

8.4. The Defense of Utilitarianism

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

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

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

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

This strategy succeeds only if we admit that the actions described *really would* have the best consequences. But the utilitarian need not admit this. He can object that, in the real world, bearing false witness 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. His effort might not succeed; his lie might be found out, and then the situation would be even worse than before. Even if the lie did succeed, the real culprit would remain at large, to commit additional crimes. Moreover, if the guilty party were caught later on, which is always a possibility, the liar would be in deep trouble, and confidence in the criminal justice system would be undermined. The moral is that although

one might *think* that one can bring about the best consequences by such behavior, one can by no means be certain of it. In fact, experience teaches the contrary: utility is not served by framing innocent people. Thus the utilitarian position is *not* at odds with common-sense notions of justice in such cases.

The same goes for the other cases cited in the antiutilitarian arguments. Violating people’s rights, breaking one’s promises, and lying 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, others are hurt and their own reputations are damaged; and when people break their promises, they lose their friends.

Therefore, far from being incompatible with the idea that we should not violate people’s rights or lie or break our promises, Utilitarianism explains *why* we should not do those things. Moreover, apart from the utilitarian explanation, these duties would remain mysterious and unintelligible. What could be more mysterious than the notion that some actions are right “in themselves,” severed from any notion of a good to be produced by them? Or what could be more unintelligible than the idea that people have “rights” unconnected with any benefits derived from the acknowledgment of those rights? Utilitarianism is not incompatible with common sense; on the contrary, Utilitarianism *is* commonsensical.

The Second Line of Defense. The first line of defense contains more bluster than substance. While it can plausibly be maintained that *most* acts of false witness and the like have bad consequences in the real world, it cannot reasonably be asserted that *all* such acts have bad consequences. Surely, in at least some real-life cases, one can bring about good results by doing things that moral common sense condemns. Therefore, in at least some real-life cases Utilitarianism will come into conflict with common sense. Moreover, even if the antiutilitarian arguments had to rely exclusively on fictitious examples, those arguments would nevertheless retain their power; for showing that Utilitarianism has unacceptable consequences in

hypothetical cases is a perfectly valid way of pointing up its theoretical defects. The first line of defense, then, is weak.

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

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

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

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

concludes that the person in McCloskey's example should not testify against the innocent man.

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

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

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

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

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

conflicts with those feelings? Perhaps it is the feelings, not the theory, that should be discarded.

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

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

8.5. What Is Correct and What Is Incorrect in Utilitarianism

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

If we consult what Smart calls our "common moral con-

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

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

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

The warning should be heeded. "Common sense" can, indeed, mislead us. At the same time, however, there might be at least some nonutilitarian considerations that an adequate theory *should* accept, because there *is* a rational basis for them. Consider, for example, the matter of what people deserve. A person who has worked hard in her job may deserve a promotion more than someone who has loafed, and it would be unjust for the loafer to be promoted first. This is a point that we would expect any fair-minded employer to acknowledge; we would all be indignant if we were passed over for promotion in favor of someone who had not worked as

hard or as well as we. Now utilitarians might agree with this, and say that it can be explained by their theory—they might argue that it promotes the general welfare to encourage hard work by rewarding it. But this does not seem to be an adequate explanation of the importance of desert. The woman who worked harder has a superior claim to the promotion, *not* because it promotes the general welfare for her to get it, but *because she has earned it*. The reason she should be promoted has to do with *her* merits. This does not appear to be the kind of consideration a utilitarian could admit.

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

I will say more about what people deserve, and why this is important for ethics, in Chapters 10 and 13. Here I will draw only this conclusion about Utilitarianism: although it emphasizes points that any adequate moral theory must acknowledge, Utilitarianism is not itself a fully adequate theory because there is at least one important matter—individual desert—that escapes its net.