Utilitarianism:

Act always so as to promote the greatest good for the greatest number of persons.
The needs of the many...

...outweigh the needs of the few or, the one....
Utilitarianism

- Utilitarianism is **hard universalism** – that is that there is an absolute, universal principle of morality which is not subject to cultural interpretation.

- Utilitarianism is also a **consequentialist theory** – in that only the consequences of an act count – *not* the intentions which precipitated the act.

- Utilitarianism asks us to consider the total good or bad which will obtain from any given action. In other words, *individual desires may be subordinated for the good of the majority of the members of society!*
Bentham, one of the earliest founders of Utilitarianism was an English philosopher and political radical.

Although he never practiced law, Bentham did write a great deal of philosophy of law, spending most of his life critiquing the existing law and strongly advocating legal reform. Throughout his work, he critiques various natural accounts of law which claim, for example, that liberty, rights, and so on exist independent of government. In this way, Bentham arguably developed an early form of what is now often called “legal positivism.”

He devised a plan for the now infamous “Panopticon”—a model prison where all prisoners would be observable by (unseen) guards at all times—a project which he had hoped would interest the Czarina Catherine the Great. After his return to England in 1788, and for some 20 years thereafter, Bentham pursued—fruitlessly and at great expense—the idea of the panopticon. Fortunately, an inheritance received in 1796 provided him with financial stability.

By the late 1790s, Bentham’s theoretical work came to have a more significant place in political reform. Still, his influence was, arguably, still greater on the continent. (Bentham was made an honorary citizen of the fledgling French Republic in 1792, and his *The Theory of Legislation* was published first, in French, by his Swiss disciple, Etienne Dumont, in 1802.)
Bentham’s Panopticon
Bentham’s Utilitarianism

- The Goal:

To derive a quantifiable, inclusive and universalizable standard for moral decision making.
Goods:

**Intrinsic**
- Goods that are valued without further justification – each is an end in itself
- Often referred to as ultimate values
- Goodness is in the thing and is not defined by what it may lead to

**Instrumental**
- Goods that are valued in terms of usefulness in acquiring other goods – they are means to another end
- Value is defined in context of utility towards the ultimate end and may often be without value outside of that particular context or end.
Why is Pleasure an intrinsic good?

Answer:
1. because it requires no further justification
2. because it is universally desired by all sentient beings regardless of class, race, gender or even species – it is that common point embedded in what it means to be sentient
3. because we cannot help but to be motivated to seek it and to avoid pain
“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do as well as determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne.”
Bentham on Pleasure

How should people’s pleasure or lack thereof be counted?

Answer: Equally – each person counts as one and no one person is to be treated as intrinsically more important than an other person.
Bentham on Pleasure

- Pleasure includes:
  - Physical
  - Moral
  - Political
  - Religious
Are there hierarchies of pleasure – do some pleasures count more than others?

Answer: No - the pleasure the Covent Garden flower girl gets from her bottle of Gin should be counted as no more nor no less worthy than the pleasure of the wealthy patron attending the Opera.
Why are all people and all pleasures treated equally?

Answer: Because Bentham is seeking the maximal amount of objectivity in his moral calculus. He recognized that we don’t all enjoy the same things to the same degree...Value is defined by the pleasure experienced by the individual and just because I may take no pleasure in surfing, it does not follow that the activity is not pleasurable and thus valuable to you.
Bentham’s Utilitarianism

The Argument:

P1) All people desire pleasure and seek to avoid pain
P2) This principle does not depend on societal contexts – it is universal
P3) The power to maximize this good lies within the position of the legislator within a society

C) The sole duty of that legislator is to maximize the greatest good for the greatest number of people
Bentham’s Utilitarianism

The Moral Universe:
Whose pleasure should be included in the calculus?

Answer: Every being who is capable of suffering, ...including animals.
The Hedonic Calculus

- **Intensity**
- **Duration**
- **Certainty** – how certain are we that the act will generate pleasure
- **Propinquity** vs. remoteness (whether it is easy/near or difficult/far to achieve)
- **Fecundity** (capable of being followed by similar sensations)
- **Purity** (mixed or unmixed with pleasure)
- **Extent** – how many people will be affected by our action

Bentham’s “Auto-Icon” at University College in London
Do the interests of the community outweigh the interests of the individual?

