has done nothing wrong; he did not commit the rape and so he does not deserve to be punished for it. Therefore, punishing him would be unjust. The example illustrates how the demands of justice and the demands of utility can come into conflict, and so a theory that says utility is the whole story cannot be right.

2. Rights. Here is a case that is not fictitious; it is from the records of the U.S. Court of Appeals, Ninth Circuit (Southern District of California), 1963, in the case of York v. Story:

In October, 1958, appellant [Ms. Angelynn York] went to the police department of Chino for the purpose of filing charges in connection with an assault upon her. Appellee Ron Story, an officer of that police department, then acting under color of his authority as such, advised appellant that it was necessary to take photographs of her. Story then took appellant to a room in the police station, locked the door, and directed her to undress, which she did. Story then directed appellant to assume various indecent positions, and photographed her in those positions. These photographs were not made for any lawful purpose.

Appellant objected to undressing. She stated to Story that there was no need to take photographs of her in the nude, or in the positions she was directed to take, because the bruises would not show in any photograph. . . .

Later that month, Story advised appellant that the pictures did not come out and that he had destroyed them. Instead, Story circulated these photographs among the personnel of the Chino police department. In April, 1960, two other officers of that police department, appellee Louis Moreno and defendant Henry Grote, acting under color of their authority as such, and using police photographic equipment located at the police station made additional prints of the photographs taken by Story. Moreno and Grote then circulated these prints among the personnel of the Chino police department. . . .

Ms. York brought suit against these officers and won. Her legal rights had clearly been violated. But what of the morality of the officers’ behavior?

Utilitarianism says that actions are defensible if they produce a favorable balance of happiness over unhappiness. This suggests that we consider the amount of unhappiness caused to Ms. York and compare it with the amount of pleasure taken in the photographs by Officer Story and his cohorts. It is at least possible that more happiness than unhappiness was caused. In that case, the utilitarian conclusion apparently would be that their actions were morally all right. But this seems to be a perverse way to approach the case. Why should the pleasure afforded Story and his cohorts matter at all? Why should it even count? They had no right to treat Ms. York in that way, and the fact that they enjoyed doing so hardly seems a relevant defense.

To make the point even clearer, consider an (imaginary) related case. Suppose a Peeping Tom spied on Ms. York by peering through her bedroom window, and secretly took pictures of her undressed. Further suppose that he did this without ever being detected and that he used the photographs entirely for his own amusement, without showing them to anyone. Now under these circumstances, it seems clear that the only consequence of his action is an increase in his own happiness. No one else, including Ms. York, is caused any unhappiness at all. How, then, could Utilitarianism deny that the Peeping Tom’s actions are right? But it is evident to moral common sense that they are not right. Thus, Utilitarianism appears to be an incorrect moral view.
The moral to be drawn from this argument is that Utilitarianism is at odds with the idea that people have rights that may not be trampled on merely because one anticipates good results. This is an extremely important notion, which explains why a great many philosophers have rejected Utilitarianism. In the above cases, it is Ms. York's right to privacy that is violated; but it would not be difficult to think of similar cases in which other rights are at issue—the right to freedom of religion, to free speech, or even the right to life itself. It may happen that good purposes are served, from time to time, by ignoring these rights. But we do not think that our rights should be set aside so easily. The notion of a personal right is not a utilitarian notion. Quite the reverse: it is a notion that places limits on how an individual may be treated, regardless of the good purposes that might be accomplished.

3. Backward-Looking Reasons. Suppose you have promised someone you will do something—say, you promised to meet him downtown this afternoon. But when the time comes to go, you don't want to do it—you need to do some work and would rather stay home. What should you do? Suppose you judge that the utility of getting your work accomplished slightly outweighs the inconvenience your friend would be caused. Appealing to the utilitarian standard, you might then conclude that it is right to stay home. However, this does not seem correct. The fact that you promised imposes an obligation on you that you cannot escape so easily. Of course, if the consequences of not breaking the promise were great—if, for example, your mother had just been stricken with a heart attack and you had to rush her to the hospital—you would be justified in breaking it. But a small gain in utility cannot overcome the obligation imposed by the fact that you promised. Thus Utilitarianism, which says that consequences are the only things that matter, seems mistaken.

There is an important general lesson to be learned from this argument. Why is Utilitarianism vulnerable to this sort of criticism? It is because the only kinds of considerations that the theory holds relevant to determining the rightness of actions are considerations having to do with the future. Because of its exclusive concern with consequences, Utilitarianism has us confine our attention to what will happen as a result of our actions. However, we normally think that considerations about the past also have some importance. The fact that you promised your friend to meet him is a fact about the past, not the future. Therefore, the general point to be made about Utilitarianism is that it seems to be an inadequate moral theory because it excludes what we might call backward-looking considerations.

