

CHAPTER SIX

Utilitarianism

Project Prevention is a non-profit organization that pays drug-addicted women \$300 cash in exchange for sterilization or long-term birth-control.¹ It was formed in 1997 by Barbara Harris, who had adopted four of the eight children of a California addict. Her group claims to promote a social good. Children born to drug addicts are often neglected or abused; others are stillborn, have genetic or developmental defects, or are born addicted and suffer through withdrawal. Nearly all who survive require special care—at a public cost of billions of dollars a year in the US alone.

Beyond increasing public awareness of the problem, “Project Prevention seeks to reduce the burden of this social problem on taxpayers, trim down social worker caseloads, and alleviate from our clients the burden of having children that will potentially be taken away.” Moreover, “Unlike incarceration, Project Prevention is extremely cost effective and does not punish the participants.” As of mid-2018, over 7,000 women have been paid to be sterilized or given long-term birth control implants and over 280 men received vasectomies; these are addicts who earlier produced a total of about 6,000 living children who are in foster care or are waiting adoption.

The addict may use the cash for anything, including getting another fix. Indeed, the Project has used such slogans as “Don’t let pregnancy get in the way of your crack habit.”² The group does offer referrals to treatment programs, but does

not fund them. Critics claim the Project has no concern for the addicts, and that it targets minorities and the poor. But although the proportion of Black “clients” is roughly twice that of the general population, the largest group (about 60%) is White. Some argue that addicts are incapable of making such a life-altering decision rationally; given their addiction, a cash incentive is seductive at best, coercive at worst. Others claim that our right to reproduce should not be bargained away, just as we should not sell ourselves—or be seduced—into slavery.

Ms. Harris is quoted as saying, “We don’t allow dogs to breed ... We neuter them. We try to keep them from having unwanted puppies, and yet these women are literally having litters of children.” Yet she has also said: “Some people are so into the women and their rights to get pregnant that they seem to forget about the rights of the kids. They act like these children don’t matter. People need to realize these women don’t want to have babies that are taken away from them.”³

But Mary Barr, a spokesperson for the National Advocates for Pregnant Women in the US, says “Today I’m a successful woman with a house and family ... But I used to be homeless and addicted to crack cocaine ... My children are happy and healthy. My daughter has just started studying at college to be a doctor, on a full scholarship. If Project Prevention had got to me, she wouldn’t exist.”⁴

6.1 THE RIGHT AND THE GOOD

Utilitarianism, the focus of this chapter, is the name for a cluster of closely related ethical theories that embody a distinctive way of thinking about moral issues and public policy. We may preview aspects of utilitarian thinking in the operations of Project Prevention: the aim to promote a social good, concern for the welfare of children, the balancing of costs and benefits, and the single-minded focus on results. In this morally provocative case, the foundation claims the social good is achieved largely by preventing harm: it works to reduce the social and financial burden of unwanted and often afflicted children born to drug addicts, to prevent the miserable lives such children are likely to have, to discourage the practice of repeated abortions, and so on. The incentive payment for sterilization is modest, so the total financial cost is comparatively small, and the addicts receive money, not punishment; rehabilitation efforts would cost much more—and they are seldom successful. The addicts are happy to receive the cash. Yes, they might use the money for another fix; but that would likely have occurred by other means anyway, and it is greatly outweighed by the benefits. Moral critics may raise doubts about whether the women are in a proper state to make such a decision, whether such an incentive is coercive, whether reproductive rights should be traded, whether the program targets minorities or disrespects women—but their doubts and ethical scruples only serve to restrain us from doing what is needed to prevent harm and make the world a better place. So says the utilitarian.

Utilitarianism, like ethical egoism, is a type of consequentialism. Consequentialist moral theories, as we have seen, focus on the outcomes of actions and practices, emphasize instrumental reasoning (the selection of efficient means for given ends), and enjoin us to produce the most good. The development of economics and the spread of economic models have made this cost–benefit orientation commonplace in our age. As a result, for us it is difficult to recapture just how breathtakingly radical this way of thinking was when utilitarianism was promulgated in nineteenth-century Britain by Jeremy Bentham, James Mill (1773–1836), and his son John Stuart Mill.⁵ An account of the intellectual history of this period in Britain is well beyond our scope; here I can only mention a few motifs that such an account would include: the spread of democratic and republican models, the promotion of social reform through legislation, debates over slavery and the slave trade, the awakening of the women’s suffrage movement, earnest charity, the global extension of colonialism during the long reign of Queen Victoria, the rise of the social sciences, and faith in the possibility of social progress. Utilitarianism is deeply embedded in

all these, being both a reflection of them and an impetus for them. Most radical theories are striking in what they reject and in the simplicity of what they propose. In practice, the apparent simplicity usually gives way to knotty complexities, and theorists need to reclaim and rehabilitate some of what was first rejected. All this is true for utilitarianism. Let us begin with its striking simplicity.

One of the problems of moral theory is the relationship between the right and the good, between what ethics requires of us and the prospect of gain or loss of the things we value. We have seen the tension that can arise: Abraham's Divine Command ethics required him to sacrifice his son, whom he loved. Firmness in the right (righteousness) overrode concern for any human desire or common good, or claimed righteousness itself to be the only good. Consequentialist theories, by contrast, assert a simple, straightforward connection: *what is right is to secure what is good*.

Instead of contending with Ten Commandments, ancient and contested sacred texts, varying cultural norms, multiple and conflicting natural rights, or other such complexities, consequentialism offers morality a single principle, a master key that can always and everywhere unlock any moral dilemma: *maximize the good*. There is no need to prioritize principles or resolve their conflicts when there is only one valid principle. The principle that we are morally obligated to promote the good is the **Principle of Utility**.

