Chapter 3
Classical Utilitarianism

> The applying a mathematical Calculation to *moral subjects*, will appear perhaps at first extravagant and *wild*; but some Corollaries... may shew the Conveniency of this Attempt, if it could be farther pursu'd.
>
> Francis Hutcheson, *Concerning Moral Good and Evil*[1]

There are a great many people who believe that whether an action is right or wrong depends upon its consequences. So, what makes something like killing another person wrong is that it is an act with a very bad consequence; what makes torture wrong, again, is that torturing someone causes them pain and humiliation, and, again, this is a bad consequence. Bad, immoral actions are those actions that cause bad outcomes and morally good actions are those that cause good outcomes. When a theory holds that the *only* thing relevant to determining whether or not an action is right are the consequences produced by that action, the account is *consequentialist*. In Chapter 2, we looked at a view that is consequentialist in nature – ethical egoism. Recall that ethical egoism holds that persons ought to promote their own individual well-being. So, the actions that I perform are evaluated relative to the good *consequences* generated relative to *me*. Further, that is the only consideration relevant in determining whether or not those actions are right or wrong. The theory we look at in this chapter is a version of consequentialism called utilitarianism. Like ethical egoism, it holds

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[1] Francis Hutcheson, An *Inquiry into the Original of our Ideas of Beauty and Virtue: In Two Treatises. I. Concerning Beauty, Order, Harmony, Design. II. Concerning Moral Good and Evil* (London: printed by John Darby for William and John Smith Dublin, 1725).

[2] See Geoffrey Scarre, *Utilitarianism* (Nev

that we ought to do what has the best consequences, but the utilitarians believe that the scope of relevant consequences is much broader than do the egoists – the egoist counts only his own well-being, while the utilitarian counts the well-being of *all* persons, or even all sentient creatures, impartially considered. The egoist believes that a morally relevant reason for him to act is agent-relative; that is, it is considerations of well-being relative to him. The egoist is not impartial; at least, not impartial in this sense. The utilitarian is impartial – on the standard understanding of the utilitarian theory, moral reasons for action are agent-neutral. That well-being has some connection to me, or someone I love, or . . . whatever . . . invests it with no special normative force.

Utilitarianism is a theory with roots that stretch back into ancient philosophy. Indeed, the theory of value that Jeremy Bentham appeals to – "hedonism" – can be traced back to Epicurus (341–270 BC). Geoffrey Scarre notes that the ancient Chinese philosopher Mo Tzu (c.420 BC) also held a view similar to that of the classical utilitarians, advocating that we judge an action on the basis of how useful it is. If an action produces no benefits, it is to be condemned.[2] A number of early philosophers argued, essentially, that when we evaluate actions or try to decide what to do, we need to consider what would happen as a result of the action – and we need to compare the proposed actions to available alternatives and their consequences. It is sometimes difficult to tell if they are utilitarians, strictly speaking, since they can sometimes be interpreted as providing a necessary rather than sufficient condition for right action. However, by the 1700s a number of philosophers were articulating a roughly utilitarian approach to ethics. The quote from Francis Hutcheson (1694–1746) shows that the basic idea behind the theory certainly held some sway before the classical utilitarians began writing in the late 1700s. However, the modern development of the theory really began with the work of the legal scholar and philosopher Jeremy Bentham (1748–1832). Bentham was the first philosopher to systematically develop the theory, and he is the one who dubbed it "utilitarianism." He also took up Hutcheson's challenge quite enthusiastically, and believed that some degree of mathematical and scientific precision could be brought to bear in moral decision-making.

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[2] See Geoffrey Scarre, *Utilitarianism* (New York: Routledge, 1996), pp. 27–33.

Bentham was an unusual person. He was a precocious learner, who entered university at the age of 16 and studied law. However, since he was independently wealthy he did not need to work for a living, and he was able to devote himself to legal research as well as legal and political reform – his passions. His articulation of the utilitarian view owes much to his reformist goals. According to Bentham, the basis for utilitarianism is the principle of utility:

> 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 . . . I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.[3]

Bentham was quite serious about this – laws as well as individual actions should be scrutinized according to this principle. If a law was useless or harmful, then it should be either reformed or tossed out altogether. Bentham used this commitment to utility to develop a powerful tool for reform, and during his life came up with many proposals for reforming laws, penal systems, and governments. Some of his ideas were adopted, others not, but he was an enormously influential individual, and his views led to a good deal of actual reform.

One of his reform plans in particular has become controversial in the past 30 years or so. Bentham was very concerned with penal, or prison, reform, and he developed a design for a model prison, a "panopticon," which he felt would be far more humane than the prisons that existed at that time in Great Britain.[4] The panopticon would be a circular prison, laid out in such a way that each prisoner would have his own cell and each cell would be viewable by one guard from a central platform. This allowed the prisoners to be punished psychologically by limiting their contact with others, and it allowed for greater efficiency in policing the prison – in fact, Bentham proposed that the guard's platform be surrounded by a translucent screen, so

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[3] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1789).

