

From:  
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The Elements of Moral Philosophy

## CHAPTER 8

### *The Debate over Utilitarianism*

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

JOHN STUART MILL, *UTILITARIANISM* (1861)

Man does not strive after happiness; only the Englishman does that.  
FRIEDRICH NIETZSCHE, *TWILIGHT OF THE IDOLS* (1889)

#### **8.1. The Classical Version of the Theory**

Classical Utilitarianism, the theory of Bentham and Mill, can be summarized in three propositions: (a) Actions are to be judged right or wrong solely by virtue of their consequences; nothing else matters. (b) In assessing consequences, the only thing that matters is the amount of happiness or unhappiness that is created; everything else is irrelevant. (c) Each person's happiness counts the same. Thus, right actions are those that produce the greatest balance of happiness over unhappiness, with each person's happiness counted as equally important.

This theory has profoundly influenced both ethicists and social scientists. Most ethicists, however, reject Utilitarianism, due to a slew of objections. In what follows, we will examine some of these objections and consider whether they succeed. In doing so, we will grapple with some fundamental questions in moral philosophy.

#### **8.2. Is Pleasure All That Matters?**

The question *What things are good?* is different from the question *What actions are right?* and Utilitarianism answers the second question by reference to the first. Right actions are the ones

that produce the most good. But what is good? The utilitarian reply is: happiness. As Mill puts it, "The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things being desirable as means to that end."

But what is happiness? According to the classical utilitarians, happiness is pleasure. Utilitarians understand "pleasure" broadly, to include all mental states that feel good. A sense of accomplishment, a delicious taste, and the heightened awareness that comes at the climax of a suspenseful movie are all examples of pleasure. The idea that pleasure is the one ultimate good—and pain the one ultimate evil—has been known since antiquity as Hedonism. Hedonism has always been attractive because of its simplicity and because it expresses the plausible notion that things are good or bad because of how they make us *feel*. Yet a little reflection seems to reveal flaws in this theory.

Consider these two examples:

- *You think someone is your friend, but he ridicules you behind your back.* No one tells you, so you never know. Is this unfortunate for you? Hedonists would have to say it is not, because you are never caused any pain. Yet we feel there is something bad going on. You are "being made a fool of," even though you are unaware of it and you suffer no unhappiness.
- *A promising young pianist's hands are injured in a car accident so that she can no longer play.* Why is this bad for her? Hedonists would say it is bad because it causes her pain and eliminates a source of joy for her. But suppose she finds something else that she enjoys just as much—suppose, for example, that she gets as much pleasure from watching hockey on TV as she once got from playing the piano. Why is her accident now a tragedy? The hedonist can only say that she will feel frustrated and upset whenever she thinks of what might have been, and her misfortune is that she feels bad. But this explanation gets things backwards. It is not as though, by feeling upset, she has turned a neutral situation into a bad one. On the contrary, the bad situation is what made her unhappy. She could have had a career as a concert pianist, and now she cannot. That is the tragedy. We cannot eliminate the tragedy just by getting her to cheer up and watch hockey.

Both of these examples make the same basic point: We value all sorts of things, such as artistic creativity and friendship, for their own sakes. It makes us happy to have them, but that's not the only reason we value them. It seems like a misfortune to lose them, even if there is no loss of happiness.

For this reason, there are not many hedonists among contemporary philosophers. Those sympathetic to Utilitarianism have therefore sought a way to formulate their view without assuming a hedonistic account of the good. Some, such as the English philosopher G. E. Moore (1873–1958), have tried to compile short lists of things to be regarded as valuable in themselves. Moore suggested that there are three obvious intrinsic goods—pleasure, friendship, and aesthetic enjoyment—and so right actions are those actions that increase the world's supply of these things. Other utilitarians bypass the question of how many things are good in themselves, saying only that right actions are the ones that have the best results, however that is measured. Still others say that we should act so as to maximize the satisfaction of people's *preferences*. I won't discuss the merits and demerits of these varieties of Utilitarianism. I mention them only to note that, although Hedonism has largely been rejected, contemporary utilitarians have not found it difficult to carry on.