Moreover, ethical theories that make what is right a matter of following age-old rules or commands or human rights impose a kind of harness or restraint on human action. (This is why Bentham opposed the concept of natural rights.) They are the moralizing weight of the past. Such rules keep us in line, but they do not improve the world. They are not progressive. Utilitarianism says in effect, "Throw off the harness of stultifying morality! Remove the shackles of prior constraints! Look to the future and consider how what you do might make a difference. Morality is not a weight; it is a force. Think about what will actually improve lives and make the world a better place—for that is the true purpose of morality!"

For example, inherited morality, fossilized in Victorian law, may state that marriage is a life-long sacred union, a contract bound by oaths; that wives cannot own property or divorce their husbands; that the marriage must continue even when the relationship is emotionally empty or abusive. Such a morality enforces misery and improves nothing. The utilitarian instead directs the moral force toward acts and practices that would make life better. This attention to outcomes or results gives ethics an empirical cast; the moral agent needs to know about causes and effects, and to adjust efforts in accord with actual experience.

To summarize: consequentialism is radical in that: (1) it reduces morality to a single master principle; (2) it directly links right action to the maximization of the good; (3) it looks to the future and downplays the binding moral status of rules, codes, rights, and precedent; and (4) it calibrates actions by experience, by the outcomes achieved, the differences made.

6.2 FROM EGOISM TO UTILITARIANISM

Although consequentialism has only one master principle, the maximization of the good, it requires two specifications or subsidiary principles. They answer two important questions: “*What is the good?*” and “*Whose good is to be maximized?*”

The philosophical study of value is called **axiology**. In ethics, it focuses on the nature of the good (in aesthetics, it includes the study of beauty). Utilitarians are united in the view that *utility* is the good. But this generic term masks subtle differences among them. Early utilitarians, like many egoists, embraced the view that *pleasure* is the good. John Stuart Mill, as we shall see, subtly shifts this concept of utility further, preferring *happiness* as the good, though it consists in pleasures. Others prefer the *satisfaction of desire*, and economists have tended to use the term *welfare* synonymously. Later utilitarians often prefer the term *well-being*.

The second question—“Consequences for whom?”—is a way of asking, “Who counts, who matters, when one considers the costs and benefits of an act or practice?” The answer lays down a *distributive principle*; it determines the normative way to distribute the good (and any collateral harm). An ethical egoist counts only herself; her welfare alone matters in determining what is right. Hobbes, as we saw, professed that model. Bentham’s keen interest in social reform drew him to a different distributive principle: especially in public issues, he claimed that one should seek the greatest good *for the greatest number*. This formulation is now known as the defining doctrine of **utilitarianism**. When an act maximizes the good, producing the best possible total consequences for the greatest number, we call that act **optimific**. For a utilitarian, only the optimific act is the morally right act, the action we should take; any other action would be wrong.

Although Bentham elaborates his views and Mill modifies them significantly, it is prudent to begin with the vanilla version of utilitarianism that they share:

“X is right” = “X produces the greatest good for the greatest number,” or

“X is right” = “X is the optimific act.”

Even this basic formulation displays many attractive aspects, including those that made it radical: (1) the simplicity of a single principle that harmonizes the right and the good; (2) the focus on the future and objective results; and (3) the move from morality as constraints on action to morality as a goad for betterment. But there are more. (4) Utilitarianism entails agent impartiality. Egoism, as I noted, entails an unwarranted partiality: the egoist counts; others do not. But when one considers “the greatest number,” each individual counts as one, including the agent. Another distinguished utilitarian, Henry Sidgwick (1838–1900), put the point this way: “The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other.”⁶ (5) This impartiality is also **egalitarian**, since it not only rejects discrimination among individuals, it implies that *all individuals matter*; all are capable and worthy of experiencing the good. (6) Indeed, given the usual theories of value it embraces, it may actually expand the moral community: *any creature that can suffer (that is, experience pain or harm, as well as pleasure) has moral standing*, and their suffering must be registered as a negative effect of action. The capacity to suffer, wrote Bentham, should mark “an insuperable line” in how we treat all creatures. An early champion of the moral standing of animals, Bentham asserted: “The question is not, *Can they reason?* nor, *Can they talk?* but, *Can they suffer?*”⁷ Finally, (7) the theory offers a hope and guide for the formation of public policy and the resolution of ethical conflicts. It directs our moral energies away from prior commitments, individual differences, and personal prejudices toward participation in the construction of the collective good, the betterment of our world.

6.3 BENTHAM’S CALCULUS

Jeremy Bentham was an English social reformer and philosopher who took a law degree but never practiced, preferring instead to direct his considerable energy to projects for the public good. A child prodigy, Bentham’s brilliance was edged with eccentricity: for example, before he died at age 84, he had made extensive preparations for his body’s dissection and its preservation and display as an “auto-icon.”⁸ As we have seen,

Bentham was a hedonist and enemy of natural rights. His most important philosophical statements were presented in his influential 1789 work, *An Introduction to the Principles of Morals and Legislation*, which sets forth his ethical system. Blessed with family wealth, Bentham pursued wide-ranging research on topics such as prison design (he designed the “panopticon”⁹) and penal code reform, electoral reform, economic theory and fiscal practice, humane treatment of animals, and refrigeration processes. In a posthumously published essay, he argued for the liberalization of laws regarding homosexuality.

The ringing simplicity of Bentham’s “greatest good for the greatest number” principle quickly encountered complexities. If our only moral task is to maximize the good, which is pleasure, we need some way to quantify and measure the pleasure and pain produced, both for a single individual and for a group.¹⁰ Indeed, the measurement must be precise enough to compare the pleasures and pains of alternative actions, so that one might identify the optimific act. And the measurement must assign negative weight, not neutrality, to pain. One must subtract the harm done from the good achieved to get the *net benefit*.