Once we understand this point, other examples of backward-looking considerations come easily to mind. The fact that someone did not commit a crime is a good reason why he should not be punished. The fact that someone once did you a favor may be a good reason why you should now do him a favor. The fact that you did something to hurt someone may be a reason why you should now make it up to her. These are all facts about the past that are relevant to determining our obligations. But Utilitarianism makes the past irrelevant, and so it seems deficient for just that reason.

8.4. The Defense of Utilitarianism

Taken together, the above arguments form an impressive indictment of Utilitarianism. The theory, which at first seemed so progressive and commonsensical, now seems indefensible: it is at odds with such fundamental moral notions as justice and individual rights, and seems unable to account for the place of backward-looking reasons in justifying conduct. The combined weight of these arguments has prompted many philosophers to abandon the theory altogether.

Many thinkers, however, continue to believe that Utilitarianism, in some form, is true. In reply to the arguments, three general defenses have been offered.

The First Line of Defense. The first line of defense is to point out that the examples used in the antiutilitarian arguments are unrealistic and do not describe situations that come up in the real world. Since Utilitarianism is designed as a guide for decision making in the situations we actually face, the fanciful examples are dismissed as irrelevant.

The three antiutilitarian arguments share a common strategy. First a case is described, and then it is noted that from a utilitarian point of view a certain action seems to be required—that is, a certain action would have the best consequences. It is then said that this action is not right. Therefore, it is concluded, the utilitarian conception of rightness cannot be correct.

This strategy succeeds only if we admit that the actions
have bad consequences. Surely, in at least some real-life cases, one can bring about good results by doing things that moral common sense condemns. Therefore, in at least some real-life cases Utilitarianism will come into conflict with common sense. Moreover, even if the antiutilitarian arguments had to rely exclusively on fictitious examples, those arguments would nevertheless retain their power; for showing that Utilitarianism has unacceptable consequences in hypothetical cases is a perfectly valid way of pointing up its theoretical defects. The first line of defense, then, is weak.

The second line of defense admits all this and proposes to save Utilitarianism by giving it a new formulation. In revising a theory to meet criticism, the trick is to identify precisely the feature of the theory that is causing the trouble and to change that, leaving the rest of the theory undisturbed as much as possible.

The troublesome aspect of the theory was this: the classical version of Utilitarianism implied that each individual action is to be evaluated by reference to its own particular consequences. If on a certain occasion you are tempted to lie, whether it would be wrong is determined by the consequences of that particular lie. This, the theory's defenders said, is the point that causes all the trouble; even though we know that in general lying has bad consequences, it is obvious that sometimes particular acts of lying can have good consequences.

Therefore, the new version of Utilitarianism modifies the theory so that individual actions will no longer be judged by the Principle of Utility. Instead, rules will be established by reference to the principle, and individual acts will then be judged right or wrong by reference to the rules. This new version of the theory is called Rule-Utilitarianism, to contrast it with the original theory, now commonly called Act-Utilitarianism.

Rule-Utilitarianism has no difficulty coping with the three antiutilitarian arguments. An act-utilitarian, faced with the situation described by McCloskey, would be tempted to bear false witness against the innocent man because the consequences of that particular act would be good. But the rule-utilitarian would not reason in that way. He would first ask, “What general rules of conduct tend to promote the greatest happiness?” Suppose we imagine two societies, one in which the rule “Don't bear false witness against the innocent” is faithfully adhered to, and one in which this rule is not followed. In which society are people likely to be better off? Clearly, from the point of view of utility, the first society is preferable. Therefore, the
rule against incriminating the innocent should be accepted, and by appealing to this rule, the rule-utilitarian concludes that the person in McCloskey's example should not testify against the innocent man.

Analogous arguments can be used to establish rules against violating people's rights, breaking promises, lying, and so on. We should accept such rules because following them, as a regular practice, promotes the general welfare. But once having appealed to the Principle of Utility to establish the rules, we do not have to invoke the principle again to determine the rightness of particular actions. Individual actions are justified simply by appeal to the already-established rules.

Thus Rule-Utilitarianism cannot be convicted of violating our moral common sense, or of conflicting with ordinary ideas of justice, personal rights, and the rest. In shifting emphasis from the justification of acts to the justification of rules, the theory has been brought into line with our intuitive judgments to a remarkable degree.

The Third Line of Defense. Finally, a small group of contemporary utilitarians has had a very different response to the antiutilitarian arguments. Those arguments point out that the classical theory is at odds with ordinary notions of justice, individual rights, and so on; to this, their response is, essentially, "So what?" In 1961 the Australian philosopher J. J. C. Smart published a monograph entitled An Outline of a System of Utilitarian Ethics; reflecting on his position in that book, Smart said:

Admittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but I tended to take the view "so much the worse for the common moral consciousness." That is, I was inclined to reject the common methodology of testing general ethical principles by seeing how they square with our feelings in particular instances.