### 8.3. Are Consequences All That Matter?

To determine whether an action is right, utilitarians believe that we should look at *what will happen as a result of doing it*. This idea is essential to the theory. If things other than consequences are important in determining what is right, then Utilitarianism is incorrect. Here are three arguments that attack the theory at just this point.

**Justice.** In 1965, writing in the racially charged climate of the American Civil Rights movement, H. J. McCloskey asks us to consider the following case:

Suppose a utilitarian were visiting an area in which there was racial strife, and that, during his visit, a Negro rapes a white woman, and that race riots occur as a result of the crime. . . . Suppose too that our utilitarian is in the area of the crime when it is committed such that his

testimony would bring about the conviction of [whomever he accuses]. If he knows that a quick arrest will stop the riots and lynchings, surely, as a utilitarian, he must conclude that he has a duty to bear false witness in order to bring about the punishment of an innocent person.

Such an accusation would have bad consequences—the innocent man would be convicted—but there would be enough good consequences to outweigh them: The riots and lynchings would be stopped. The best outcome would be achieved by lying; therefore, according to Utilitarianism, lying is the thing to do. But, the argument continues, it would be wrong to bring about the conviction of an innocent person. Therefore, Utilitarianism, which implies otherwise, must be incorrect.

According to the critics of Utilitarianism, this argument illustrates one of the theory's most serious shortcomings, namely, that it is incompatible with the ideal of justice. Justice requires that we treat people fairly, according to the merits of their particular situations. In McCloskey's example, Utilitarianism requires that we treat someone unfairly. Thus, Utilitarianism cannot be right.

**Rights.** Here is an example from the U.S. Court of Appeals. In the case of *York v. Story* (1963), arising out of California:

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

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

Later that month, Story advised appellant that the pictures did not come out and that he had destroyed them.

Instead, Story circulated these photographs among the personnel of the Chino police department. In April, 1960, two other officers of that police department, appellee Louis Moreno and defendant Henry Grote, acting under color of their authority as such, and using police photographic equipment located at the police station, made additional prints of the photographs taken by Story. Moreno and Grote then circulated these prints among the personnel of the Chino police department.

Ms. York brought suit against these officers and won. Her legal rights had clearly been violated. But what of the *morality* of the officers' behavior? Utilitarianism says that actions are defensible if they produce a favorable balance of happiness over unhappiness. This suggests that we compare the amount of unhappiness caused to York with the amount of pleasure the photographs gave to Officer Story and the others. It is at least possible that more happiness than unhappiness was created. In that case, the utilitarian conclusion would be that their actions were morally acceptable. But this seems to be a perverse way of thinking. Why should the pleasure of Story and his friends matter at all? They had no right to treat York in this way, and the fact that they enjoyed doing so hardly seems a relevant defense.

Consider a related case. Suppose a Peeping Tom spied on a woman through her bedroom window and secretly took pictures of her undressed. Further suppose that he did this without being detected and that he used the photographs entirely for his own pleasure, without showing them to anyone. Now, under these circumstances, the only consequence of his action seems to be an increase in his own happiness. No one else, including the woman, is caused any unhappiness at all. How, then, could Utilitarianism deny that the Peeping Tom's actions are right? But it is evident to moral common sense that they are not right. Thus, Utilitarianism appears to be unacceptable.

The key point to be drawn from this argument is that Utilitarianism is at odds with the idea that people have *rights* that may not be trampled on merely because one anticipates good results. In these cases, the woman's right to privacy is violated. But it would not be difficult to think of similar cases in which other rights are at issue—the right to worship freely, the right

to speak your mind, or even the right to live. It may happen that good purposes are served, from time to time, by violating these rights. But we do not think that our rights should be set aside so easily. The notion of a personal right is not a utilitarian notion. Quite the opposite: It is a notion that places limits on how an individual may be treated, regardless of the good purposes that might be accomplished.