Since the process of measurement implies a unit of measurement, Bentham used the term *hedon* for a unit of pleasure and *dolor* for a unit of pain. He cleverly developed a “hedonic calculus” based on these units. He proposed to consider several aspects of pleasure:

1. *Intensity*—how strong is the pleasure (or pain)?
2. *Duration*—how long will the pleasure (or pain) last?
3. *Certainty*—how probable is it that one will experience the pleasure (or pain)?
4. *Propinquity*—how long would one have to wait for the pleasure (or pain)?
5. *Fecundity*—how likely is it that the pleasure (or pain) will breed other pleasures (or pains)?
6. *Purity*—how unlikely is it that the pleasure will lead to pains (or the pain to pleasures)?

To incorporate “the greatest number,” he added the distributive criterion:

7. *Extent*—how many people will experience pleasure (or pain) as a result?

Bentham proposed a basic moral decision procedure: (1) specify the alternative actions; (2) for each action, using the seven criteria, compute the

total *hedons* and subtract the *dolors* to calculate the net pleasure; (3) identify and do the optimific act, that is, the one that produces the greatest net pleasure.

It may be easy to imagine using this “calculus” in a rough-and-ready way to make decisions. For example, Emily decides whether the pleasure of yet one more drink is worth the hangover that is likely to follow. Tyrone decides whether the pain of paying for a swimming pool will be worth the pleasure that he and his family will have. But this procedure is not really a calculus; it lacks crucial aspects. (1) Bentham never really stated just what a single *hedon* or *dolor* is, nor did he explain an adequate technique for measuring them. Clearly, he intended a subjective measure, because he discussed factors that affect individual differences in experiencing pain and pleasure; and he focused on actual pleasure and pain, not an ideal calculation. But he gave us no way of determining just how many *hedons* Emily’s next drink would be, nor how many *dolors* she could expect for her hangover. These terms are merely names for units of pleasure and pain, not definitions. This is both a theoretical and a practical problem. (2) Bentham did not specify how the six factors affecting pleasure are to be weighed in relation to each other. How much low-grade, long-lasting pleasure equals an intense but brief pleasure? How should we compare a mild pleasure that is certain to be enjoyed tonight with an intense pleasure that is less certain and perhaps a month away? And with regard to pain, is it, so to speak, better to pull the Band-Aid off slowly with some pain, or to snatch it off rapidly but with intense pain? (3) Bentham’s formulation requires two basic maximizations: the greatest pleasure and the greatest number. But these two are independent, of course; they do not automatically increase in parallel. How should one weigh extent against pleasure? That is, how are we to choose between a policy that would give a high number of net hedons to a few individuals and a policy that would give a few net hedons to a very large number of people? Bentham does not stipulate an answer.

Think just how complicated it would be to apply Bentham’s calculus to the Project Prevention operation. Besides the pleasures and pains of everyone affected, one has the additional problem of considering the impact on “possible individuals”—infants who will never be born as a result of their program.

The details of quantifying and measuring subjective states became the work of later psychologists; the details of a calculus of utility were left to later economists. But the vision of Bentham’s utilitarianism was clear if not precise: actions, policies, and practices should be aimed at producing the greatest net good for the greatest number.

6.4 JOHN STUART MILL

One of Bentham's closest friends was James Mill, a Scottish philosopher, historian, and public intellectual. When Mill's wife delivered their first child, a boy named John Stuart, Bentham became his godfather. Mill declared that he would bring up this child to be a great advocate for utilitarianism, and his plan was shockingly successful. It helped that the boy was a genius.¹¹ But the education was rigorous: young Mill was homeschooled under the demanding and restrictive tutelage of his father. The results were astounding: he began Greek at the age of three; at eight, he learned Latin. The list of works he had read by age thirteen is enormous, most in the original languages. He would become one of the most influential philosophers of liberalism. But this intensive academic training unsurprisingly took its toll. As Mill famously recounts in his *Autobiography*, when he was twenty, he suffered a breakdown so severe that he contemplated suicide. Yet he reasoned his way out of his depression: believing his emotional development was stunted, he began reading Romantic poetry—taking doses of poetry as though it was medicine—until he gradually recovered. He became a staunch advocate of freedom and happiness.

His later biography is as fascinating as his early years. He was employed by the East India Company for thirty-five years, rising in the ranks to become responsible for all official correspondence with India—though he never once visited the country. He fell in love with a married woman, Harriet Taylor, a relationship that scandalized Victorian England, though they eventually married. Harriet was a brilliant thinker and writer who undoubtedly contributed to Mill's work. Mill authored the greatest defense of personal freedom ever penned: *On Liberty*. An opponent of slavery, he wrote "On the Negro Question" in 1850 as a rebuttal to a racist essay by the Scottish intellectual Thomas Carlyle. He was elected to Parliament, where in 1867 he introduced the first legislation to grant women suffrage. It failed. But in 1869, Mill wrote *The Subjection of Women*, a sustained argument for the equality of women. On these and many other social issues, Mill is a subtle yet forceful thinker, a progressive who seems to read "the right side of history." His life and work comprise an exemplary utilitarian program.

6.5 QUALITATIVE HEDONISM

Mill first presented his classic account in a series of articles in *Fraser's Magazine for Town and Country* in 1861. They were reprinted in 1863 as a

single text simply called *Utilitarianism*, and it has become a canonical text in ethical theory. By the time it appeared, the doctrine of utilitarianism was both influential and controversial, and Mill wrote his essay to explain and defend the doctrine. It may be read as a set of defensive and persuasive responses to fourteen objections to the theory (unnumbered in Mill's text, but I have paraphrased them in **Figure 2**). He considers each of the objections in turn, following an introductory chapter in which he sets forth the problem to be addressed and his purpose.¹² In the course of his argument, Mill presents and refines Bentham's "**greatest happiness principle**" (a version of the Principle of Utility that names happiness as the good), extending his account, discussing its implications, and portraying the quality of life the utilitarian seeks.