Our moral common sense is, after all, not necessarily reliable. It may incorporate various irrational elements, including prejudices absorbed from our parents, our religion, and the general culture. Why should we simply assume that our feelings are always correct? And why should we reject a plausible, rational theory of ethics such as Utilitarianism simply because it conflicts with those feelings? Perhaps it is the feelings, not the theory, that should be discarded.

In light of this, consider again McCloskey's example of the person tempted to bear false witness. McCloskey argues that it would be wrong to have a man convicted of a crime he did not commit, because it would be unjust. But wait: such a judgment serves that man's interests well enough, but what of the other innocent people who will be hurt if the rioting and lynchings are allowed to continue? What of them? Surely we might hope that we never have to face a situation like this, for the options are all extremely distasteful. But if we must choose between (a) securing the conviction of one innocent person and (b) allowing the deaths of several innocent people, is it so unreasonable to think that the first option, bad as it is, is preferable to the second?

On this way of thinking, Act-Utilitarianism is a perfectly defensible doctrine and does not need to be modified. Rule-Utilitarianism, by contrast, is an unnecessarily watered-down version of the theory, which gives rules a greater importance than they merit. Act-Utilitarianism is, however, recognized to be a radical doctrine which implies that many of our ordinary moral feelings may be mistaken. In this respect, it does what good philosophy always does—it challenges us to rethink matters that we have heretofore taken for granted.

8.5. What Is Correct and What Is Incorrect in Utilitarianism

There is a sense in which no moral philosopher can completely reject Utilitarianism. The consequences of one's actions—whether they promote happiness, or cause misery—must be admitted by all to be extremely important. John Stuart Mill once remarked that, insofar as we are benevolent, we must accept the utilitarian standard; and he was surely right. Moreover, the utilitarian emphasis on impartiality must also be a part of any defensible moral theory. The question is whether these are the only kinds of considerations an adequate theory must acknowledge. Aren't there other considerations that are also important?

If we consult what Smart calls our "common moral consciousness," it seems that there are many other considerations that are morally important. (In section 8.3 above, we looked at a few examples.) But I believe the radical act-utilitarians are right to warn us that "common sense" cannot be trusted. Many people once felt that there is an important difference between whites and blacks, so that the interests of whites are somehow more important. Trusting the
"common sense" of their day, they might have insisted that an adequate moral theory should accommodate this "fact." Today, no one worth listening to would say such a thing. But who knows how many other irrational prejudices are still a part of our moral common sense? At the end of his classic study of race relations, An American Dilemma (1944), the Swedish sociologist Gunnar Myrdal reminds us:

There must be still other countless errors of the same sort that no living man can yet detect, because of the fog within which our type of Western culture envelops us. Cultural influences have set up the assumptions about the mind, the body, and the universe with which we begin; pose the questions we ask; influence the facts we seek; determine the interpretation we give these facts; and direct our reaction to these interpretations and conclusions.

The strength of Utilitarianism is that it firmly resists "corruption" by possibly irrational elements. By sticking to the Principle of Utility as the only standard for judging right and wrong, it avoids all danger of incorporating into moral theory prejudices, feelings, and "intuitions" that have no rational basis.

The warning should be heeded. "Common sense" can, indeed, mislead us. At the same time, however, there might be at least some nonutilitarian considerations that an adequate theory should accept, because there is a rational basis for them. Consider, for example, the matter of what people deserve. A person who has worked hard in her job may deserve a promotion more than someone who has loafed, and it would be unjust for the loafer to be promoted first. This is a point that we would expect any fair-minded employer to acknowledge; we would all be indignant if we were passed over for promotion in favor of someone who had not worked as hard or as well as we. Now utilitarians might agree with this, and say that it can be explained by their theory—they might argue that it promotes the general welfare to encourage hard work by rewarding it. But this does not seem to be an adequate explanation of the importance of desert. The woman who worked harder has a superior claim to the promotion, not because it promotes the general welfare for her to get it, but because she has earned it. The reason she should be promoted has to do with her merits. This does not appear to be the kind of consideration a utilitarian could admit.

Does this way of thinking express a mere prejudice, or does it have a rational basis? I believe it has a rational basis, although it is not one that utilitarians could accept. We ought to recognize individual desert as a reason for treating people in certain ways—for example, as a reason for promoting the woman who has worked harder—because that is the principal way we have of treating individuals as autonomous, responsible beings. If in fact people have the power to choose their own actions, in such a way that they are responsible for those actions and what results from them, then acknowledging their deserts is just a way of acknowledging their standing as autonomous individuals. In treating them as they deserve to be treated, we are responding to the way they have freely chosen to behave. Thus in some instances we will not treat everyone alike, because people are not just members of an undifferentiated crowd. Instead, they are individuals who, by their own choices, show themselves to deserve different kinds of responses.

I will say more about what people deserve, and why this is important for ethics, in Chapters 10 and 12. Here I will draw only this conclusion about Utilitarianism: although it emphasizes points that any adequate moral theory must acknowledge, Utilitarianism is not itself a fully adequate theory because there is at least one important matter—individual desert—that escapes its net.