**Backward-Looking Reasons.** Suppose you have promised someone you will do something—say, you promised to meet her at the mall this afternoon. But when the time comes to go, you don't want to do it; you need to catch up on some work and you would rather stay home. You try to call her up to cancel, but she isn't answering her cell phone. What should you do? Suppose you judge that the utility of getting your work done slightly outweighs the irritation your friend will experience from being stood up. Appealing to the utilitarian standard, you might conclude that staying home is better than keeping your promise. However, this does not seem correct. The fact that you *promised* imposes an obligation on you that you cannot escape so easily. Of course, if a great deal were at stake—if, for example, you had to rush your mother to the hospital—you would be justified in breaking the promise. But a *small* gain in utility cannot overcome the obligation created by your promise; the obligation should mean something, morally. Thus, Utilitarianism once again seems mistaken.

This criticism is possible because Utilitarianism cares only about the *consequences* of our actions. However, we normally think that considerations about the past are important, too. You made a promise to your friend, and that's a fact about the past. Utilitarianism seems faulty because it excludes such backward-looking reasons.

Once we understand this point, we can think of other examples of backward-looking reasons. The fact that someone committed a crime is a reason to punish him. The fact that someone did you a favor last week may be a reason why you should do her a favor next week. The fact that you did something to hurt someone may be a reason to make it up to him now. These are all facts about the past that are relevant to determining our obligations. But Utilitarianism makes the past irrelevant, and so it seems flawed.

#### 8.4. Should We Be Equally Concerned for Everyone?

The last part of Utilitarianism says that we must treat each person's happiness as equally important—or as Mill put it, we must be “as strictly impartial as a disinterested and benevolent spectator.” Stated abstractly, this sounds plausible, but it has troublesome implications. One problem is that the requirement of “equal concern” places too great a demand on us; another problem is that it disrupts our personal relationships.

**The Charge That Utilitarianism Is Too Demanding.** Suppose you are on your way to the movies when someone points out that the money you are about to spend could be used to provide food for starving people or inoculations for third-world children. Surely, those people need food and medicine more than you need to see Brad Pitt and Angelina Jolie. So you forgo your entertainment and donate the money to a charitable agency. But that is not the end of it. By the same reasoning, you cannot buy new clothes, a car, a digital camera, or a PlayStation. Probably you should move into a cheaper apartment. After all, what's more important—that you have these luxuries, or that children have food?

In fact, faithful adherence to the utilitarian standard would require you to give away your resources until you've lowered your standard of living to the level of the neediest people you could help. Or rather, you'd need to leave yourself just enough to maintain your job, so that you can keep on giving. Although we admire people who do this, we do not regard them as simply doing their duty. Instead, we regard them as saintly people whose generosity goes *beyond* the call of duty. Philosophers call such actions *supererogatory*. But Utilitarianism seems unable to recognize this moral category.

The problem is not merely that Utilitarianism would require us to give up most of our material resources. It would also prevent us from carrying on our individual lives. We all have goals and projects that make our lives meaningful. An ethic that requires the subordination of everything to the promotion of the general welfare would force us to abandon those endeavors. Suppose you are a web designer, not getting rich but making a decent living; you have two children whom you love; and on

weekends, you like to perform with an amateur theater group. In addition, you enjoy reading history. How could there be anything wrong with this? But judged by the utilitarian standard, you are leading a morally unacceptable life. After all, you could be doing a lot more good if you spent your time in other ways.

**The Charge That Utilitarianism Disrupts Our Personal Relationships.** In practice, none of us is willing to treat everyone equally, since that would require us to abandon our special relationships with friends and family. We are all deeply partial where our family and friends are concerned. We love them, and we go to great lengths to help them. To us, they are not just members of the great crowd of humanity—they are special. But all this is inconsistent with impartiality. When you are impartial, you miss out on intimacy, love, affection, and friendship.

At this point, Utilitarianism seems to have lost touch with reality. What would it be like to be no more concerned for one's husband or wife than for strangers whom one has never met? The very idea is absurd; not only is it profoundly contrary to normal human emotions, but loving relationships could not even exist apart from special responsibilities and obligations. Again, what would it be like to treat one's children with no greater love than one has for strangers? As John Cottingham puts it, "A parent who leaves his child to burn" because "the building contains someone else whose future contribution to the general welfare promises to be greater, is not a hero; he is (rightly) an object of moral contempt, a moral leper."

