CHAPTER SEVENTEEN

RESULTS MATTER

OBJECTIVE ETHICAL THEORIES

Facing the Whole World, Not Just the Mirror

We move from subjective to objective ethical theories. That might seem a bit confusing, given that Ayn Rand calls her pseudo-theory Objectivism, which seems to imply that it is an objective theory.

We might call her version of ethical egoism a bridge between subjective and objective ethics. It is subjective because it measures goodness and badness according to the individual subject's own judgment. Thus, the standard evaluation of ethical egoism is subjective. On the other hand, Rand does attempt to defend her approach by appealing to something shared by all human beings by virtue of their being human beings (rationality). Thus, it might *seem* to be objective, but ultimately it determines the moral rightness or wrongness of an action on an *individual's* assessment.

Further, it fails the theory test by resembling pseudoscience far more vividly than the rigorous self-testing of science.

And here's where it falls far from objective ethical theories. These all attempt to remove the standard of moral evaluation from the individual, by appealing to a standard that can be tested outside one's own mind. These all attempt to determine whether something is just, correct, good, virtuous, or praiseworthy according to some standard *external* to any human being or individual group.

Just to remind ourselves:

> *An ethical theory T is **subjective** iff the standard of morality in T is considered dependent on the perspective of an individual person or group of people, and cannot be evaluated by anyone other than that individual person or group of people.*
>
> *An ethical theory T is **objective** iff the standard of morality in T is considered independent from any individual or group perspective, i.e., the standard is universal for all human beings.*

Notice how, regardless what she calls her account, Rand's ethical egoism falls squarely into the criteria of subjectivism, since the morality of any action, according to her, is wholly dependent upon the individual person.

Holding fast to our definitions, we can see how Rand and Ayer both posit subjective pseudo-theories. And if we think carefully, we can see how it would seem to follow from any subjectivist thesis that any discipline of ethics would turn out to be either an irrational or at least an unreasonable enterprise—if the standard of right and wrong is determined by the individual (or group) based on popular opinion, cultural bias, emotion, or self-interest alone, we would not be justified (at least not justified by reason) in challenging the dominant mindset in cases where our own (or a different culture from our own) intuitions or careful reasoning disagrees.

READING QUESTIONS

As you study this chapter, use these questions for critical thinking and analysis.

- How do we come to a *considered moral judgment*? How is this different than what we normally call an *opinion*?
- What is the difference between consequentialism and non-consequentialism?
- Explain in a careful paragraph, as if writing to a friend who has not taken this class, the difference between the concepts *morally praiseworthy, morally blameworthy, morally obligatory*, and *morally supererogatory*.
- Explain the Greatest Happiness Principle (GHP) and how it functions as the supreme standard for morality in Utilitarianism.
- What is a utilitarian calculus?
- What things must be considered on the utilitarian calculus in order to estimate pleasure and pain?
- What is the difference between ethical egoism and utilitarianism?

continued…

THE CONTENT & PURPOSE OF CHAPTER SEVENTEEN

Consequentialist Ethics

One powerful—and lasting—approach for measuring the moral value of an action looks to the *effects* or consequences of that action, kind of like Rand does. Only unlike her egoism, this approach considers the effects on *everyone* involved, not just the moral agent.

That is to say that this first account looks to moral *patients* and how each action affects them as a sum total group. This account will say that when one has a choice between different courses of action, that course of action that offers the best sum total benefit to everyone involved is the morally correct action.

But what counts as a benefit? And who gets counted as a moral patient? And what are the determining factors of the benefits and costs?

This is the stuff of chapter seventeen. We'll look at an ancient theory (it goes all the way back to ancient Greece and Epicurus!), but focus on its systematic development by English philosophers Jeremy Bentham and John Stuart Mill in the 1700s and 1800s. The former gave this theory the name Utilitarianism and named its fundamental axiom (standard):

> *it is the greatest happiness of the greatest number that is the measure of right and wrong.*[*]

Mill expanded Bentham's work and in his book *Utilitarianism* responded to a number of objections his contemporaries had raised.

We won't stop there. The English philosopher R.M Hare focused his analysis on a specific worry that Utilitarianism seemed not to adequately treat—slavery. His attempt modifies the classical approach by redefining the content of *utility*.

Finally, we'll look at the current face of Utilitarianism by reading its best proponent today: Australian philosopher Peter Singer, who begins by reminding us that moral patients include sentient animals, and presses us to take seriously the responsibility we have for every action we take that impacts others—no matter how distant in time, space, or species.

FOUNDATIONS

The following are some key ideas and concepts we'll deal with in this chapter:

- The standard that determines whether some action A is morally obligatory, morally blameworthy, or morally praiseworthy in all forms of Utilitarianism is called the ***Greatest Happiness Principle*** (GHP), and

READING QUESTIONS, *continued.*

- Explain Mill's argument for happiness as the *summum bonum*, or highest good. What other things does he consider, and why do they fail? Can you put his argument into standard form?
- How does Mill define happiness?
- Does Mill allow for a hierarchy of pleasures? Why is this an important question for his theory?
- Explain, in a careful paragraph written as if to a friend not taking this class, what Mill means when he says it is better to be a human dissatisfied than a pig satisfied. How does this defend his utilitarianism against potential objection? What is the objection?
- How does Mill argue that utilitarianism is more noble than ethical egoism? (He doesn't use the latter term, so look for the pseudo-theory in concept!)
- Why does Mill think people would be willing to sacrifice some personal pleasure to increase total pleasure?
- How is utilitarianism similar to, and different from, the Golden Rule?
- Does utilitarianism require the existence of God? Is it inconsistent with the existence of God? How is this to the advantage of the theory?