The first objection—utilitarianism rejects pleasure (Obj. 1)—Mill dismisses as an "ignorant blunder." The second, however—the claim that it is base to reduce the human good to sensual pleasure (Obj. 2)—inspires a response that introduces a significant and controversial amendment to the theory. While Bentham had acknowledged different sources of pleasure, Mill claims that "some *kinds* of pleasure are more desirable and valuable than others." This view is now called **qualitative hedonism**. According to Mill, there is a hierarchy of pleasures in which "mental pleasures," for example, are better, worthier, than sensual pleasures. Human beings require and prefer pleasures that employ "their higher faculties." Mill writes:

Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent person would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he for the most complete satisfaction of all the desires which they have in common with him.... It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.¹³

There are three critical points to make about this remarkable explication. (1) One might initially think that Mill's qualitative distinctions are reducible to Bentham's quantitative criteria, so there is nothing really

FIGURE 2 MILL'S *UTILITARIANISM***A SUMMARY OF ARGUMENTS CONSIDERED****Objections to Utilitarianism****Chapter 2**

- Obj. 1. Utilitarianism is opposed to pleasure.
- Obj. 2. Utilitarians suppose that life has no higher end than pleasure—a base doctrine “worthy only of swine.”
- Obj. 3. Happiness cannot be the rational purpose of human life and action because: (a) it is unattainable; (b) we are not entitled to happiness; and (c) we can do without happiness.
- Obj. 4. The utilitarian standard is beyond the reach of human beings: it is expecting too much of people to require that they shall always act to promote the general interests of society.
- Obj. 5. Utilitarianism makes people “cold and unsympathizing”; it “chills their moral feelings.”
- Obj. 6. Utilitarianism is a godless doctrine.
- Obj. 7. Utilitarianism replaces principled morality with expediency.
- Obj. 8. Utilitarianism is impossible to practice because there is not sufficient time, prior to acting, to calculate and weigh the possible effects of several possible actions on the general happiness.
- Obj. 9. People who practice utilitarianism will tend to make an exception for themselves.

Chapter 3

- Obj. 10. Utilitarianism has no natural sanction, no natural basis for its binding force, its obligations, or its motives.

Chapter 4

- Obj. 11. There is no proof of the Principle of Utility.
- Obj. 12. Virtue is not regarded as a good by utilitarians.
- Obj. 13. A virtuous person acts without any thought of the pleasure he or she will receive in fulfilling obligations; at the very least, increasing pleasures is not always the overriding motive of a virtuous person.

Chapter 5

- Obj. 14. Utilitarianism cannot account for justice, because justice is opposed to the expedient; justice is giving people what they deserve—not what will make them happy.

new here. Perhaps mental pleasures produce more hedons than sensual pleasures because they are more enduring, fecund, and pure, for example. Although Mill accepts that argument, he goes further in this passage: having the *capacity* for such pleasures is a good in itself. Indeed, it seems to be a higher good than actual experiences of lower pleasures. Note that Mill does *not* say “It is better to be a human being *satisfied* than a pig satisfied”; he says “It is better to be a human being *dissatisfied* than a pig satisfied.” If some pains are better than some pleasures, then a new criterion has been introduced, a factor that makes qualitative distinctions among pleasures and pains. Pleasure is not the only good; perhaps it is not even what ultimately governs the good. As the political philosopher Michael Sandel (b. 1953) has observed, “Mill saves utilitarianism from the charge that it reduces everything to a crude calculus of pleasure and pain, but only by invoking a moral ideal of human dignity and personal-ity independent of utility itself.”¹⁴

(2) This view that pleasures, experiences, or activities form a hierarchy of worthiness has been an influential tenet of Western culture since Plato. It is largely based on such a doctrine that we have decided it is better to teach physics or history in high school than billiards or basket-weaving. But how are we to determine which of two pleasures or activities is the higher or better? Mill proposes a superficially simple test: ask people who are competent and experienced in both. If we are wondering whether, say, rugby or poetry is the better activity, it will not help to ask people who are fanatics for either rugby or poetry; rather, we must ask people who are expert at *both* rugby and poetry. Only they are in a position to make a valid comparison. Mill says, “The judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final.”¹⁵

Some philosophers deny that any justification for such hierarchical distinctions can be found. While there may be a basis to discriminate good rugby play from bad, superior poems from inferior ones, these skeptics argue there is no basis to judge poetry superior to rugby, or vice versa.¹⁶ These distinctions of low and high activities are largely a matter of personal prejudice, they say. In any event, most philosophers regard Mill’s test as a surprisingly silly proposal. (Imagine trying to assemble the focus group of those rare individuals who are expert in both rugby and poetry.) Nonetheless, Mill believes that judging the quality of a pleasure to be gained from an activity requires knowledge and direct experience of it, and he seems to believe also that people will naturally converge in their judgments. So, although such judgments are

subjective, they will naturally form a consensus—and that is the only sort of test that is possible.

(3) The third point: a hint of circularity is present in Mill's notion that we are to consult people who are "susceptible to both classes of pleasures" and defer to their judgments. But how could we identify individuals with such a susceptibility or capability except by the actual judgments they make? If someone familiar with both prefers rock-and-roll to opera, we can always say she simply doesn't appreciate the good of opera, she is not really susceptible to its pleasures. It seems we must accept the judgments of experts, but can know them to be expert only by their judgments.