## 8.5. The Defense of Utilitarianism

These arguments add up to an overwhelming indictment of Utilitarianism. The theory, which at first seemed so plausible and progressive, now seems indefensible. It seems at odds with justice and individual rights, and it seems unable to account for the place of backward-looking reasons in justifying conduct. It would have us give away most of our possessions and spoil the personal relationships that mean everything to us.

Not surprisingly, the combined weight of these arguments has prompted most philosophers to abandon the theory altogether. Some philosophers, however, continue to believe in Utilitarianism. Three general defenses have been offered.

**The First Defense: Denying That the Consequences Would Be Good.** The first defense says that the anti-utilitarian arguments make unrealistic assumptions. Most of those arguments share a common strategy. The critic describes a case and then says that Utilitarianism requires a certain action—bearing false witness, violating someone's rights, and so on. But, the critic says, these actions are obviously immoral. Therefore, Utilitarianism is incorrect.

'But this strategy succeeds only if we agree that the actions described really would have the best consequences. And why should we agree with that? In the real world, lying under oath does *not* have good consequences. Suppose, in the case described by McCloskey, the "utilitarian" tried to incriminate the innocent man in order to stop the riots. He probably would not succeed; his lie might be found out, and then the situation would be even worse than before. Even if the lie succeeded, the real culprit would remain at large and might commit more crimes. Also, if the guilty party were caught later on, which is always possible, the liar would be in deep trouble, and confidence in the criminal justice system would erode. The moral is that although one might *think* that one can bring about the best consequences by such behavior, one cannot be certain of it. In fact, experience teaches the opposite: Utility is not served by framing innocent people.

The same goes for the other cases cited in the anti-utilitarian arguments. Lying, violating people's rights, breaking one's promises, and severing one's personal relationships all have bad consequences. Only in philosophers' imaginations is it otherwise. In the real world, Peeping Toms are caught, just as Officer Story and his cohorts were caught, and their victims suffer. In the real world, when people lie, their reputations suffer and other people get hurt; and when people break their promises and fail to return favors, they lose their friends.

So that is the first defense. How effective is it? Unfortunately, it contains more bluster than substance. While it is true that *most* acts of false witness and the like have bad consequences, it cannot be said that *all* such acts have bad consequences. At least once in a while, one can bring about a good result by doing something repugnant to moral common sense. Therefore, in at least some real-life cases, Utilitarianism will conflict with common sense. Moreover, even if the anti-utilitarian

arguments had to rely exclusively on fictitious examples, those arguments would nevertheless retain their power, for showing that Utilitarianism has unacceptable consequences in hypothetical cases is a valid way of critiquing it. The first defense, then, is weak.

**The Second Defense: The Principle of Utility Is a Guide for Choosing Rules, Not Acts.** Revising a theory is a two-step process: first, you identify which feature of the theory needs work; second, you change only that feature, leaving the rest of the theory intact. What feature of Classical Utilitarianism is causing the trouble?

The troublesome assumption is that *each individual action* should be evaluated by reference to the Principle of Utility. If on a certain occasion you are tempted to lie, classical Utilitarianism says that whether it would be wrong depends on the consequences of *telling that particular lie*; whether you should keep a particular promise depends on the consequences of *keeping that particular promise*; and so on for each of the examples we have considered. If what we care about is the consequences of particular actions, then we can always dream up circumstances in which a horrific action will have the best consequences.

Therefore, the new version of Utilitarianism modifies the theory so that individual actions are no longer judged by the Principle of Utility. Instead, we first ask what *set of rules* is optimal, from a utilitarian viewpoint. In other words, what rules should we follow to maximize happiness? Individual acts are then judged right or wrong according to whether they are acceptable or unacceptable by these rules. This new version of the theory is called "Rule-Utilitarianism," to distinguish it from the original theory, now commonly called "Act-Utilitarianism."