[4] Jeremy Bentham, *Panopticon: or, the Inspection-House* (Dublin: Thomas Byrne, 1791). The Bentham Project at University College London also maintains an interesting website on the panopticon, at www.ucl.ac.uk/Bentham-Project/info/panopticonhtm.htm
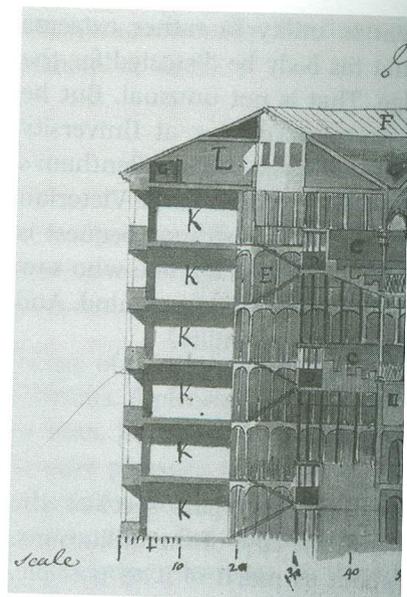
Figure 3.1 Jeremy Bentham's panopticon model prison.
Reproduced courtesy of University College London

that at any given time the prisoners could not tell if they were being watched by a real person. That could lead to even more efficiency! Bentham felt that this was humane as well, though, since it dispensed with physical punishment and allowed for tidier, less chaotic prisons. Some panopticon or panopticon-like prisons were built. Prisons in Great Britain, Australia, and Russia, for example, incorporated some of the features characteristic of the panopticon design – a circular structure, or keeping the prisoners separate and silent, chapels with the seats separated by screens to keep the prisoners focused on the sermon, and so forth.

However, this idea became controversial because it seemed to smack of "Big Brother" – someone watching you to make sure you are behaving – and this seemed an invasion of privacy. Indeed, in Port Arthur, Australia, where a model prison incorporating some panopticon features was built, prisoners would later complain that the psychological punishment was worse than the physical punishment. But the idea of surveillance being used to fight crime is catching on. For example, video cameras are being used to monitor public sites, to discourage crime as well as provide evidence in cases where crimes take place.

Bentham did carry his commitment to utility to rather extreme lengths. Upon his death, he willed that his body be dissected for the sake of furthering scientific knowledge. That is not unusual. But he also willed that his body be placed on public display at University College London. That *is* unusual. To this day, you can see Bentham's body – albeit with a wax head – tastefully displayed in a large Victorian cabinet. The rationale that Bentham gave for this strange bequest is that it would always bring to mind utilitarianism – anyone who saw the body would be curious about it or would have it come to mind. And isn't that something that would help to maximize utility?

The Principle

Defining

The principle of utility has two parts. The first part specifies the approach that we are to take to value. In the case of the utilitarians, we are to *maximize* value, to bring about as much of it as possible. The second part is the value-theory part that provides a substantive account of intrinsic value; that is, the value that we ought to be maximizing or promoting. Bentham believed that the morally right action for the individual was that action which produced, on balance, the greatest amount of *pleasure* overall. Like Epicurus, then, Bentham was a hedonist about value. However, he differs from Epicurus in a very crucial respect – for Bentham, the scope of the morally relevant consequences is broader. The right action brings about the most *overall* good, not just the most good for the agent performing the action.

So for the classical utilitarian the basic good is pleasure – that is what has intrinsic value. What has intrinsic disvalue is pain – that is the basic bad. According to Bentham, pleasure is a sensation and can be measured along the following parameters:

1. intensity
2. duration
3. certainty or uncertainty
4. propinquity or remoteness
5. fecundity
6. purity
7. extent[5]

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[5] Bentham, *Principles of Morals and Legislation*, 2nd edn, ch. IV.

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[6] Bentham, *Principles of Morals and Le*

Uncharacteristically, Bentham composed a little poem to help people remember this:

> *Intense, long, certain, speedy, fruitful, pure –*
> Such marks in pleasures and in pains endure.
> Such pleasures seek, if *private* be thy end:
> If it be *public*, wide let them *extend*.
> Such pains avoid, whichever be thy view:
> If pains *must* come, let them *extend* to few.[6]