continued…

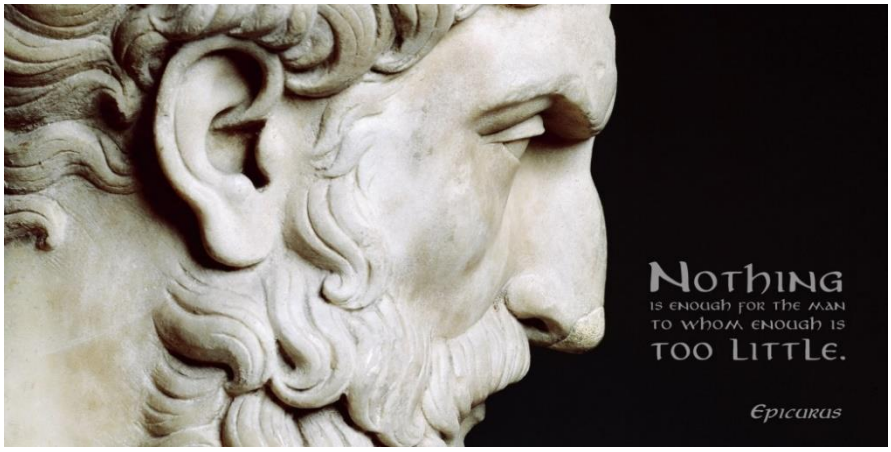
[*] Jeremy Bentham, "A Fragment of Government," 1776. Par. 2. Italics in the original.

it holds that the greatest happiness for the greatest number determines what is right or wrong.

- Happiness is defined as *pleasure* for Bentham and Mill, so their utilitarianism is called ***Social Hedonistic Consequentialism***.
- Happiness is defined as more than pleasure for contemporary utilitarians. *Welfare* or *Preference* are the determiners of happiness.
- A ***thought experiment*** is tool used to test the plausibility or consistency of a philosophical theory or argument. It is also used to test intuitions and enable the development of considered judgments.
- The ***utilitarian calculus*** is the tool whereby a utilitarian determines the morality of an action. It takes into account the maximizing/minimizing of utility (as pleasure, welfare, or preferences) for all involved, and it measures this by looking at the intensity, duration, certainty, proximity, productiveness, purity, and extent of the consequential utility.

TASKS AND CRITICAL QUESTIONS

This chapter contains ***two tasks*** and ***at least three critical questions***.* There are ***three team projects*** and ***one extra-credit opportunity*.**



MORAL CLAIMS & ARGUMENTS

It might be wise to pause a moment, before we dive into objective ethics, to recall our methodology and review our available tools. Ethics is moral *philosophy*. It follows that our tools are the same as used in doing any kind of philosophy: definitions, principles, arguments, and theories.

READING QUESTIONS, *continued.*

- How does Mill respond to objections that we often don't have time to sit down and put together a careful calculus?
- Explain what the term *Social Hedonistic Consequentialism* means, breaking down each of the three components carefully.
- What's the difference between a moral agent and a moral patient?
- Explain the **SWINE** objection and Mill's three-fold response to it. (This question is related to question 11, above.) What *can't* a utilitarian respond? Why not?
- Explain the **SLAVE** objection. How does Hare respond?
- What is a slave?
- What is the Juba and Camaica thought experiment? What is the situation on each island? How does this thought experiment set up Hare's response to the **SLAVE** objection?
- How does Hare conclude that a slave would be "the most miserable of all creatures"? Does this prove that utilitarianism would not ever endorse slavery? How so or not?

continued…

* Depending on how your reading assignments are broken up, it is possible for there to be four or more. For example, in my ethics course, I break the Mill selection into multiple reading assignments, each of which includes a CQ assignment. Make sure you are clear on what your own instructor expects from you.

We recall that an ***argument*** is a set of ***claims***, at least one of which is being defended by the others.* The claim that is being defended, recall, is called the ***conclusion***, and the claim (or claims) that are offered as evidence is (are) called the ***premise(s).*** A claim—also called a *statement* or a *proposition*—is a sentence that has a truth value. That is, it's a sentence that one can evaluate as either true or false—or at least, it's a sentence that is possibly true or possibly false, even though maybe we don't know which value is the one it carries.

Claims are assertions that something is—or is not—the case. Now of course we know that we should *never* accept a statement (that is, believe it to be true) without good reasons. The good reasons in ethical reasoning—just like in any philosophical reasoning—will not be based on emotions or rhetoric. *Persuasion* is not the same as *argumentation*. We can be persuaded to believe something x even though we've not been given good reasons to believe that x is in fact true, or even probably true. It happens all the time, unfortunately. People are persuaded to believe x—or maybe to act in a way that presupposes x to be true—because of peer pressure, associated beliefs, or other things that have no direct evidentiary power for x.†

Ethics, though, is a discipline of *reasoning*, hence will not look at persuasion but argumentation. We will be analyzing the arguments offered by different philosophers in defense of their theories, and we'll be testing those theories—and arguments—for plausibility and truth. The difficulty we face in ethical reasoning will be in testing our moral premises. Each argument will include some sort of principle or moral claim that leads to some sort of moral judgment as the conclusion. Moral claims, as we've learned from Ayer, are not empirically verifiable. How do we test to see whether it is true that something *ought* (or ought not) be the case? We can't use the Verification Principle. So we do determine their truth by testing our intuitions and by positing counterexamples and thought experiments. Checking moral premises against possible counterexamples brings our ***considered moral judgments*** to the surface.

Finally, we'll remember what Aristotle reminded us: ethics is a discipline of *more or less* not one of *all or nothing*. Because we're involving individuals, we cannot comfortably—or reasonably—slap on universal generalizations that will always work. We have to allow for nuance that allows individuals to remain individuals—whether these individuals be

READING QUESTIONS,

continued.

- Explain the term *Social Welfarist Consequentialism* breaking down each of the three components carefully. How is it different from Social Hedonistic Consequentialism?
- Explain the *experience machine* thought experiment. How does it object to Social Hedonistic Consequentialism? Does the objection work? Does it work against Social Welfarist Consequentialism?
- Can you think of other objections to utilitarianism that need consideration? (Other than **SLAVE** and **TORTURE**)
- What is *speciesism*?
- How does Singer argue for animal rights? What does he mean by respecting animal preferences?
- What three distances tend to distract us from our moral obligations?
- Explain the term *Social Preference Consequentialism* breaking down each of the three components carefully. How is it different from and similar to Social Welfarist Consequentialism?
- How does Singer argue that it is morally obligatory for us to participate in altruistic actions? How does he use the calculus?

* This is discussed in chapters 3 and 4 of this textbook.

† We remember this from chapters 6-9 of this book, of course.

specific sets of situations, individual circumstances, or particular people. When we remember who and what we're dealing with, we can more accurately and helpfully determine the rightness or wrongness of an action.