Mill's shift to qualitative hedonism is reflected in his preference for *happiness* as the good, though he retains its foundation in *pleasures*. The concept of happiness he advocated is "not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing."¹⁷ In Mill's discussion, the concept of happiness slides from a specific feeling to a broader, vaguer, more inclusive concept of the positive quality of an enjoyed, flourishing life. But the concept is not empty of meaning, nor is this range of meaning illegitimate. Though Mill characterizes a life of happiness, he does not imagine that individuals will find happiness in exactly the same activities or experiences. Some people love music; others love adventures in nature; others develop a passion for chess. But these are sources of their happiness—ultimately components of a happy life—and Mill's liberalism would never intentionally impose a notion of happiness that restricted personal freedom. He believed we can acknowledge these important individual differences while still giving a substantive, general characterization of happiness as the ultimate desire of all.

6.6 THE PROOF OF UTILITY

But is there any proof of the Principle of Utility (Obj. 11)? Is it possible to prove that happiness—whatever the details may be—is the good? Although Mill acknowledged that "ultimate ends do not admit of proof," he does offer the only sort of proof of which the Principle of Utility is "susceptible." He asserts:

"The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is

that people hear it.... In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it ... No reason can be given why the general happiness is desirable, except that each person ... desires his own happiness. [Thus,] we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons."¹⁸

But Mill recognizes that the Principle of Utility requires more: it is not enough to prove that happiness is a good; we need proof that it is *the* good, the only good. Is it true that happiness is the *only* thing people ultimately desire? Although individuals may variously value music or adventure or virtue for itself, they desire it as a component of their happiness. Of course, Mill is aware that people may desire things that leave them unhappy, and some souls may in fact choose a wretched life, but he believes these choices are not rationally intelligible. Such choices can only be explained by interpreting them as an irrational, misguided, or perverted attempt to secure happiness.

Years later, the English philosopher G.E. Moore (1873–1958) objected to this “proof” as linguistic sleight of hand. Moore noted that “visible” means *capable of being seen*; “audible” means *capable of being heard*—but “desirable,” as Mill is using the term, does not mean *capable of being desired*; it means *worthy of being desired*. Visible things and audible sounds are not necessarily *worthy* of being seen or heard. The analogy is false.

But Mill may have been *asserting* ethical naturalism: his point may simply be that moral values are grounded in human nature, and that it is human nature to desire happiness. Thus, what is worth desiring will be a function of what humans by nature desire. His larger point is that genuinely rational action always aims at the good as it is perceived; and happiness is, by human nature, what all such action seeks—therefore happiness is the good, the only good, or the all-embracing good.

One can easily understand the problem of proof that Mill faces: it is the problem of proving intrinsic value. Imagine this scenario: a mother getting ready to leave her house, patiently responding to the persistent “why?” questions of her young daughter. “Why are you leaving now?” *To catch the bus*. “Why are you taking the bus?” *To get to work*. “Why are you going to work?” *To earn money*. “Why do you want money?” *So that I can pay for our rent and clothes and our toys and all the things we want and need*. “Why do you have to do all that?” *So we’ll all be happy*. “Why

do you want to be happy?”—and at this point she stops. *Because it’s good to be happy.* All of those intermediate steps—the bus, work, the money—they are means to an end. They have value, but it is **extrinsic value**. Their value is drawn from something extrinsic to them. When better means to the same end appear, their value is diminished: if the mother buys a car, she may no longer value the bus as much. But the end of this chain, happiness, has **intrinsic value**. It is good for its own sake, and is not selected as a means to something else. We can prove extrinsic value by showing it is an efficient means to a given end. But there is no proof outside itself for something’s intrinsic value. Its value is recognized; it is self-justifying, not justified by its usefulness in obtaining something else.¹⁹

6.7 FROM ACTS TO RULES

The utilitarian understands that when a moral agent is faced with a choice, the actual consequences are never a certainty; and the further into the future we consider our actions’ effects, the less certain we are of them. Therefore, the agent’s calculation is to be made in terms of *reasonable expectations as to outcomes*. Certainly, an agent can be blamed for miscalculating, for ignoring relevant considerations, or for basing an action on unreasonable prospects. But although some would insist on a review of eventual actual consequences to evaluate the act, everyone would expect the agent only to do what would reasonably be judged optimific given the best information at the time.

Still, one might argue that utilitarianism seems to require so much of moral agents as to be impossible to comply in practice. First, there are the issues of attention and time. It seems to require continual calculation, because any act is wrong if there is an alternative that would have more utility. But often there is not sufficient time to weigh possible effects on the general happiness of innumerable possible actions (Obj. 8). It requires a vigorous and perceptive moral imagination to frame all of one’s alternatives. In addition, utilitarianism seems to be unreasonably demanding. It sets the *highest* and best possible action—always doing the utmost to promote the greatest good—as the *minimum* standard for moral behavior (Obj. 4). This is simply beyond the reach of human beings. Since one has a duty to do the optimific act, there is no possibility of going beyond duty for extraordinary good; that is, supererogation is eliminated. Moreover, there is no respite from the demands of morality, since a good utilitarian, it seems, should calculate every action, indeed every possible action, *at every moment*.

Utilitarianism puts the agent in an unmanageable predicament. Imagine that Cynthia has \$1,000 in the bank. She may be going about her business, not thinking about her savings—but, as a utilitarian, she should be. Should she keep the money there to let her savings grow? Or should she pay a debt with it? Or should she spend it for something that would bring her joy? Or perhaps she should divide it among ten needy friends? Should she lend it to someone in need? Or should she send it to any one of a hundred charities—maybe disaster relief or sponsorship of children? Which of these would be the optimific act producing the greatest good for the greatest number? All this calculation is so exhausting as to be impossible; yet anything less than the optimific act would be wrong—and Cynthia was not thinking she faced an ethical decision at all. But she should also be thinking of the good she could do with her car or by acting as a helpful volunteer instead of using her savings. This swirling sense of possibilities for promoting happiness would fill her waking moments—in fact, she should also consider how much good she could do if she reduced her sleeping hours. A diligent utilitarian, it seems, is likely to experience both moral and physical (and perhaps financial) exhaustion.²⁰