Some of these parameters, such as intensity and duration are pretty obvious. A pleasure will be better the more intense it is – and how long it lasts, its duration, is significant as well. I may prefer a weaker but longer pleasure to a shorter but more intense one. So, listening to music for an hour may be more preferable to me than eating an ice cream cone. But Bentham included other factors that are relevant in considering pleasures, so the certainty will matter – all other things being equal, we should go for the more certain rather than the less certain pleasure. The pleasure that is closer to me – for example, that I can have now – is to be preferred to a remote pleasure in the future. Further, I should give preference to pleasures that are fruitful, that will themselves lead to more pleasures in the future. Also, pleasures that are pure, or less mixed with pains, are to be preferred, and I must consider scope – How many people will be affected by the action in positive and negative ways? It is possible that some of these could be reduced to others – so, for example, we might think that propinquity can be reduced to certainty, perhaps. But Bentham isolated ways of measuring and evaluating pleasure that allow the hedonist to give plausible responses to superficial problems for the account of value. One superficial problem is the following: Alice could go to a party tonight and have a good time, though that would mean failing to study for her exam tomorrow. We might claim that on the hedonist view this would be good, because she gets pleasure from going to the party. But clearly this is bad for her. Therefore, hedonism is wrong. But Bentham would argue that this is the wrong way to look at it. Hedonism, properly understood, does not commit us to such foolhardy courses of action. Alice may get pleasure from going to the party, but

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[6] Bentham, *Principles of Morals and Legislation*, 2nd edn, ch. IV, sec. 2.

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this is not a very fruitful sort of pleasure, and indeed will lead to pain down the road – the pain of doing poorly in her exams. And that pain is more far reaching and has more serious negative consequences for her. So, hedonism does hold that it is bad for her to go to the party if that means forgoing an opportunity to study for her exam.

Also, some things may be intrinsically bad but instrumentally good. Here's another example. Vaccinations cause pain. Thus it would seem that on this view, vaccinations are bad. But clearly they are good. Therefore, hedonism is wrong. Well, again, Bentham would say that this isn't the right way to look at it: insofar as vaccinations cause pain, they are bad in that respect – however, they lead to protection against disease and the pain associated with disease, so they bear fruit down the road and are instrumentally good.

Bentham had the very egalitarian view that everyone's pleasure basically counted the same, and that the only differences between pleasures was quantitative – all of the factors listed above are quantitative; they simply have to do with *how much* pleasure there is associated with a given action. So Bentham repudiated the view that some pleasures are intrinsically better than others, or superior in terms of quality. Indeed, he famously remarked that "Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry. If the game of push-pin furnish more pleasure, it is more valuable than either."[7] Bentham's view is that what really matters is pleasure, but he was willing to count a lot of things as pleasures, such as satisfaction, enjoyment, and fulfillment. He was not against the fine arts *per se*, but didn't think them superior in *kind* to other sources of pleasure. So, if people get just as much gratification from viewing bobble-head dogs as they do from gazing at the Mona Lisa, so be it. The pleasures are of equal value. To show any superiority on his account it would have to be quantitative in nature – we would have to argue that gazing at the Mona Lisa generates a more intense or more durable pleasure, for example.

Of course, Bentham's theory came under a good deal of criticism at the time. One problem was that, though egalitarian in that it counted everyone's pleasure the same, some thought it too egalitarian because it would seem to imply that all pleasures are intrinsically the same in kind.

[7] Jeremy Bentham, *The Rationale of Reward* (London: John and H. L. Hunt, 1825).

To many, this seemed to make the advocating that we ought to pr quantitatively greater, even if tho sensual pleasures we have in com the pleasures of eating, drinking, a value would also seem to include moral standing. After all, animals f sense in which this aspect of Benth Other theories give no moral weigh extreme in the other direction. Su thing. Isn't it immoral and wrong it? This seems quite obvious, so Be giving a theoretical rationale for c munity. However, on Bentham's vi ours, they would even have the *sa*

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[8] Jeremy Bentham, *Introduction to the* J. H. Burns and H. L. A. Hart (New York,

To many, this seemed to make the theory a kind of "swine morality," advocating that we ought to promote just whatever pleasures are quantitatively greater, even if those should turn out to be the simply sensual pleasures we have in common with lower life forms – such as the pleasures of eating, drinking, and so forth. Further, this account of value would also seem to include animals on the list of beings with moral standing. After all, animals feel pleasure and pain. Now, there is a sense in which this aspect of Bentham's theory provides an advantage. Other theories give no moral weight to animals at all, and this seems too extreme in the other direction. Surely animals must count for something. Isn't it immoral and wrong to torture a puppy just for the fun of it? This seems quite obvious, so Bentham's view has the advantage of giving a theoretical rationale for counting animals in the moral community. However, on Bentham's view, if animal pleasures are similar to ours, they would even have the *same* moral standing as people!

> 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 come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate.[8]

It is not that people find this odd because they think that animals don't count morally at all. What strikes them as absurd is that animals should count *the same* as people in virtue of their sentience. This is what led some critics to refer to Bentham's theory as a "swine morality." What struck many as lacking in Bentham's value theory was a special place for the rational capacities that mark a difference between persons and animals.