Moral Agency & Objective Moral Standards

There are a number of ways to determine what is right or wrong. One approach is to look at the ***consequences*** or effects of an action to determine its goodness or badness. Theories that take this approach are called ***consequentialist theories***. Another approach is to look at not the outcomes, but at the starting points, at the ones doing the actions. In consequentialist approaches, we measure rightness or wrongness by the outcome of an action, whereas in non-consequentialist approaches, we measure rightness or wrongness by the agent doing the action. This gives us some terms to define.

> *Moral theory T is a **consequentialist** theory iff T measures the rightness or wrongness of an action A by only the consequences (or outcome) of A.*[*]

> *Moral theory T is a **non-consequentialist** theory iff T measures the rightness or wrongness of an action A by something other than the consequences (or outcome) of A.*

> *X is an **agent** iff x is some entity (person, animal, or any living being in general) that has the power to act in a world.*[†]

> *X is a **moral agent** iff x is some entity (person, animal, or any living being in general) that has the power to make moral judgments, to act on these judgments, and to be reasonably held accountable for these actions.*

> *X is a **patient** iff x is some entity (person, animal, or any living being in general) that can be affected by some action.*

> *X is a **moral patient** iff x is some entity (person, animal, or any living being in general) that can be affected by some moral action.*

Consequentialism

Let's dig down deep into consequentialism. The first objective theory we will explore is called Utilitarianism. It was founded in the 1770s by Jeremy Bentham, a British philosopher, who wrote that

> *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 to 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. They govern us in all we do, in all we say, in all we think.*[*]

This is the cornerstone of Bentham's thought—and in fact the starting point for utilitarian theory. Bentham called the standard for moral rightness the principle of *utility*, or the Greatest Happiness Principle (GHP for short). The GHP is the "fundamental axiom," of morality:

> **The Greatest Happiness Principle:** *it is the greatest happiness of the greatest number that is the measure of right and wrong.*[†]

To determine the moral rightness or wrongness of an action, one is to test it by means of a ***utilitarian calculus***, whereby we can test the ultimate pleasure or pain consequences of a given action.

continued…

* Jeremy Bentham, *The Principles of Morals and Legislation*, 1789. p. 1.

† Jeremy Bentham, "A Fragment of Government," 1776. Par. 2.

[*] Notice how Rand's ethical egoism is consequentialist, since it determines the rightness or wrongness of an action by the consequences of that action on the individual: if it maximizes my self-interest, then it's moral. Otherwise, not. So subjectivist theories can be consequentialist or non-consequentialist, too.

[†] For a careful discussion regarding the nature and definition of a world, see chapter 10. And for more discussion on the nature of agency, see chapter 13.

In short, a moral agent is one who is can act with reference to right and wrong. A moral patient is anything that can be affected by these actions.

Anything that is rational is a moral agent, though there is a question regarding *how much* rational capacity is sufficient for moral agency. Is a small child a moral agent? Is a person in the advanced stages of dementia a moral agent? How about those with brain injuries or other mental handicap? It might be the case that moral agency isn't itself an all-or-nothing, but can be had to greater or lesser degrees, based on one's capacity for moral agency.

Consequentialist theories have the advantage of being able to set this complexity aside. They look to how actions affect anyone that can be affected—either positively or negatively—not limiting the consideration to moral agents alone. They look to the *patients* not the agents.

Some actions affect entities who are not moral agents—not all moral patients are moral agents—and if these actions have any negative consequences for even those who have no moral agency, these actions may turn out to be immoral.

Non-consequentialist theories look at the agent, not the action. But they differ regarding what is important feature to use as the measure of rightness or wrongness. One standard presented is the ***motivation*** of the agent. *Deontological* theories argue that what makes an action morally praiseworthy is if the agent has the right kind of motive. In contrast, *Virtue Ethicists* argue that what makes an action morally praiseworthy is if the agent has a certain kind of character, a well-formed value set.

Deontologists differ regarding what makes for the right motive, and Virtue Ethicists differ regarding what makes for the right character set. But the disagreements are not irreconcilable. In fact, some contemporary ethicists are working on cobbling the varied theories together. Others are taking the concerns into hand and finding ways to modify standards in order to lessen or even remove the concerns. One theory we'll look at even offers a way to fuse together both consequentialist and non-consequentialist approaches by presenting a standard of fairness (the consequence) as the proper motive for a moral agent.

What objective moral theories have in common is an attempt to set a rational standard for rightness/wrongness, not only for purposes of praise and blame, but also to establish and justify obligations. Again, we need some terms.

Consequentialism,

continued.

The extent to which it causes pain is the measure of how bad that action is.

Bentham proposed a classification of 12 pains and 14 pleasures, by which we might test the "happiness factor" of any action.[*] The calculus, further developed by John Stuart Mill, is designed to take into account *every single individual who is—directly or indirectly—affected by this action*.

Bentham was, in fact, the first champion of animal rights, which logically follow from the GHP. Animals are sentient—that is, they are conscious and experience sensations. Although animals might not be moral *agents*, they can be moral *patients*: they can be acted upon by moral agents. They can be participants who are affected by human action—they can experience pleasure or pain. Thus, they should be figured into the calculus when we determine what is the correct course of action. If the foundation of moral judgment looks to the *consequences* of an action on anything that can experience pleasure or pain, it turns out that animals have just as much at stake as human beings. And this is the start of the inquiry into our ethical responsibility to non-human animals.

continued…

[*] Bentham, *Principles*, ch. IV.

Action A is ***morally praiseworthy*** *according to moral theory M iff A fully meets the criteria of M.*

A is ***morally blameworthy*** *according to M iff A fails to meet the criteria of M.*

A is ***morally obligatory*** *in M iff M requires A.*

A is ***morally supererogatory*** *in M iff M requires something less than A.*[*]

If some hypothetical moral standard requires an agent to, say, save a drowning child, then that action—saving the drowning child—is morally praiseworthy. To knowingly ignore that drowning child is to commit a morally blameworthy action. When you happen upon the situation and realize there's a kid over there, drowning, you then realize that it is your moral obligation—according to this hypothetical standard—to save that child. And if you save the child and then proceed to do something more—maybe set up a college fund or adopt the child or otherwise go over and above the obligation—you have done something supererogatory. Get it?