Answer: “The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost….The community is a fictitious body, composed of the individual persons….The interest of the community then is…the sum of the interests of the several members who compose it.” (p.257)
Bentham made a distinction between self-regarding actions and other-regarding actions.

“Of the above list there are certain pleasures and pains which suppose the existence of some pleasure or pain, of some other person, to which the pleasure or pain of the person in question has regard: such pleasures and pains may be termed extra-regarding. Others do not suppose any such thing: these may be termed self-regarding. The only pleasures and pains of the extra-regarding class are those of benevolence and those of malevolence: all the rest are self-regarding.”

Bentham on Morality & The Law

- He ties liberty with pleasure and the lack thereof with pain: “[i]n every human breast... self-regarding interest is predominant ....”

- He argued that liberty is to be preserved to the greatest extent and the government should only intervene in the case of one’s actions resulting in injury to others.
It follows from this that laws that existed in Bentham’s time against gluttony, drunkenness, the wearing of excessive apparel, idleness, or homosexuality for example*, would have been considered unwarranted interference.

*(all part of the “39 Articles” of faith Bentham had to sign when admitted at Queen's College, Oxford in 1760)
Bentham argued that it was only reasonable to make laws against actions that had an impact on others.

- e.g. actions that could result from drunkenness, such as driving under the influence or becoming a public nuisance.

- "Whatever pleasures are excited all at once by the action of the same cause, are apt ..... of benevolence and those of malevolence: all the rest are self-regarding. .... by illegal violence, or in the way of punishment, by appointment of the laws."

Bentham rejected legal condemnation of self-regarding actions on the basis of tradition, religion, taste, or some attempt to derive a foundation based on natural law:

“...if you go about, by word or deed, to do anything to hinder him, or make him suffer for it, it is you, and not he, that have done wrong: it is not your setting yourself to blame his conduct, or branding it with the name of vice that will make him culpable, or you blameless.”

Would Bentham agree to torture?

- Waterboarding is a centuries-old practice used to coerce prisoners during interrogations by using water to cut off oxygen and to create both the feeling and fear of drowning. It was approved by the Justice Department under President George W. Bush for use by the Central Intelligence Agency on so-called "high value" terrorism suspects, then barred by President Obama on his second day in office.
Strengths of Bentham’s Utilitarianism:

- **Objective & universalizable**: One does not assign priority of concern for others based on one’s own subjective definition of pleasure. The calculus requires one to act with consideration for others regardless of whether one actually does take pleasure in what others value. Pleasure is a product of sentience thus all sentient beings are included in the moral deliberations.

- **Quantifiable/measurable**: Specific values are assigned to observable outcomes.

- **Democratic**: One’s own ends do not outweigh the ends of others nor is one necessarily required to constantly sacrifice one’s own ends.
Challenges to Bentham’s Utilitarianism:

- **Values assigned to outcomes must always reflect a bias** within a particular operating system – i.e. the test will be rigged & thus not as objective as it might appear.

- **Process is unwieldy** – there’s rarely sufficient time to perform the calculus thoroughly for every moral decision – or even for big moral decisions.

- **Future will always be uncertain** – we don’t know for sure which outcome we intend will actually produce greatest good. Further, those consequences for even small acts may reverberate throughout generations – going well beyond what may be reasonably foreseen.

- **Problem of sheer numbers** – if pleasures and pains are not qualitatively ranked then it seems justifiable to torture one person for the amusement of the many.
John Stuart Mill

John Stuart Mill (1806-1873), British philosopher, economist, moral and political theorist, and administrator, was the most influential English-speaking philosopher of the nineteenth century. His views are of continuing significance, and are generally recognized to be among the deepest and certainly the most effective defenses of empiricism and of a liberal political view of society and culture. The overall aim of his philosophy is to develop a positive view of the universe and the place of humans in it, one which contributes to the progress of human knowledge, individual freedom and human well-being.