This was one criticism of the theory that Bentham's student John Stuart Mill (1806–73) would attempt to remedy. John Stuart Mill was exposed to the work of Bentham through his father, James Mill, who was one of Bentham's disciples. John Stuart Mill was a brilliant scholar, a compassionate and humane individual, who would become the

[8] Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, edited by J. H. Burns and H. L. A. Hart (New York, Oxford University Press, 1970), p. 283.

greatest British philosopher of the nineteenth century. He had a rather unusual upbringing – his father was assiduous at developing his intellect, but neglected his social and emotional development. This led Mill to have a rather constrained social life until he reached early adulthood, at which time he experienced an emotional breakdown. He recovered, but – he claimed – the experience during his breakdown taught him a lesson about happiness:

> I never . . . wavered in the conviction that happiness is the test of all rules of conduct, and the end of life. But I now thought that this end was only to be attained by not making it the direct end. Those only are happy (I thought) who have their minds fixed on some object other than their own happiness; on the happiness of others, on the improvement of mankind, even on some art or pursuit, followed not as a means, but as itself an ideal end.[9]

Mill went on to not only develop and flourish as a philosopher, but to engage in great public service. He ran for Parliament, was elected, and in 1868 became the first person to present a bill for women's suffrage. Like Bentham, he was influenced by a desire for reform. Harriet Taylor, his wife whom he married rather late in life, supported him in his reforms, and shared his utilitarian views. They both felt that too many laws and social practices reflected ignorance and prejudice rather than reason. Useless and harmful laws should be exposed and abandoned.

Though Bentham was the earlier proponent of utilitarianism, and there is no doubting his influence, it was John Stuart Mill who articulated perhaps the most influential version of the theory, one that provided a foundation for liberal social reforms. In *Utilitarianism*, Mill writes:

> The creed which accepts as the foundation of morals "utility" or the "greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.[10]

[9] John Stuart Mill, *Autobiography*, edited by J. Stillinger (Boston: Houghton Mifflin, 1969).

[10] John Stuart Mill, *Utilitarianism*, edited by Roger Crisp (New York: Oxford University Press, 1998), p. 55.

As formulated, this principle is rathe the one articulated by Bentham. Hov rather differently. Like Bentham, th overall good. Like Bentham, he sub value, though for Mill it was a somev in part to deal with the "swine mor

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Thus, Mill solved the animal probl higher and lower pleasures, one t important to note that what Mill is

[11] Mill, *Utilitarianism*, pp. 56–7.

[12] Indeed, Bentham actually repudiated

As formulated, this principle is rather vague, and not too different from the one articulated by Bentham. However, Mill unpacked the definition rather differently. Like Bentham, the point is to produce the greatest overall good. Like Bentham, he subscribed to a hedonistic theory of value, though for Mill it was a somewhat modified one. It was modified in part to deal with the "swine morality" objection.

Again, one problem with the straightforward hedonistic account of value espoused by both Epicurus and Bentham is that it would seem to give equal *intrinsic* weight to animal experience and the experiences of persons. Thus, while animal pleasures and human pleasures may vary according to circumstantial, or extrinsic, considerations such as those listed by Bentham, and the intellectual pleasures of humans may turn out to be extrinsically better, there is no intrinsic difference between the two. This seems highly counterintuitive. It isn't just that human intellectual pleasure is more fruitful than sensual, animal, pleasure, or more fecund – many have the intuition that it is better *in kind*. Mill noted that people, if given a choice, would choose the life of a dissatisfied Socrates over the life of a happy fool. What this indicated to him is that some pleasures that people experience are better kinds of pleasures – Socrates received a good deal of intellectual satisfaction from his philosophical interests. Such satisfactions are not available to the fool, who may be happy, but whose happiness is derived from trivial pursuits and activities. Thus, while pleasure can be measured quantitatively, pleasures can also be qualitatively compared. As Mill noted:

> Human beings have faculties more elevated than the animal appetites and, when once made conscious of them, do not regard anything as happiness which does not include their gratification . . . 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.[11]

Thus, Mill solved the animal problem by noting a distinction between higher and lower pleasures, one that Bentham did not hold.[12] It is important to note that what Mill is saying is that higher pleasures are

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[11] Mill, *Utilitarianism*, pp. 56–7.
[12] Indeed, Bentham actually repudiated it.

superior in *kind*. They may or may not also be superior in terms of quantity – but the important point for him is one of quality. The life of a dissatisfied Socrates is better than the life of the pleased fool because Socrates's life also has its intellectual pleasures, pleasures that the fool's life lacks. Here's a thought experiment that is intended to show Mill's point. Suppose that you had a choice between living the life of an accomplished artist such as Georgia O'Keefe and living a pleasant animal life. Georgia O'Keefe's is an interesting life, filled with mixtures of pleasure and pain and a good deal of creative satisfaction and pleasure – but it is short relative to the life of, let's say, a turtle. Suppose that the turtle we are talking about lives a safe and secure existence in the South Pacific – swimming in the warm water, occasionally making it to the beach to bask comfortably in the sun, and so on. It lives a life of contentment and pleasure, but possesses no intellectual and creative capacities – and certainly none to rival Georgia O'Keefe. But the turtle lives for a long, long, time – centuries. Who would you rather be? Most would pick a life like O'Keefe's. And that's not to do with quantity: in terms of pure quantity of pleasure, the turtle's life wins, but it is deficient in terms of quality of pleasure.