We will test moral theories to see whether those things these theories deem obligatory are in fact just that. We'll often appeal to our own intuitions—our gut sense of what is right and wrong—and see whether these theories clang loudly against these or justifiable or reasonable in light of our intuitions. This isn't to say our intuitions are infallible. We know that we make mistakes. But all we have to start with is our gut sense of what is right and wrong, so we won't abandon this even while testing it and refining it with careful logic and objective standards. We might, at times, find that some things a theory insists are obligatory seem to be supererogatory, or perhaps even morally blameworthy. It might be that the theory insists we *must* do something that our gut tells us is *immoral*. It's these moments that will help us most in finding the truth. Either we'll learn our intuitions are mistaken or that these are based on a deeper value that this theory shares. Or we'll perhaps find that the theory, even with all its strengths, needs either revision or even outright abandonment. But we won't stop looking.

We'll explore consequentialism in this chapter. Then in chapter 18, we'll look to deontological non-consequentialism—that is, the approach that measures rightness and wrongness by one's motive towards duty. In

Consequentialism,

continued.

Ultimately, I felt compelled to agree to his argument.

Frankly, I would've agreed with just about anything to get him to stop beating me with that sack of kittens.

Bentham's utilitarianism is now often referred to as *Classical Utilitarianism.* Although Bentham wrote quite a lot about his theory, his comments are scattered across a variety of pamphlets and essays. Fortunately for us, another great English philosopher John Stuart Mill took up this theory and defended it in a careful and clear single book, selections from which you'll be reading next.

I know. You might not find it so terribly clear. Just remember that what your about to read was a part of the worldview that enabled the ratification of the 14th, 15th, and 19th Amendments to the Constitution. This was the cutting-edge ethical worldview shared abolitionists and suffragettes, by Booker T. Washington, Frederick Douglass, Susan B. Anthony, and Elizabeth Cady Stanton. Although English philosophy, you'll see how it expresses the passion for equality Americans call our own.

continued…

[*] The term comes from the Latin *super* (beyond) *erogare* (to pay out what is due). Thus, these actions are to pay more than is due, to 'go above and beyond the call of duty.'

chapter 19 we'll look at a *contractarian* approach called the ethics of fairness. We'll move from analyzing actions to analyzing the agent herself in chapter 20, asking what kind of person one must be instead of what kind of actions one must do. That is, we'll be looking at character ethics and the ethics of care.

Finally, in chapter 21 we'll explore an interesting approach to ethics that questions the making of the standards themselves. We'll explore existentialist ethics, as explored by Nietzsche, Sartre, and others.

IN THIS LIFE, WE HAVE TO MAKE MANY CHOICES. SOME ARE VERY IMPORTANT CHOICES. SOME ARE NOT. MANY OF OUR CHOICES ARE BETWEEN GOOD AND EVIL. THE CHOICES WE MAKE, HOWEVER, DETERMINE TO A LARGE EXTENT OUR HAPPINESS OR OUR UNHAPPINESS, BECAUSE WE HAVE TO LIVE WITH THE CONSEQUENCES OF OUR CHOICES.

(JAMES E. FAUST)

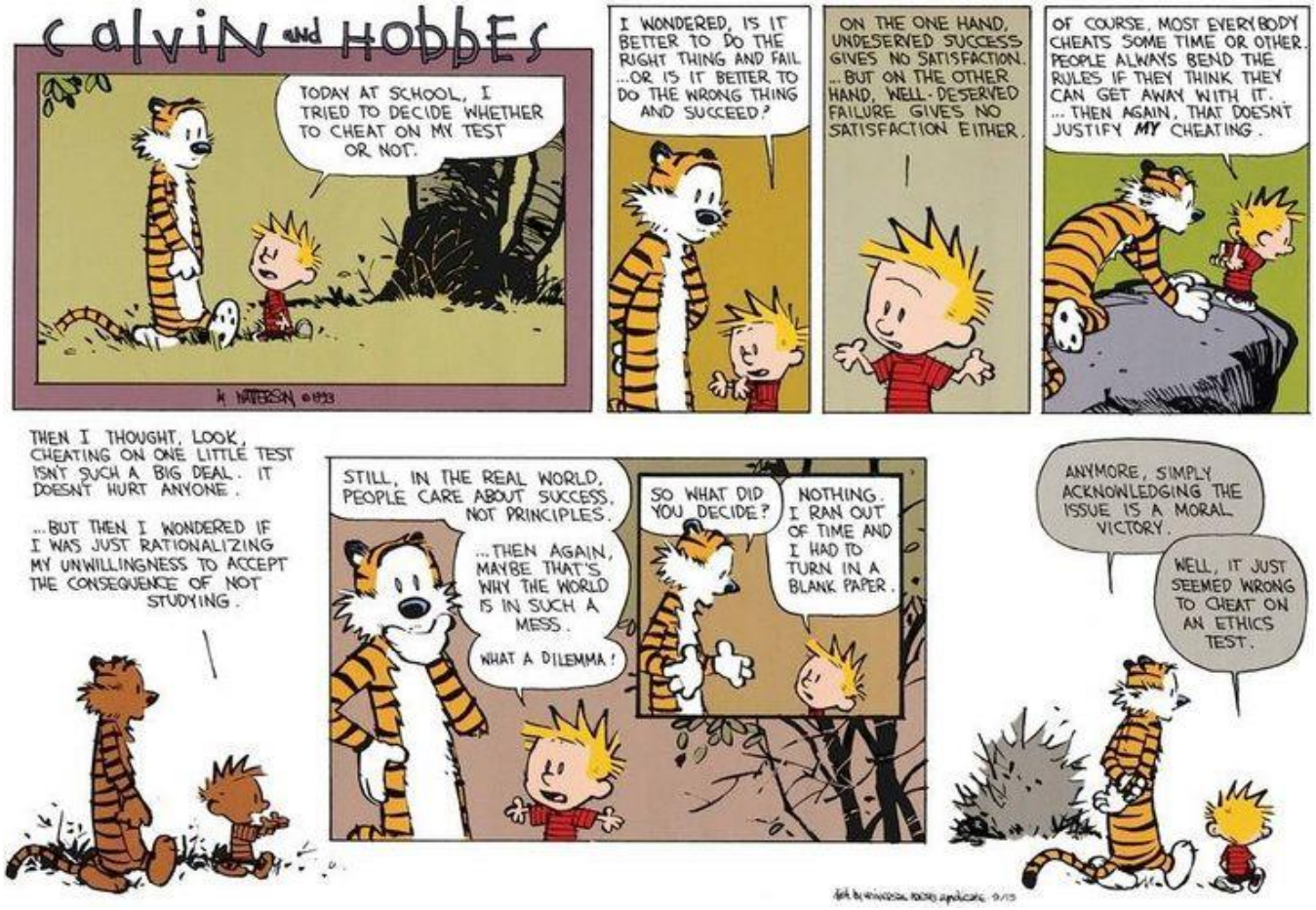
Consequentialism,

continued.