(plato.stanford.edu/entries/mill/)
John Stuart Mill

He was the eldest son of James Mill, a Scotsman who had come to London and become a leading figure in the group of philosophical radicals which aimed to further the utilitarian philosophy of Jeremy Bentham. He began to learn Greek at three and Latin at eight. By the age of fourteen he had read most of the Greek and Latin classics, had made a wide survey of history, had done extensive work in logic and mathematics, and had mastered the basics of economic theory. This education was undertaken according to the principle of Bentham's associationist psychology, and aimed to make of the younger Mill a leader in views of the philosophical radicals.

At fifteen John Stuart Mill undertook the study of Bentham's various fragments on the theory of legal evidence. These had an inspiring influence on him, fixing in him his life-long goal of reforming the world in the interest of human well-being. At eighteen he spent considerable time and effort at editing these manuscripts into the long coherent treatise that they became in his hands. Guided by his father he threw himself into the work of the philosophical radicals, and began an active literary career. Shortly thereafter, in 1823, his father secured him a junior position in the East India Company. He rose in the ranks, eventually to occupy his father's position of Chief Examiner. A visit to France in 1820 had made Mill thoroughly fluent in the language, and he became a life-long student of French thought and history.

In 1826, Mill suffered a sudden attack of intense depression. This lasted for many months. He continued his work, and indeed even his political activities, but internally he felt that his former goals were without worth. He came to believe that his capacity for emotion had been severely weakened by his father's rigorous training in analysis. His intellect had been educated but not his feelings. In the reading of Wordsworth's poetry he found something of the cure that he needed, and the depression gradually disappeared. (plato.stanford.edu)
Bentham established no hierarchies of goods – suggests that there are no qualitative differences

Bentham would hold us responsible for long term and impossibly unforeseeable consequences for each and every act.
“It is quite compatible with the principle of utility to recognize the fact, that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.”
(p.258)
Mill’s Critique of Bentham:

“It is better to be a human dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.”

(J.S. Mill, Utilitarianism.)
Mill’s Highest Good:

Happiness

Which Includes:

› **Pride** (as in Aristotle not the Christian version)

› **A love of liberty** & personal independence

› a love of power (**empowerment**) & excitement

› **dignity** – the “**most appropriate appellation**”
“Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, (pleasure and happiness) do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals for a promise of the fullest allowance of a beast’s pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus....” (p. 259)
Two Important Points:

1. The justification for happiness depends on human psychology – we have no choice in our preference for happiness/pleasure – to demand otherwise is impossible.

2. The assignation of value to various goods is made by those who have experience in both the higher and lower pleasures – the well educated and rational person, not the “fool” or “ignoramus.”
The Naturalistic Fallacy:

- Mill joined Bentham in rejecting Natural Law theories which held that there was some universal domain of liberty where the human is superior to all of nature. Nor does he claim that pleasure or happiness are a priori rationally demonstrable objective facts. The foundation of his claims that happiness is the highest good is that people desire it. He argued that all ends are either pleasure or parts or of pleasure. This is a matter of psychological fact.

- As Mill puts it, “to desire anything, except in proportion as the idea of it is pleasure, is a physical and metaphysical impossibility” (Utilitarianism, Ch. 4). This implies that pleasure is the end of morality: “The sole evidence it is possible to produce that anything is desirable [= worthy of desire], 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.”
The Naturalistic Fallacy:

• "Mill's point is often criticized as making an illegitimate inference from "is" to "ought," from "is desired" to "is worthy of desire." G. E. Moore made such a criticism, calling it the "naturalistic fallacy." It is indeed a move characteristic of Mill's naturalism which makes experience the test of one's principles, in ethics as in science. But in the present case, the inference is not a fallacy. In his proof of the principle of utility, Mill does infer an ought from an is, but he does so legitimately. Mill's point is that, just as we must make inductions, and must accept certain basic perceptual judgments, so we must seek pleasure. And since, as a matter of lawful fact about human beings, we must seek pleasure, it is unreasonable to suggest that anything else could be morally demanded of us. Mill is here replying especially to Carlyle, who asked (in Sartor Resartus), "What right do you have to pleasure?" Mill's reply is that so to act is right because that is just the way human beings are, anything else is simply not, as a matter of psychological fact, possible: we cannot be in any other way." Stanford Encyclopedia of Philosophy, Archives