This distinction between higher and lower pleasures allows Mill to hold that while animals do have moral standing in virtue of their sentience – that is, in virtue of their capacity to feel pleasure and pain, and thus to have both positive and negative experiences – their moral standing is not the same as that of persons who have higher moral standing in virtue of their capacity to experience *higher* pleasures. A person has a better life than that of an animal to the extent that he or she experiences higher pleasures. This argument rests on the claim that the higher are superior to the lower, which in turn rests upon a rather wobbly argument to the effect that of those persons who have experienced both, all prefer the higher to the lower, all agree that the higher are superior. It is important to note that while this distinction does offer a solution to the animal problem, it can have some unpalatable implications, and ones that Mill did not confront head on. For example, will there be a similar distinction drawn between persons as is drawn between persons and animals? So, will the lives of some persons be better than the lives of other persons in virtue of their intelligence? This seems very nonegalitarian. On the other hand, it provides a powerful moral argument for a system of public education that develops the intelligence and intellectual capabilities of as many

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[13] Mill, *Utilitarianism*, p. 81.

people as possible and doesn't limit this type of good to those who can afford to pay.

Proving the Principle of Utility

Bentham had said that the greatest happiness principle could not be proven, any more than any other "first" principle can be proven. I can't give a proof that we ought to maximize pleasure any more than I can prove that $1 + 1 = 2$. However, Mill disagreed with Bentham on this issue as well, and attempted a notorious proof of the principle:

> 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: and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, 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. Happiness has made out its title as *one* of the ends of conduct, and consequently one of the criteria of morality.[13]

Mill then goes on to argue, in similar vein, that not only is happiness one criterion, but that it is the *sole* criterion of rightness. Later, in *Principia Ethica*, G. E. Moore (1873–1958) would criticize the proof by noting that it traded on an ambiguity:

> Mill has made as naïve and artless a use of the naturalistic fallacy as anybody could desire. "Good", he tells us, means "desirable", and you can only find out what is desirable by seeking to find out what is actually desired...Well, the fallacy in this step is so obvious, that it is quite

[13] Mill, *Utilitarianism*, p. 81.

wonderful how Mill failed to see it. The fact is that "desirable" does not mean "able to be desired" as "visible" means "able to be seen." The desirable means simply what *ought* to be desired or deserves to be desired; just as the detestable means not what can be but what ought to be detested . . . [14]

Put this way, it really does look as though Mill has made a silly mistake. However, many commentators feel that Moore interpreted Mill's "proof" very uncharitably. For example, one thing that Mill was trying to do was to show that how people behave gives some indication of what their values are – Moore claims this is no good as normative evidence, because there is a difference between what people desire and what they *ought* to desire. It would be a mistake for Mill to infer that the "good" just means "what is desired" especially since, when he discusses higher and lower pleasures, he admits that there are many who mistakenly desire the lower pleasures. However, Mill's aim was much more modest – he was simply making the claim that what people desire gives us the only evidence of what is desirable. How good the evidence is could well be open to further argument.

Moore also offered up some pretty compelling criticisms of hedonism.[15] Moore himself would end up adopting a form of ideal utilitarianism, so he was committed to maximizing the good. However, he did not think the good reducible to pleasure. There are other things that we value even if they do not generate pleasure on balance. These things will have intrinsic value. One example of this that he discusses is beauty. He believed that a beautiful thing would have value independently of any pleasure that it might induce. The Mona Lisa, then, is a valuable object because of its beauty and not simply because a lot of people enjoy looking at it. The same applies to a wild flower. He did not mean to deny that people received pleasure from looking at beautiful things, listening to beautiful music, and so forth. Rather, he wanted to say that the value of beauty doesn't depend upon this. The Mona Lisa would be wonderful even if no one could see it.

Moore also questioned whether intrinsic value. Sadistic pleasure, f bad – intrinsically bad. So how intrinsically good? If we change benevolent pleasure or nonsadistic then it looks as though we're offer vacuous account of the good, by c pleasure is morally good. Benthan He believed that malicious pleasur have become accustomed to think sically bad, because it overwhelmin not simply imagined pain.

Both Bentham and Mill viewed t Neither Bentham nor Mill viewed the principle as one that ought to b would be counterproductive, since lation itself could be formidable. utilitarian decision procedure begi to be affected by the action in q pleasures and/or pains to be felt parameters listed above; then one extent as well:

Sum up all the values of all the *pleas* the pains on the other. The balance give the *good* tendency of the act u interests of that *individual* person; if of it upon the whole . . . Take an acc interests appear to be concerned; respect to each. *Sum up* the numbe tendency, which the act has, with to whom the tendency of it is *good* regard to whom the tendency of it on the side of *pleasure*, will give the respect to the total number or comm the side of pain, the general *evil* community.[16]

[14] G. E. Moore, *Principia Ethica* (Amherst, NY: Prometheus Books, 1988), pp. 66–7.