Furthermore, a utilitarian moral agent must face this predicament without any fixed ethical principles, beyond the injunction to promote the greatest good. She has no moral standard for choosing the means to an end; indeed, no means are prohibited; the expedient action is taken to be the right action (Obj. 7). Justice, for example, normally a powerful moral ideal, does not serve as a moral touchstone; it is waved in favor of expediency (Obj. 14). Consider these cases:

- A. The sheriff knows that a murder was committed by an unknown assailant who quickly left the country, and there is no chance to apprehend him. But there is a dangerous man, a local man, innocent of this murder, but tied to other killings. The sheriff plants evidence that implicates this man and finally leads to his imprisonment. He reasons that it promotes the social good, calming the fears of citizens by “solving” a murder, and protecting the public by putting a dangerous and otherwise guilty criminal behind bars.
- B. Members of an isolated commune determine that the optimific arrangement would require that one of them become a slave to the others. They correctly calculate that, although the negative costs to the slave would be significant, they would be outweighed by the good enjoyed by others. They decide to

determine who will be the slave by having the least specialized team members draw lots.

Even if the greatest happiness is in fact produced in both cases, one might ask, “But what about justice?” Is it just to frame a man for a crime he didn’t commit or to enslave someone at random for the benefits to others? Or is justice, like natural rights, a nonsensical restraint on doing the most good?

In part, these and similar objections and scenarios arise because of the focus on actions. What I called the vanilla version of the theory, its purest version, is known as **act utilitarianism**. Recall that it asserts:

“X is the right act” = “X is the optimific act”

Mill gradually pulls away from this straightforward act utilitarianism. He moves toward what is now called **rule utilitarianism**.²¹ This is a more complex form of the theory, which asserts:

“X is the right act” = “X is prescribed by one of a set of rules, which, if followed, would produce the greatest good for the greatest number”

The relevant calculation of maximal utility thus shifts from individual acts to rules or principles. Under rule utilitarianism, the situation of the moral agent becomes more manageable: one is not faced with evaluating all possible actions at every moment; instead, one follows rules that have been tested for on-the-whole utility-production. Mill’s answer to the “insufficient time” objection (Obj. 7) is that “there has been ample time, namely, the whole past duration of the human species.” The received rules we have learned are continually tested in human experience, however. As Mill says, “The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and in a progressive state of the human mind, their improvement is perpetually going on.”²²

As to justice, which Mill regards as “the only real difficulty in the utilitarian theory of morality,” he claims “Justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others.”²³ This talk of “corollaries,” “precepts,” and “requirements” suggests a recognition of moral principles, yet Mill seems to claim that, although an agent may start from a stock of moral rules and apply available moral

principles in reasoning, nevertheless, in the end the decision comes down to the utility of individual acts. He says:

“Particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice. Thus, to save a life, it may not only be allowable but a duty to steal or take by force the necessary food or medicine, or to kidnap and compel to officiate the only qualified medical practitioner. In such cases ... we usually say, not that justice must give way to some other moral principle, but that what is just in ordinary cases is, by reason of that other principle, not just in the particular case. By this useful accommodation of language ... we are saved from the necessity of maintaining that there can be laudable injustice.... It has always been evident that all cases of justice are also cases of expediency.”²⁴

Nonetheless, it seems that Mill has introduced another hierarchy: apparently there is a “scale of social utility” in which some requirements stand lower while others, like justice, stand higher; and the higher carry greater moral obligation. The explication of Mill’s system seems to require three types or tiers of rules or principles: (1) Basic are the ethical rules we learn from common experience, like *Don’t kill or inflict pain needlessly*, or *Don’t lie, cheat, or steal*. These are tested, morally useful rules. But sometimes they may conflict. (2) To resolve such situations, we need rules about rules; that is, we need principles that prioritize the rules: *Life is more important than property*, or *Justice outweighs the benefits gained by enslavement*. But even these cannot resolve every moral situation one may encounter. (3) When no rule applies, we turn to the master rule (sometimes called “the remainder rule”), which is act utilitarianism: *Do what you reasonably expect to produce the greatest good for the greatest number*.

There is an important and complex issue that hides in Mill’s discussion. If one claims that each and every morally right act must maximize utility, even acts involving justice or other moral principles, rules are at best a shorthand guide to what is right. Rules have no special status and rule utilitarianism is then fully reducible to act utilitarianism. Perpetual background calculation of individual acts is still required. But if it is the rules that have a utility independent of individual acts, if we turn to calculating the utility of individual acts only when our tiers of rules fail to resolve a problematic situation, then act utilitarianism is only a failsafe, a last resort. Rule utilitarianism is not then reducible to a straightforward act utilitarianism. But this entails that we may find ourselves in situations in which we are obliged to follow a rule that has great utility, despite the fact

that in our current situation, it is not optimistic. It suggests that following judicious rules may do more good over the long haul than trying to do the most good in each and every situation. But how then can we test and assure the utility of a rule? To put the critical question simply: when it is pressed to the extreme, must rule utilitarianism either transform into a deontological theory or collapse into act utilitarianism?

Project Prevention, our opening case, runs on rule utilitarianism: it has general policies—a \$300 stipend paid in cash, traded for sterilization, only offered to addicts, and so on—which are justified, it claims, by their utility. These policies work for the greater good. But one could imagine a case that fit all the policies, but in which the prospects were not good. In such a situation, one would ask: is it better to follow the policies which have high utility (rule utilitarianism), or to resort to a case-by-case judgment (act utilitarianism)?