Rule-Utilitarianism has an easy answer to the anti-utilitarian arguments. An act-utilitarian would incriminate the innocent man in McCloskey's example because the consequences of *that particular act* would be good. But the rule-utilitarian would not reason in that way. She would first ask, What rules of conduct tend to promote the most happiness? One good rule is "Don't bear false witness against the innocent." That rule is simple, easy to remember, and following it will almost always increase happiness. By appealing to it, the rule-utilitarian can conclude that in McCloskey's example we should not testify against the innocent man.

Analogous reasoning can be used to establish rules against violating people's rights, breaking promises, lying, betraying one's friends, and so on. We should accept such rules because following them, as a regular practice, promotes the general happiness. We no longer judge acts by their utility but by their conformity with these rules. Thus, Rule-Utilitarianism cannot be convicted of violating our moral common sense. In shifting emphasis from the justification of acts to the justification of rules, Utilitarianism has been brought into line with our intuitive judgments.

However, a serious problem with Rule-Utilitarianism arises when we ask whether the ideal rules have *exceptions*. Must the rules be followed no matter what? What if a "forbidden" act would greatly increase the overall good? The rule-utilitarian might give any one of three replies.

First, if she says that in such cases we may violate the rules, it looks like she wants to assess actions on a case-by-case basis. This is Act-Utilitarianism, not Rule-Utilitarianism.

Second, she might suggest that we formulate the rules so that violating them never will increase happiness. For example, instead of using the rule "Don't bear false witness against the innocent," we might use the rule "Don't bear false witness against the innocent, unless doing so would achieve some great good." If we change all of the rules in this way, then Rule-Utilitarianism will be exactly like Act-Utilitarianism in practice; the rules we follow will always tell us to choose the act that promotes the most happiness in our particular circumstances. But now Rule-Utilitarianism does not provide a response to the anti-utilitarian arguments; like Act-Utilitarianism, it tells us to incriminate the innocent, to break our promises, to spy on people in their homes, and so on.

Finally, the rule-utilitarian might stand her ground and say that we should never break the rules, even to promote happiness. J. J. C. Smart (1920-) says that such a person suffers from an irrational "rule worship." Whatever one thinks of that, this version of Rule-Utilitarianism is not really a utilitarian theory. Utilitarians care solely about happiness and about consequences; but this theory, in addition, cares about following rules. The theory is thus a mix of Utilitarianism and something else entirely. To paraphrase one writer, this type of Rule-Utilitarianism is like a rubber duck: just as a rubber duck is not

a kind of duck, this type of Rule-Utilitarianism is not a kind of Utilitarianism. And so, we cannot defend Utilitarianism by appealing to it.

**The Third Defense: "Common Sense" Is Wrong.** Finally, some utilitarians have offered a very different response to the objections. Upon being told that Utilitarianism conflicts with common sense, they respond, "So what?" Looking back at his own defense of Utilitarianism, J. J. C. Smart writes:

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

This breed of utilitarian—hard-nosed and unapologetic—can offer three responses to the anti-utilitarian arguments.

**The First Response: All Values Have a Utilitarian Basis.** Critics of Utilitarianism say that the theory can't make sense of some of our most important values—such as the value we attach to truth telling, promise keeping, respecting others' privacy, and loving our children. Consider, for example, lying. The main reason not to lie, the critics say, has nothing to do with bad consequences. The reason is that lying is dishonest; it betrays people's trust. That fact has nothing to do with the utilitarian calculation of benefits. Honesty has a value over and above any value that the utilitarian can acknowledge. The same is true of promise keeping, respecting others' privacy, and loving our children.

But according to philosophers such as Smart, we should think about these values one at a time and consider why they're important. When people lie, the lies are often discovered, and those betrayed feel hurt and angry. When people break their promises, they irritate their neighbors and alienate their friends. Someone whose privacy is violated may feel humiliated and want to withdraw from others. When people don't care more about their own children than they do about strangers, their children feel unloved, and one day they too may become

unloving parents. All these things reduce happiness. Far from being at odds with the idea that we should be honest, dependable, respectful, and loving to our children, Utilitarianism explains why those things are good.