[15] See Moore, *Principia Ethica*, as well as his *Ethics* (Oxford: Oxford University Press, 1965).

[16] Bentham, *Principles of Morals and Leg*

Moore also questioned whether or not all pleasure really did have intrinsic value. Sadistic pleasure, for example, seems to be completely bad – intrinsically bad. So how can pleasure *per se* be something intrinsically good? If we change our view and argue, let's say, that benevolent pleasure or nonsadistic pleasure is intrinsically good – well, then it looks as though we're offering a trivial account of the good, a vacuous account of the good, by claiming, in effect, that morally good pleasure is morally good. Bentham would have met Moore head on. He believed that malicious pleasure is good unless it *leads to* pain. We have become accustomed to thinking of it as always bad, and intrinsically bad, because it overwhelmingly does involve pain to others, and not simply imagined pain.

Both Bentham and Mill viewed the theory as very common-sensical. Neither Bentham nor Mill viewed the decision procedure afforded by the principle as one that ought to be followed at any opportunity – that would be counterproductive, since the costs of engaging in the calculation itself could be formidable. Bentham wrote that the correct utilitarian decision procedure begins by considering the person most to be affected by the action in question, and then considering the pleasures and/or pains to be felt by that person along the first six parameters listed above; then one needs to sum them, and consider extent as well:

> Sum up all the values of all the *pleasures* on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the *good* tendency of the act upon the whole, with respect to the interests of that *individual* person; if on the side of pain, the *bad* tendency of it upon the whole . . . Take an account of the *number* of persons whose interests appear to be concerned; and repeat the above process with respect to each. *Sum up* the numbers expressive of the degrees of *good* tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is *good* upon the whole: do this again . . . in regard to whom the tendency of it is *bad* . . . Take the *balance*; which, if on the side of *pleasure*, will give the general *good tendency* of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general *evil tendency*, with respect to the same community.[16]

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[16] Bentham, *Principles of Morals and Legislation*, p. 31.

And then he adds (whew!):

> It is not to be expected that this process should be strictly pursued previously to every moral judgment, or to every legislative or judicial operation. It may, however, be always kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one.[17]

Again, Bentham believed that efficiency was important – this carries over into the actual reforms that he tried to put into place, reforms that would save costs to society through increased efficiency, with the consequence that the funds saved could be used elsewhere to promote human happiness.

Mill also believed that we ought not to calculate constantly. For example, he suggested that we knew what was appropriate in most cases, since history has proven to offer us a guide. In this way, we might argue that there are rules of thumb, the following of which by and large enables us to maximize the good. Candidates for these rules are things such as "Don't steal," "Don't kill," and so forth. But these rules can be overridden in cases in which doing so clearly maximizes the good. They are not absolute rules by any means. And some will find this troubling. They believe that there is something *intrinsically* wrong about stealing, and that its wrongness is not simply a matter of it leading to suboptimal consequences. They feel that the wrongness of stealing extends beyond this consideration. But the consequentialist may argue that, though it could be useful to think of stealing as intrinsically bad or wrong, it is really only wrong given that the consequences of allowing theft would be very bad indeed – bad for individuals and bad for society as a whole.

If you recall from the Introduction, I made a distinction between decision procedure and criterion of rightness. Even if we reject the view that the principle of utility is the decision procedure that we always ought to use, this does not mean that we're rejecting the theory – instead, it can also be viewed as offering a criterion of rightness; that is, a way of evaluating actions, and so forth. Thus, if Sarah decides to save a drowning baby, not because she thought about maximizing utility but just because she felt that it was what she ought to do – well, on the

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[17] Bentham, *Principles of Morals and Legislation*, p. 31.

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utilitarian view she did the right thing even if she didn't follow the principle of utility as a rule. Since her action still promoted the good, and led to the best outcome, she did the right thing.

Mill applied the principle of utility to his thought on other issues, particularly those having to do with the peculiarities of some social and legal norms. For example, he was a vocal proponent of a woman's right to vote, own property, and control her own material resources. He was an articulate and compelling advocate for a very liberal view restricting government and legal intervention – the harm principle. This principle, which he discusses in *On Liberty*, states "...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. That 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."[18] This principle squarely supports individual liberty of action and expression. He provides compelling and very utilitarian arguments for this principle; for example, if the government interferes in someone's actions in order to protect that person – that is, if the government engages in paternalistic interventions – that will lead to a decrease in happiness. First of all, it is the individual who is in a better position to ascertain what is in his own best interest. The government is liable to make mistakes, even sincere mistakes. But further, the government can also use corrupt reasoning to interfere if given the power to interfere – fascism, for example, claimed to give people what they "really" wanted. Mill felt that it was better by far to allow for freedom of action, and if the individual made a mistake, it was better that he learn by his own mistake.