The interpretation of rule utilitarianism and the status of moral rules remain controversial to this day—even among committed advocates. Some have proposed that it is best to apply the test of utility to practices rather than rules or acts. We would therefore test the practice of slavery for the production of the greatest good for the greatest number, not a particular case or rule; the practice of paying addicts for sterilization, rather than a particular exchange. This has predictably been called *practice utilitarianism*. And most of the same questions of interpretation raised with rule utilitarianism would apply to this form as well.

6.8 THE ADEQUACY AND IMPACT OF UTILITARIANISM

The previous discussion has identified problems with utilitarianism that challenge its adequacy as a moral theory—at least according to some critics. These include the ambiguity of key concepts, the practical tasks for moral agency, a level of expectation so demanding it leaves no room for supererogation, and the contested status of moral rules and principles.

Beyond these issues internal to the theory, many critics have pointed out that this approach gives no place to moral sentiments or emotions. The moral agent is, much like Mill himself in his early years, a dispassionate, rational calculator. Even in Mill's day, the doctrine was thought to be "cold and unsympathizing" (Obj. 5). Contributing to this assessment is a related issue: the flat impartiality of the calculations. Normal human beings develop strong emotional ties, close relations, with family and friends, but utilitarians take no count of these relationships. Since each and every person counts as one, I have no reason to privilege the goodness for my

children or my spouse or parents over those of distant people unknown to me. Indeed, it would be wrong for me to be more concerned about my daughter than a stranger, to choose her goodness over theirs. But partiality to ourselves and those we love, along with the emotions connected to care and compassion, are deeply embedded aspects of moral life.

What this criticism reveals is that the natural home of utilitarian thinking is the domain of ethical social policy—issues such as health care and criminal punishment. It fits well the considerations of military policy, the corporate boardroom, and the legislature. Its concern for the greatest good is directed toward the greatest number of individuals, but these are individuals abstracted to a number, without consideration of their individuality, without any nod to special relationships among them.

Utilitarian theory does appear to harmonize all dimension of one's life (though with the austerity noted above), giving us one principle by which to act in all situations. But some critics have argued the utilitarianism may enjoin a person to violate their integrity. Imagine this case:

Josh, an employee of an American corporation working in the Middle East is kidnapped by terrorists and brought to a camp where about twenty-five men, women, and children are captive. He learns that these prisoners will soon be executed by their captors, their murders to be publicized to stoke fear and recruit others willing to kill. Josh, an unexpected American hostage, is a prize and will not be killed, but will be traded for weapons. But he is given a choice: he will be given a gun, and if he will select and kill one of the prisoners, all the others will be spared and released; if he declines, they will all be executed as planned. The prisoners overhear this bargain and besiege him to accept the bargain.²⁵

The act of highest utility is clear: Josh is morally obligated to choose and kill a prisoner. Critics like Bernard Williams (1929–2003), claim that utilitarian calculation may, as in this situation, compel us to abandon our most cherished beliefs and principles, to destroy our integrity. In dire cases such as this, someone else (the terrorist captor) has structured a situation into which a moral agent (Josh) is thrust, disrupting the agent's own projects and plans, values and choices. It is another (malevolent) agent that has established the architecture of choices, not Josh. Utilitarians may argue that "integrity" is being used as a name for a set of principles that are held without regard to consequences. A true utilitarian finds the decision simple (though serious) and feels no loss of integrity in saving many lives by taking one—just as Mill says we experience no loss of justice

when theft or kidnap is necessary to save a life. But surely this is not just “another problem solved.” We would find something wrong with Josh if that were his response. There is little doubt that a strictly utilitarian approach would sometimes require us to ignore traditional moral touchstones.

The British philosopher and Nobel laureate, Bertrand Russell, was the godson of John Stuart Mill. He wrote an essay in the 1920s called “The Harm that Good Men Do,” in which he said, “A hundred years ago there lived a philosopher named Jeremy Bentham, who was universally recognised to be a very wicked man.... I ... discovered what was the really serious charge against him. It was no less than this: that he defined a ‘good’ man as a man who does good.” Mill himself described Bentham as “the great subversive.” These quotations relish the utilitarian’s posture as one who rejects the constraints of received, authoritative morality in favor of empirical results, or reasonable expectations of them. For Russell, much of the harm done in the world was done by people who claimed to be acting in accord with morality, but were heedless of the actual consequences of their actions.

Enlightenment liberalism represents, in part, a rejection of any morality that is directed toward virtuous fitness for a life after death in favor of personal fulfillment and social progress in this life. Resisting the egoistic preoccupation that may accompany the individualism of the Enlightenment, utilitarianism reaches outward to society and forward to the future and our descendants. One of its attractions to me is the ethical vividness it imparts to the consequences of our actions for future generations. There is, though, little guidance from utilitarian theorists regarding the time-frame we are to use in considering consequences. Consider a policy for the fossil fuel industry that benefits those now alive, saving jobs and reducing costs, while ignoring climate change and resource depletion problems for future generations. Does it have more “visible” utility than one that addresses climate change but requires hardships now? This issue of near versus far term, of those now alive versus future generations is a matter of the purview of our moral interest, and it is a problem for all forms of consequentialism (as we saw with egoism and its “enlightened” varieties). Concern with this life, rather than a life after death, can too often truncate to a concern only with the here and now or the near future.