Moreover, apart from the utilitarian explanation, these duties would seem inexplicable. What could be stranger than the idea that lying is wrong "in itself," apart from any harm it causes? And how could people have a "right to privacy" unless respecting that right brought about some benefit? On this way of thinking, Utilitarianism is not incompatible with common sense; on the contrary, Utilitarianism justifies the common-sense values we have.

**The Second Response: Our Gut Reactions Can't Be Trusted When Cases Are Exceptional.** Although some cases of injustice serve the common good, those cases are exceptions. Lying, promise breaking, and violations of privacy usually lead to unhappiness, not happiness. This observation forms the basis of another utilitarian response.

Consider again McCloskey's example of the person tempted to bear false witness. Why do we immediately and instinctively believe it to be wrong to bear false witness against an innocent person? The reason, some say, is that throughout our lives we have seen lies lead to misery and misfortune. Thus, *we instinctively condemn all lies, even ones that do not lead to misery and misfortune.* But when we condemn lies that are beneficial, our intuitive faculties are misfiring. Experience has taught us to condemn lies because they reduce happiness. Now, however, we are condemning lies that increase happiness. When confronting unusual cases, such as McCloskey's, perhaps we should trust the Principle of Utility more than our gut instincts.

**The Third Response: We Should Focus on All the Consequences.** When we're asked to consider a "despicable" action that maximizes happiness, the action is often presented in a way that encourages us to focus on its bad effects, and not on its good effects. If instead we focus on *all* the effects of the act, Utilitarianism seems more plausible.

Consider yet again the McCloskey example. McCloskey says it would be wrong to convict an innocent man because that would be unjust. But what about the *other* innocent people who

will be hurt if the rioting and lynchings continue? What about the pain that will be endured by those who are beaten and tormented by the mob? What about the deaths that will occur if the man doesn't lie? Children will lose their parents, and parents will lose their children. Of course, we never want to face a situation like this. But if we must choose between securing the conviction of one innocent person and allowing the deaths of several innocent people, is it so unreasonable to think that the first option is preferable?

And consider again the objection that Utilitarianism is too demanding because it tells us to use our resources to feed starving children rather than using those resources to eat at restaurants. If we focus our thoughts on those who would starve, do the demands of Utilitarianism seem so unreasonable? Isn't it self-serving of us to say that Utilitarianism is "too demanding," rather than saying that we should feed starving children?

This strategy works better for some cases than for others. Consider the Peeping Tom. The unapologetic utilitarian will tell us to consider the pleasure *he* gets from spying on unsuspecting women. If he gets away with it, what harm has been done? Why should his action be condemned? Most people will condemn his behavior, despite the utilitarian arguments. Utilitarianism, as Smart suggests, cannot be fully reconciled with common sense.

Nevertheless, some philosophers think that Act-Utilitarianism is a perfectly defensible doctrine that does not need to be modified. Even so, it must be said that Utilitarianism is a radical doctrine that challenges many commonsense assumptions. In this respect, it does what good philosophy always does—it makes us think about things that we take for granted.

## 8.6. Concluding Thoughts

If we consult what Smart calls our "common moral consciousness," many considerations other than utility seem morally important. But Smart is right to warn us that "common sense" cannot be trusted. That may turn out to be Utilitarianism's greatest contribution. The deficiencies of moral common sense become obvious if we think for only a moment. Many white people once felt that there was an important difference between whites and blacks, so that the interests of whites were somehow

more important. Trusting the "common sense" of their day, they might have insisted that an adequate moral theory should accommodate this "fact." Today, no one worth listening to would say such a thing, but who knows how many other irrational prejudices are still part of our moral common sense? At the end of his classic study of race relations, *An American Dilemma*, Nobel Laureate Gunnar Myrdal (1898–1987) reminds us:

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

Could it be, for example, that future generations will look back in disgust at the way affluent people in the 21st century enjoyed their comfortable lives while third-world children died of easily preventable diseases? Or at the way we confined and slaughtered helpless animals? If so, they might note that utilitarian philosophers were ahead of their time in condemning such things.