This, in turn, formed the basis for his advocacy of an open society in which free speech was legally tolerated and individuals were allowed to promulgate ideas that would either die or flourish on the basis of rational argument. This is all in keeping with his perfectionist brand of hedonism. People will achieve the highest degree and type of pleasure through developing their intellectual capacities, and one route to this is through vigorous argumentation. Even things that you are convinced must be true are true for reasons that you should be able to articulate. Taking an opponent's position seriously, rather than

[18] John Stuart Mill, *On Liberty*, edited by E. Rapaport (Indianapolis, IN: Hackett, 1978), ch. 1.

silencing it by making it illegal, forces us to develop and articulate arguments in support of our dearly held convictions. History has taught us that at least some of these convictions turn out to be false – some people believed that slavery was permissible, that women were inferior, that it was appropriate for children to work at dangerous jobs rather than go to school, that homosexuality was wrong, and so forth. For Mill, these views that many took for granted could be criticized, but this was practicable only in an environment in which free speech is tolerated. The moral growth of society depends on questioning "convictions" such as these and this in turn depends upon free speech.

Mill also advocated women's equality and suffrage by questioning the "convictions" of those who viewed women as incapable of using the vote responsibly. Again, in Mill's argument we see a utilitarian guiding principle. On his view, "...the legal subordination of one sex to the other...is wrong in itself, and now one of the chief hindrances to human improvement" and "it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other."[19] That half the population is disenfranchised has terrible consequences for that half of the population – they are made to be servile and miserable. Their intellects are stunted by neglect. The inventiveness and productivity of which they are capable is denied to society. Further, the dominant half fares poorly when it comes to character, and they are prone to greater abuses, which in turn generate more unhappiness – they have, in effect, been given the power of tyrants over women. (At the time Mill was writing, not only did women not have the vote or the right to hold public office, they could rarely hold property in their own names, they had extremely limited avenues of employment open to them, they did not have equal divorce rights, they lost custody of their children should they leave their spouses, and so forth – the list of inequalities is long indeed.) This power can have a corrupting influence: "In domestic as in political tyranny, the cue of absolute monsters chiefly illustrates the institution by showing that there is scarcely any horror which may not occur under it if the despot pleases, and thus setting in a strong light what must be the terrible frequency of things only a little less atrocious." Again, we see in Mill's practical views the strain of perfectionism

[19] John Stuart Mill, *The Subjection of Women*, in *On Liberty and The Subjection of Women* (Ware, Hertfordshire, UK: Wordsworth Editions, 1996), p. 118.

discussed earlier – our pleasure is morally important, but it's the kind of pleasure that counts too – some pleasures are not befitting human nature, or at least, the best in human nature.

Mill and Bentham shared a commitment to improving society and articulating a principle to guide that improvement. Of course, the theory was not without controversy in its time, not withstanding how influential it was. Part of the controversy turns out to rest on a misunderstanding of the theory, which Bentham regretted later in his life. He had originally wanted to call the theory something like *Eudaimonology*, in reference to the Greek *eudaimonia*, which means "happiness," "well-being," or "well-functioning." But this terminology was not adopted, for which we can perhaps be thankful. However, "utilitarianism" struck many as cold and led to a superficial misunderstanding of what the theory stood for. Bowring writes that a Lady Holland complained to Bentham "...that his doctrine of utility put a *veto* upon pleasure; while he [Bentham] had been fancying that pleasure never found so valuable and influential an ally as the principle of utility."[20] The worry that Bentham had was that "utilitarianism" sounds sterile, mechanical, and emotionless, and Lady Holland's comment seemed to confirm that people had that perception. Not having any more details of Lady Holland's misgivings, it is hard to say whether she really was simply misunderstanding the theory as offering cold calculation in replacement of human feeling and pleasure. A more sympathetic construal of what she believed is some version of a fairly serious problem for the theory – its seeming demandingness. If we are to maximize the good, then it looks as though we never get a personal break. There are so many needy persons and other beings out there in the world – Shouldn't we be spending our time and our money helping them? It seems as though my time will *always* be better spent by doing things such as working for Oxfam or Greenpeace. It seems as though my money would *always* be better spent if I sent it to charitable organizations. If I care about doing the right thing, I am never free to just take a break and splurge on a bagel and coffee and watch *The Lord of the Rings*. My view of Lady Holland's remark is that this is the problem she was alluding to, and for many people this is a serious problem for the theory, and one that we will discuss in greater depth in the next chapter.

[20] Sir John Bowring, *The Works of Jeremy Bentham* (Edinburgh: William Tait, 1843).