QUESTIONS FOR DISCUSSION

- 1 Is Project Prevention doing morally good work? (Reviewing the material cited in notes 1–3 may be helpful in reaching a considered judgment.)
- 2 Bentham lists “propinquity” (nearness in time) as one of the measures of pleasure, presumably valuing an immediate pleasure more than one in the future. Psychologists have demonstrated our natural tendency to do this, but they call it “discounting the future” and consider it a cognitive bias—a minor but predictable irrationality. Yet “deferred gratification” is also considered a mark of maturity. Is it valid to discount future rewards? (Remember the issue is not uncertainty—Bentham lists certainty as a separate criterion.) Would propinquity remove concern for future generations?
- 3 Explain why is it “better to be a human being dissatisfied than a pig satisfied”? If Mill has smuggled in a good other than pleasure, what is it?
- 4 Refute this claim: Watching or playing rugby and reading or writing poetry are equally worthwhile activities, and so are poker and physics.
- 5 “Utilitarians cannot protect the rights of individuals.” Explain why this claim is plausible. Do you agree with it, or can a sophisticated utilitarian give an adequate reply?
- 6 A familiar case for utilitarian analysis is this: Would you torture a terrorist to discover the location of a bomb set to detonate within hours? But what if the terrorist, the one who placed the bomb, was a thirteen-year-old?
- 7 Explain why act utilitarianism makes supererogation impossible.
- 8 Lifeboat cannibalism: After a devastating gale, a crew of men endured nearly three dreadful weeks in a 13-foot lifeboat. They debated drawing lots for a sacrificial victim, some noting that it would be better for one to die so the others could have a chance to survive. Some pointed out they had wives and families at home; others were single. The next day, however, the cabin boy, Parker, fell into a coma. Taking matters into his own hands, a man named Dudley said a prayer and then killed Parker with a knife. The remaining men then drank his blood and ate his flesh. They thus survived for several days more when a ship was sighted and rescued them. Did Dudley do the right thing? [This is the case of *Regina vs. Dudley and Stephens* (1884), a famous British case.]

QUESTIONS FOR PERSONAL REFLECTION

- 1 Mill claims that due to the psychology of association, means to the end of happiness can, over time, become components of happiness itself: if playing tennis makes me happy, it can become true that a happy life for me must include tennis. What are the components of a happy life for you?
- 2 Consider this claim: “There is not one moral principle, however compelling, that could not properly be overridden or violated in certain circumstances.”

SUGGESTED SOURCES

- The primary sources for this chapter are: Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*; and John Stuart Mill, *Utilitarianism*.
- Eggleston, Ben, and Dale E. Miller, eds. *The Cambridge Companion to Utilitarianism* (Cambridge: Cambridge UP, 2014).
- Sandel, Michael J. *Justice: What’s the Right Thing to Do?* (New York: Farrar, Straus, and Giroux, 2009), Chapter 2, “The Greatest Happiness Principle: Utilitarianism.”
- Scheffler, Samuel. *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, 2nd ed. (Oxford: Clarendon P, 1984).
- Sidgwick, Henry. *The Methods of Ethics*, 7th ed. (1874; Indianapolis, IN: Hackett, 1981).
- Singer, Peter. *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically* (New Haven, CT: Yale UP, 2016).
- Smart, J.J.C., and Peter Singer, eds. *Utilitarianism: For and Against* (Cambridge: Cambridge UP, 1973).

NOTES

- 1 Unless given special citation, the facts, figures, and quotations in this case are drawn from the Project Prevention website: <http://projectprevention.org/> (accessed July 2018).
- 2 Jon Swaine, “Drug addict sterilised for cash—but can Barbara Harris save our babies?” *The Daily Telegraph*. October 19, 2010: <http://www.telegraph.co.uk/news/health/8071664/Drug-addict-sterilised-for-cash-but-can-Barbara-Harris-save-our-babies.html> (accessed July 2018).

- 3 See the discussion of the evolution of Ms. Harris's comments on Wikipedia at: https://en.wikipedia.org/wiki/Project_Prevention (accessed July 2018).
- 4 Quoted in Swaine, "Drug addict sterilised for cash."
- 5 For a history of utilitarianism, see Bart Shulz, *The Happiness Philosophers: The Lives and Works of the Great Utilitarians* (Princeton: Princeton UP, 2017).
- 6 Henry Sidgwick, *The Methods of Ethics* (1907), Book III, Chapter xiii.4, 382.
- 7 Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Chapter XVII, Section 1.iv, n. 122.
- 8 Images of the auto-icon abound on the Internet, but University College London has developed a high-resolution, rotating image of it at http://www.ucl.ac.uk/Bentham-Project/who/autoicon/Virtual_Auto_Icon.
- 9 The panopticon is a design for a prison that has cells arranged in a circle around a well or tower, from which guards could observe all prisoners at all times.
- 10 This requirement and the assumption that it can be achieved is given the technical term *aggregationism*.
- 11 His name is regularly found on lists of individuals with startlingly high IQs.
- 12 I cannot discuss every one of these objections and rebuttals, but my discussion includes a brief examination of many of them.
- 13 Mill, *Utilitarianism*, Chapter 2.
- 14 Michael J. Sandel, *Justice: What's the Right Thing to Do?* (New York: Farrar, Straus, and Giroux, 2009), 56.
- 15 Mill, *Utilitarianism*, Chapter 2.
- 16 For example, see Oliver Letwin, *Ethics, Emotion and the Unity of the Self* (New York: Routledge, 2010), Chapter 2, "High Activities and Low Activities."
- 17 Mill, *Utilitarianism*, Chapter 2.
- 18 *Ibid.*, Chapter 4.
- 19 We might imagine an eccentric person for whom riding the bus was an intrinsically wonderful experience, not a means to get anywhere in particular. But then the same problem of proof would apply to bus riding as an end-in-itself.
- 20 I will return to this problem of the demands of morality in Chapter 14.
- 21 This is evident especially in his response to the objections about the impossible predicament of moral agency, and in his treatment of justice, to which he devotes a lengthy final chapter.

22 Ibid., Chapter 2.

23 Ibid., Chapter 5.

24 Ibid.

25 I have adapted this case from one developed by Bernard Williams in “A Critique of Utilitarianism”; in *Utilitarianism: For and Against*, ed. J.J.C. Smart and Bernard Williams (Cambridge: Cambridge UP, 1973), 98–99.