Both Bentham and Mill (whom you'll be reading soon) measure pleasure and pain according to ***intensity, duration, certainty, proximity, productiveness, purity,*** and ***extent***. Bentham builds on this notion to determine, for example, what makes for a just punishment for a crime (so as to establish a moral standard that forbids excessive punishments for wrongdoers.)

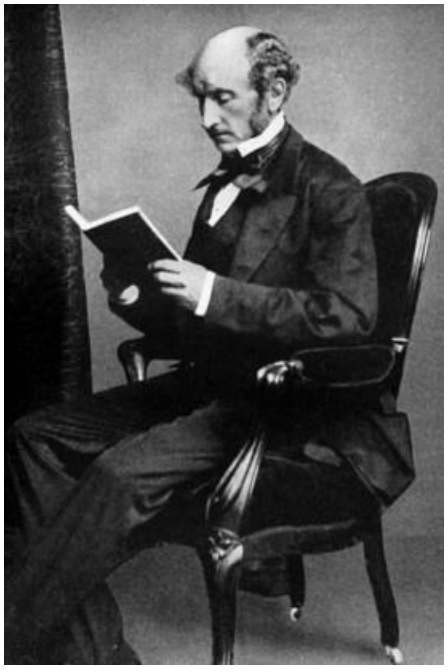
When considering the difference between utility and egoism, we must remember that, contrary to what Rand argues, the measure of goodness isn't the *individual's* happiness. Pursuing one's own happiness isn't necessarily the right course of action, since our individual pursuits can often lead to greater pain and less pleasure for society as a whole. Thus, the political consequences of utilitarianism are quite different than those of ethical egoism. Utilitarianism holds that the measure of a good legislation is one that maintains the maximum pleasure and the minimum degree of pain for the *greatest number of people*.

With that introduction, here's a selection from the 19th Century philosopher, John Stuart Mill. As you read the following text, prepare a critical question to enable you to better *understand* the theory he posits. Don't focus on finding any errors so much on making sure you understand what he's arguing and how he's arguing it. Only after you're pretty clear on his argument should you try to test it.



UTILITARIANISM

John Stuart Mill.*



General Remarks.

From the dawn of philosophy, the question concerning the *summum bonum*,† or, what is the same thing, concerning the foundation of morality, has been accounted the main problem in speculative thought, has occupied the most gifted intellects, and divided them into sects and schools, carrying on a vigorous warfare against one another. And after more than two thousand years the same discussions continue, philosophers are still ranged under the same contending banners, and neither thinkers nor mankind at large seem nearer to being unanimous on the subject, than when the youth Socrates listened to the old Protagoras, and asserted (if Plato's dialogue be grounded on a real conversation) the theory of utilitarianism against the popular morality of the so-called sophist.

* From Mill, *Utilitarianism.* 1879. All notes are Mill's, unless otherwise stated.

† Latin for "greatest good." [Kurle.]

NOTES

It is true that similar confusion and uncertainty, and in some cases similar discordance, exist respecting the first principles of all the sciences, not excepting that which is deemed the most certain of them, mathematics; without much impairing, generally indeed without impairing at all, the trustworthiness of the conclusions of those sciences. An apparent anomaly, the explanation of which is, that the detailed doctrines of a science are not usually deduced from, nor depend for their evidence upon, what are called its first principles. Were it not so, there would be no science more precarious, or whose conclusions were more insufficiently made out, than algebra; which derives none of its certainty from what are commonly taught to learners as its elements, since these, as laid down by some of its most eminent teachers, are as full of fictions as English law, and of mysteries as theology. The truths which are ultimately accepted as the first principles of a science, are really the last results of metaphysical analysis, practised on the elementary notions with which the science is conversant; and their relation to the science is not that of foundations to an edifice, but of roots to a tree, which may perform their office equally well though they be never dug down to and exposed to light. But though in science the particular truths precede the general theory, the contrary might be expected to be the case with a practical art, such as morals or legislation. All action is for the sake of some end, and rules of action, it seems natural to suppose, must take their whole character and colour from the end to which they are subservient. When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need, instead of the last we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right or wrong, and not a consequence of having already ascertained it.

The difficulty is not avoided by having recourse to the popular theory of a natural faculty, a sense or instinct, informing us of right and wrong. For—besides that the existence of such a moral instinct is itself one of the matters in dispute—those believers in it who have any pretensions to philosophy, have been obliged to abandon the idea that it discerns what is right or wrong in the particular case in hand, as our other senses discern the sight or sound actually present. Our moral faculty, according to all those of its interpreters who are entitled to the name of thinkers, supplies us only with the general principles of moral judgments; it is a branch of our reason, not of our sensitive faculty; and must be looked to for the abstract doctrines of morality, not for perception of it in the concrete. The intuitive, no less than what may be termed the inductive, school of ethics, insists on the necessity of general laws. They both agree that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognise also, to a great

extent, the same moral laws; but differ as to their evidence, and the source from which they derive their authority. … They either assume the ordinary precepts of morals as of *à priori* authority,* or they lay down as the common groundwork of those maxims, some generality much less obviously authoritative than the maxims themselves, and which has never succeeded in gaining popular acceptance. Yet to support their pretensions there ought either to be some *one* fundamental principle or law, at the root of all morality, or if there be several, there should be a determinate order of precedence among them; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident.