The views of Bentham and Mill would later be criticized by others who accepted the broad theoretical framework of utilitarianism; that is, some version of maximizing the good as the end of morality. Those critics included the great philosophers Henry Sidgwick and G. E. Moore, and unfortunately space does not allow for a detailed discussion of their views here. Sidgwick, however, pointed out a serious indeterminacy in the formulation of the principle of utility.[21] The basic issue is this: Utilitarianism tells us to "maximize the good," but how should we maximize it? Should we maximize the *total* amount of good, or should we maximize *average* good per person? Some utilitarians have viewed this distinction as one that has little practical significance. But this seems overly optimistic to me. Consider the following, based on some of Derek Parfit's cases: imagine two groups of people – group A and group B.[22] Group A consists of 100 people who are living great lives, while group B consists of 80 people living lives that are significantly less happy. Imagine that these two populations are separated by an ocean, and that they are not aware of each other's existence: the average level of happiness in this world is brought down by group B, yet we do not think that the world is somehow worse for their existence. This may in part be due to the fact that since they are separated populations, no social injustice can be used to explain the discrepancy in happiness levels. It would be wrong to prefer just A to A + B, even though the average level of happiness would be greater if we just had A. So this seems an argument against average utility. Yet going with total utility has problems as well. Suppose two other populations, C and D. In C there are 100 people living wonderful lives, in D there are 5,000 people living lives barely worth living – yet when we add them up, because there are so many more people in D than C, the total happiness for D is greater than for C. Yet most would argue that C is preferable to D. If we go with total utility, we run into the problem of what Parfit terms the "repugnant" conclusion.[23] This conclusion would be that a world of millions of barely happy people is better than a world with fewer, but much happier, people. This clearly goes against our intuitions, since we think that things such as birth control

to prevent over-population are go[...]
into the world new people who [...]
while at the same time reducing [...]
formulation, all by itself, seems ra[...]

What some consequentialists h[...]
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Herbert Spencer, Sidgwick, and Mc[...]
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premature. Even if you reject the [...]

[21] Henry Sidgwick, *The Methods of Ethics* (Indianapolis, IN: Hackett, 1981).

[22] See Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), particularly pp. 388ff.

[23] Parfit, *Reasons and Persons*, p. 388.

[24] See, for example, the work of John Sk[...]

to prevent over-population are good – and that it would be bad to bring into the world new people who would live lives barely worth living, while at the same time reducing the overall quality of life. So either formulation, all by itself, seems rather unattractive.

What some consequentialists have done is to try to argue that we should go for total happiness, and yet limit ourselves to considering the welfare of actual, already existing, people – so that we don't worry about bringing more people into existence at a certain level of happiness.[24] We may, if we choose, have children on this view, but it is no moral obligation. Our obligations are restricted to increasing the total happiness levels of existing persons. Thus, if we already have a huge population of persons whose lives are barely worth living, the imperative would be to improve their lives as much as possible. Further, if we add an equality constraint based on diminishing margin of utility, then we could argue for an equal distribution of happiness to get around the problem that, on the total view, we are insensitive to distribution issues.

As we saw earlier, Moore offered devastating criticisms of some of Mill's positions – the hedonism and the proof of the principle, to be more specific. He also challenged the naturalism that influenced Mill's thinking by noting that good could not be a natural property such as, let's say, "yellow" that we can see. If someone were to suggest that good is understood naturalistically, in terms of pleasure, Moore would contend that we could always ask "why," and whether or not something that is pleasant is good is always an open question – just calling x pleasurable does not close the door on explaining or accounting for its goodness. This led some, at the turn of the twentieth century, to regard the classical view of the theory as not only dead but without philosophical influence – indeed, Lytton Strachey (1880–1932) passed this judgment (along with a negative judgment about just about everyone else) when he remarked in a letter that Moore's *Principia Ethica* had demolished "...that indiscriminate heap of shattered rubbish among which one spies the utterly mangled remains of Aristotle, Jesus, Mr. Bradley, Kant, Herbert Spencer, Sidgwick, and McTaggart! Plato seems the only person who comes out tolerably well. Poor Mill has, simply, gone."

As devastating as *Principia Ethica* was, this judgment was quite premature. Even if you reject the proof and reject Mill's brand of

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[24] See, for example, the work of John Skorupski.

hedonism, the legacy of classical utilitarianism is formidable and noble. Certainly, Mill's use of the theory to argue for women's suffrage and free speech are towering classics of modern liberal thought. Indeed, the present age owes a great deal to classical utilitarianism. The classical version of the theory is no longer widely accepted, that's true, but it has morphed into more sophisticated versions. We will consider that part of the legacy of Bentham and Mill in the next chapter.

Further reading

Scarre, Geoffrey 1996: *Utilitarianism*. New York: Routledge.
Skorupski, John 1988: *John Stuart Mill*. New York: Routledge.

Chap

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In Chapter 3 we introduced a cons
by discussing the classical version o
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well as some problems for the value
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the basic theory has been modific
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Just

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fact that utilitarianism seems incor
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justice. Distributive justice is justi
benefits – such as health care, whic
and burdens – such as taxation, wh
Retributive justice is justice concern
punishments – such as criminal pro
citizen's awards or court settlement

Consider a problem with distrib
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Let's also make the empirical assu
work really hard in this society, the