• Mill in this argument is (once again) relying on the principle that must implies ought, the converse of the principle that ought implies can. If these principles did not govern our moral attitudes, we would end up attempting the impossible, and, if the point of morality is to guide action, then that is unreasonable: any action attempting the impossible is bound to be pointless.
Stanford Encyclopedia of Philosophy, Archives
“If by happiness be meant a continuity of highly pleasurable excitement, it is evident enough that this is impossible”

“is not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole not to expect more from life than it is capable of bestowing.” (p.260)

“Woodwinds 3” - Jayne Copland with Michael Vigliotti and Heather Blackie Davis.
Can everyone have a happy life?

- “The present wretched education, and wretched social arrangements, are the only real hindrance to its being attainable by almost all.”

- “As for the vicissitudes of fortune, and other disappointments connected with worldly circumstances, these are principally the effect either of gross imprudence, of ill-regulated desires, or of bad or imperfect social institutions.” (p.260)
Mill feared that the central problem of Utilitarianism would become the "tyranny of the majority" that egregious harms to the minority would be justifiable by the benefit to the majority.
Mill proposed the institution of rights to protect the minority from being tyrannized and to protect the majority from becoming tyrants – an end inconsistent with the good as Mill had defined it.
Mill On Tyranny of the Majority, Rights and the Harm Principle:

- However, rights were not meant to be absolute or completely inalienable. Mill established the limitations governmental interference based on what he called, the “harm principle.” Mill argued that “the only purpose of interfering with the life of someone is to prevent harm to others.” This position has been called “classical liberalism because of its emphasis on personal liberty” However, these rights do not extend to “children and idiots” (see John Locke) because they are not sufficiently able to make proper decisions for themselves.
Mill on the Rights of Women:

“That the principle which regulates the existing social relations between the two sexes — the legal subordination of one sex to the other — is wrong itself, and now one of the chief hindrances to human improvement; and that 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.”

Act and Rule Utilitarianism:

**Act:**
Measures the consequences of each action to determine moral worth

**Rule:**
- Measures the consequences of applying a rule over time – looks at types of acts rather than individual actions.
Was Mill an Act or Rule Utilitarian?

“Mill is not an “act utilitarian” who holds that the principle of utility is used to judge the rightness or wrongness of each and every act. But neither is he a “rule utilitarian” who holds that individual acts are judged by various moral rules which are themselves judged by the principle of utility acting as a second order principle to determine which set of rules secures the greatest amount of happiness…”
Was Mill an Act or Rule Utilitarian?

“...the principle of utility judges not simply rules, according to Mill, but rules with sanctions attached. But Mill holds that there are some occasions on which the principle of utility must be used to judge individual acts. There are two sorts of such occasion. One is to judge when exceptions to ordinary rules are to occur or to judge which subsidiary rule applies when two come into conflict. The other is to judge actions aimed at changing the social structure of rules. It is the leaders in “the ruling portion of the community” who must think and plan in this way, those who are in positions of economic or political or moral power that enables them to sway or determine public feeling and sentiments for social change.”

(plato.stanford.edu)
Was Mill an Act or Rule Utilitarian?

“Utilitarianism is not a simplistic moral principle to be mechanically applied, it is a long term social project.”

(plato.stanford.edu)
Would Mill have justified the Patriot Act?

- The USA Patriot Act was passed by Congress as a response to the terrorist attacks of September 11, 2001. The Act allows federal officials greater authority in tracking and intercepting communications, both for purposes of law enforcement and foreign intelligence gathering.

- Following are some of the more controversial sections of the Patriot Act:
  - Section 411 makes even unknowing association with terrorists a deportable offense.
  - Section 412 gives the attorney general authority to order a brief detention of aliens without any prior showing or court ruling that the person is dangerous.
  - Section 505 authorizes the use of an administrative subpoena of personal records, without requiring probable cause or judicial oversight.
  - Section 802 creates a category of crime called "domestic terrorism," penalizing activities that "involve acts dangerous to human life that are a violation of the criminal laws of the United States," if the actor's intent is to "influence the policy of a government by intimidation or coercion."

(www.answers.com/topic/patriot-act)