…On the present occasion, I shall, without further discussion of the other theories, attempt to contribute something towards the understanding and appreciation of the Utilitarian or Happiness theory, and towards such proof as it is susceptible of. It is evident that this cannot be proof in the ordinary and popular meaning of the term. Questions of ultimate ends are not amenable to direct proof. Whatever can be proved to be good, must be so by being shown to be a means to something admitted to be good without proof. The medical art is proved to be good, by its conducing to health; but how is it possible to prove that health is good? The art of music is good, for the reason, among others, that it produces pleasure; but what proof is it possible to give that pleasure is good? If, then, it is asserted that there is a comprehensive formula, including all things which are in themselves good, and that whatever else is good, is not so as an end, but as a mean, the formula may be accepted or rejected, but is not a subject of what is commonly understood by proof. We are not, however, to infer that its acceptance or rejection must depend on blind impulse, or arbitrary choice. There is a larger meaning of the word proof, in which this question is as amenable to it as any other of the disputed questions of philosophy. The subject is within the cognizance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof.

We shall examine presently of what nature are these considerations; in what manner they apply to the case, and what rational grounds, therefore, can be given for accepting or rejecting the utilitarian formula. But it is a preliminary condition of rational acceptance or rejection, that the formula should be correctly understood. I believe that the very imperfect notion ordinarily formed of its meaning, is the

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* The term *a priori* means "from before" and is a philosophical term that specifically applies to principles or truths that are evident on the basis of pure logic or rational thought, with no reference to experience or sensory data. Thus, their truth stands *before* experience. [Kurle.]

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chief obstacle which impedes its reception; and that could it be cleared, even from only the grosser misconceptions, the question would be greatly simplified, and a large proportion of its difficulties removed. Before, therefore, I attempt to enter into the philosophical grounds which can be given for assenting to the utilitarian standard, I shall offer some illustrations of the doctrine itself; with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning. Having thus prepared the ground, I shall afterwards endeavour to throw such light as I can upon the question, considered as one of philosophical theory.

What Utilitarianism Is.

A passing remark is all that needs be given to the ignorant blunder of supposing that those who stand up for utility as the test of right and wrong, use the term in that restricted and merely colloquial sense in which utility is opposed to pleasure. An apology is due to the philosophical opponents of utilitarianism, for even the momentary appearance of confounding them with any one capable of so absurd a misconception; which is the more extraordinary, inasmuch as the contrary accusation, of referring everything to pleasure, and that too in its grossest form, is another of the common charges against utilitarianism: and, as has been pointedly remarked by an able writer, the same sort of persons, and often the very same persons, denounce the theory "as impracticably dry when the word utility precedes the word pleasure, and as too practicably voluptuous when the word pleasure precedes the word utility." Those who know anything about the matter are aware that every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain; and instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things. Yet the common herd, including the herd of writers, not only in newspapers and periodicals, but in books of weight and pretension, are perpetually falling into this shallow mistake. Having caught up the word utilitarian, while knowing nothing whatever about it but its sound, they habitually express by it the rejection, or the neglect, of pleasure in some of its forms; of beauty, of ornament, or of amusement. Nor is the term thus ignorantly misapplied solely in disparagement, but occasionally in compliment; as though it implied superiority to frivolity and the mere pleasures of the moment. And this perverted use is the only one in which the word is popularly known, and the one from which the new generation are acquiring their sole notion of its meaning. Those who introduced the word, but who had for many years discontinued it as a distinctive appellation, may

well feel themselves called upon to resume it, if by doing so they can hope to contribute anything towards rescuing it from this utter degradation.*

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. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and grovelling; as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

But how am I supposed to think about consequences before they happen?

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light; since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If

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* The author of this essay has reason for believing himself to be the first person who brought the word utilitarian into use. He did not invent it, but adopted it from a passing expression in Mr. Galt's *Annals of the Parish*. After using it as a designation for several years, he and others abandoned it from a growing dislike to anything resembling a badge or watchword of sectarian distinction. But as a name for one single opinion, not a set of opinions—to denote the recognition of utility as a standard, not any particular way of applying it—the term supplies a want in the language, and offers, in many cases, a convenient mode of avoiding tiresome circumlocution.

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this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. 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. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect; of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, &c., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility to recognise 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.

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, 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, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he, for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that to escape from it they would exchange their lot for almost any other, however undesirable in their own eyes. A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and is certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation we please of this unwillingness; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable; we may refer it to the love of liberty and personal independence, an appeal to which was with the Stoics one of the most effective means for the inculcation of it; to the love of power, or to the love of excitement, both of which do really enter into and contribute to it: but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them. Whoever supposes that this preference takes place at a sacrifice of happiness-that the superior being, in anything like equal circumstances, is not happier than the inferior-confounds the two very different ideas, of happiness, and content. It is indisputable that the being whose capacities of enjoyment are low, has the greatest chance of having them fully satisfied; and a highly-endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. 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, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.

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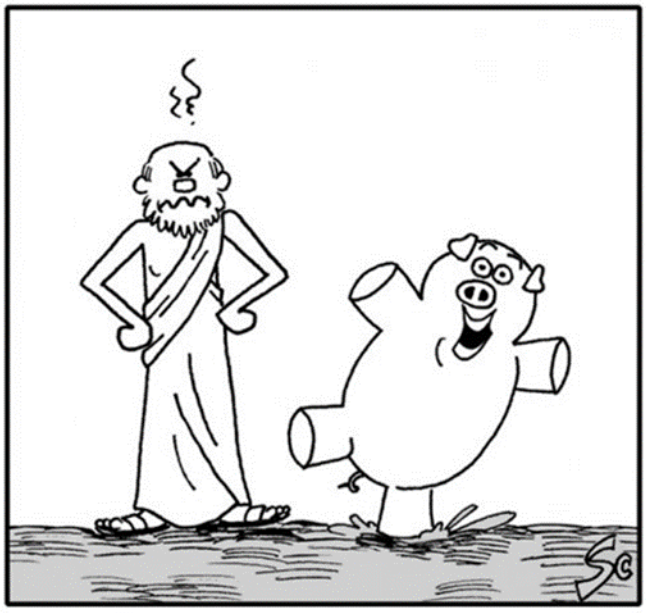
It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable; and this no less when the choice is between two bodily pleasures, than when it is between bodily and mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good. It may be further objected, that many who begin with youthful enthusiasm for everything noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change, voluntarily choose the lower description of pleasures in preference to the higher. I believe that before they devote themselves exclusively to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favourable to keeping that higher capacity in exercise. Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned whether anyone who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower; though many, in all ages, have broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the [most intense] of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain, except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures



Simultaneously, both Socrates and the pig realized that they were standing in a mud pit.

derived from the higher faculties to be preferable *in kind*, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the utilitarian standard; for that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last, renders refutation superfluous.

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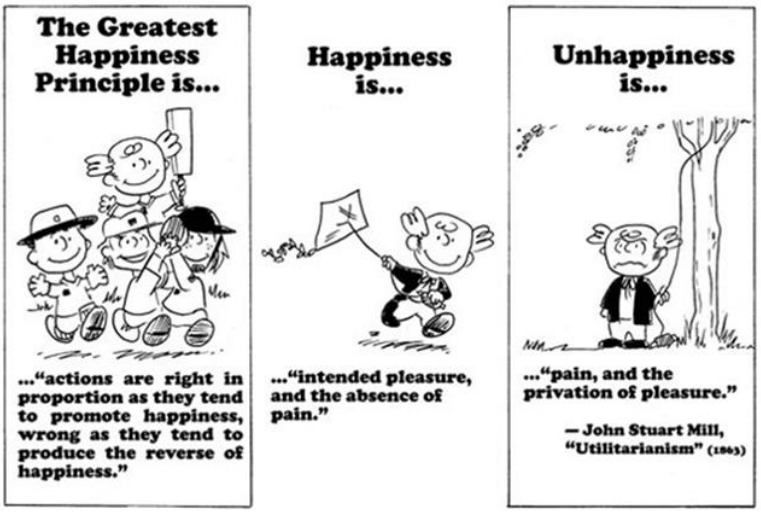
According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.



…The objectors perhaps may doubt whether human beings, if taught to consider happiness as the end of life, would be satisfied with such a moderate share of it. But great numbers of mankind have been satisfied with much less. The main constituents of a satisfied life appear to be two, either of which by itself is often found sufficient for the purpose: tranquillity, and excitement. With much tranquillity, many find that they can be content with very little pleasure: with much excitement, many can reconcile themselves to a considerable quantity of pain. There is assuredly no inherent impossibility in enabling even the mass of mankind to unite both; since the two are so far from being incompatible that they are in natural alliance, the prolongation of either being a preparation for, and exciting a wish for, the other. It is only those in whom indolence amounts to a vice, that do not desire excitement after an interval of repose; it is only those in

whom the need of excitement is a disease, that feel the tranquillity which follows excitement dull and insipid, instead of pleasurable in direct proportion to the excitement which preceded it. When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is, caring for nobody but themselves. To those who have neither public nor private affections, the excitements of life are much curtailed, and in any case dwindle in value as the time approaches when all selfish interests must be terminated by death: while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigour of youth and health. Next to selfishness, the principal cause which makes life unsatisfactory, is want of mental cultivation. A cultivated mind—I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been taught, in any tolerable degree, to exercise its faculties—finds sources of inexhaustible interest in all that surrounds it; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind past and present, and their prospects in the future. It is possible, indeed, to become indifferent to all this, and that too without having exhausted a thousandth part of it; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

Now there is absolutely no reason in the nature of things why an amount of mental culture sufficient to give an intelligent interest in these objects of contemplation, should not be the inheritance of every one born in a civilized country. As little is there an inherent necessity that any human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality. Something far superior to this is sufficiently common even now, to give ample earnest of what the human species may be made. Genuine private affections, and a sincere interest in the public good, are possible, though in unequal degrees, to every rightly brought-up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness within his reach, he will not fail to find this enviable existence, if he escape the positive evils of life, the great sources of physical and mental suffering—such as indigence, disease, and the unkindness, worthlessness, or premature loss of objects of affection. The main stress of the problem lies, therefore, in the contest with these

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calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated. Yet no one whose opinion deserves a moment's consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprive us of those in whom our happiness is wrapt up. As for 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. All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow—though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made—yet every mind sufficiently intelligent and generous to bear a part, however small and [inconspicuous], in the endeavour, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.

And this leads to the true estimation of what is said by the objectors concerning the possibility, and the obligation, of learning to do without happiness. Unquestionably it is possible to do without happiness; it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism; and it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something, what is it, unless the happiness of others, or some of the requisites of happiness? It is noble to be capable of resigning entirely one's own portion of happiness, or chances of it: but, after all, this self-sacrifice must be for some end; it is not its own end; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, would the sacrifice be made if the hero or martyr did not believe that it would earn for others immunity from similar sacrifices? Would it be made, if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow

creatures, but to make their lot like his, and place them also in the condition of persons who have renounced happiness? All honour to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. He may be an inspiriting proof of what men *can* do, but assuredly not an example of what they *should.*

Though it is only in a very imperfect state of the world's arrangements that [anyone] can best serve the happiness of others by the absolute sacrifice of his own, yet so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man. I will add, that in this condition of the world, paradoxical as the assertion may be, the conscious ability to do without happiness gives the best prospect of realizing such happiness as is attainable. For nothing except that consciousness can raise a person above the chances of life, by making him feel that, let fate and fortune do their worst, they have not power to subdue him: which, once felt, frees him from excess of anxiety

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concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquillity the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.

Meanwhile, let utilitarians never cease to claim the morality of self-devotion as a possession which belongs by as good a right to them, as either to the Stoic or to the Transcendentalist. The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes: so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the impugners of the utilitarian morality represented it to their own minds in this its true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it: what more beautiful or more

exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain anything like a just idea of its disinterested character, sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of promoting the general interests of society. But this is to mistake the very meaning of a standard of morals, and to confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty; on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble: he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations.*

But to speak only of actions done from the motive of duty, and in direct obedience to principle: it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds

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* An opponent, whose intellectual and moral fairness it is a pleasure to acknowledge (the Rev. J. Llewellyn Davis), has objected to this passage, saying, "Surely the rightness or wrongness of saving a man from drowning does depend very much upon the motive with which it is done. Suppose that a tyrant, when his enemy jumped into the sea to escape from him, saved him from drowning simply in order that he might inflict upon him more exquisite tortures, would it tend to clearness to speak of that rescue as 'a morally right action?' Or suppose again, according to one of the stock illustrations of ethical inquiries, that a man betrayed a trust received from a friend, because the discharge of it would fatally injure that friend himself or [someone] belonging to him, would utilitarianism compel one to call the betrayal 'a crime' as much as if it had been done from the meanest motive?"

I submit, that he who saves another from drowning in order to kill him by torture afterwards, does not differ only in motive from him who does the same thing from duty or benevolence; the act itself is different. The rescue of the man is, in the case supposed, only the necessary first step of an act far more atrocious than leaving him to drown would have been. Had Mr. Davis said, "The rightness or wrongness of saving a man from drowning does depend very much"—not upon the motive, but—"upon the *intention*" no utilitarian would have differed from him. Mr. Davis, by an oversight too common not to be quite venial, has in this case confounded the very different ideas of Motive and Intention. There is no point which utilitarian thinkers (and Bentham pre-eminently) have taken more pains to illustrate than this. The morality of the action depends entirely upon the intention—that is, upon what the agent *wills to do*. But the motive, that is, the feeling which makes him will so to do, when it makes no difference in the act, makes none in the morality: though it makes a great difference in our moral estimation of the agent, especially if it indicates a good or a bad habitual *disposition*—a bent of character from which useful, or from which hurtful actions are likely to arise. [Mill's note]

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upon so wide a generality as the world, or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of anyone else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to. Those alone the influence of whose actions extends to society in general, need concern themselves habitually about so large an object. In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. The amount of regard for the public interest implied in this recognition, is no greater than is demanded by every system of morals; for they all enjoin to abstain from whatever is manifestly pernicious to society.

The same considerations dispose of another reproach against the doctrine of utility, founded on a still grosser misconception of the purpose of a standard of morality, and of the very meaning of the words right and wrong. It is often affirmed that utilitarianism renders men cold and unsympathizing; that it chills their moral feelings towards individuals; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. If the assertion means that they do not allow their judgment respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all; for certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man or the contrary. These considerations are relevant, not to the estimation of actions, but of persons; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions. The Stoics, indeed, with the paradoxical misuse of language which was part of their system, and

by which they strove to raise themselves above all concern about anything but virtue, were fond of saying that he who has that has everything; that he, and only he, is rich, is beautiful, is a king. But no claim of this description is made for the virtuous man by the utilitarian doctrine. Utilitarians are quite aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to allow to all of them their full worth. They are also aware that a right action does not necessarily indicate a virtuous character, and that actions which are blameable often proceed from qualities entitled to praise. When this is apparent in any particular case, it modifies their estimation, not certainly of the act, but of the agent. I grant that they are, notwithstanding, of opinion, that in the long run the best proof of a good character is good actions; and resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct. This makes them unpopular with many people; but it is an unpopularity which they must share with everyone who regards the distinction between right and wrong in a serious light; and the reproach is not one which a conscientious utilitarian need be anxious to repel.

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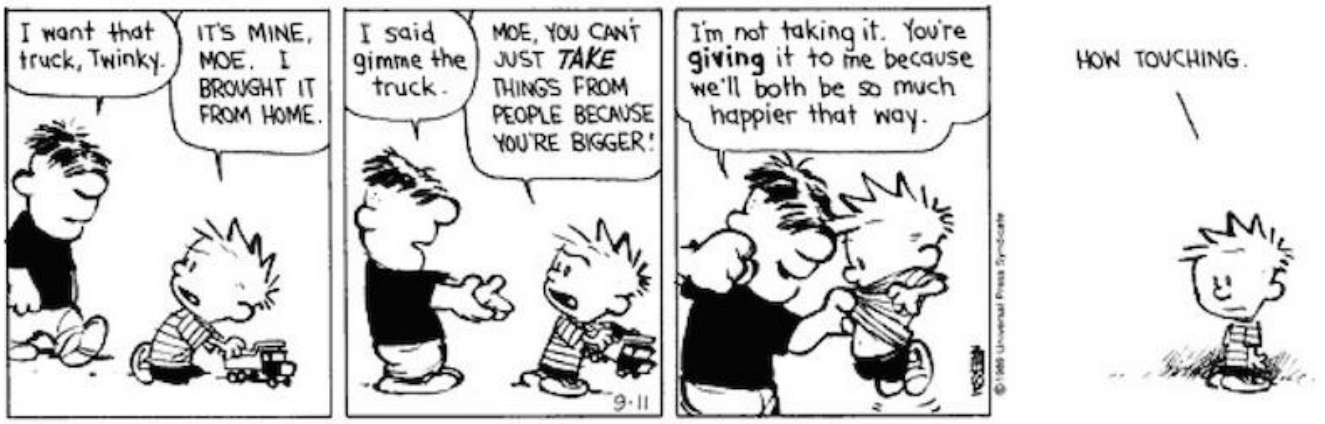
If no more be meant by the objection than that many utilitarians look on the morality of actions, as measured by the utilitarian standard, with too exclusive a regard, and do not lay sufficient stress upon the other beauties of character which go towards making a human being loveable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies nor their artistic perceptions, do fall into this mistake; and so do all other moralists under the same conditions. What can be said in excuse for other moralists is equally available for them, namely, that if there is to be any error, it is better that it should be on that side. As a matter of fact, we may affirm that among utilitarians as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the application of their standard: some are even puritanically rigorous, while others are as indulgent as can possibly be desired by sinner or by sentimentalist. But on the whole, a doctrine which brings



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prominently forward the interest that mankind have in the repression and prevention of conduct which violates the moral law, is likely to be inferior to no other in turning the sanctions of opinion against such violations. It is true, the question, What does violate the moral law? is one on which those who recognise different standards of morality are likely now and then to differ. But difference of opinion on moral questions was not first introduced into the world by utilitarianism, while that doctrine does supply, if not always an easy, at all events a tangible and intelligible mode of deciding such differences.

It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candour and intelligence to fall into them: since persons, even of considerable mental endowments, often give themselves so little trouble to understand the bearings of any opinion against which they entertain a prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the [most vulgar] misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy. We not uncommonly hear the doctrine of utility inveighed against as a *godless* doctrine. If it be necessary to say anything at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the Deity. If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognise the revealed will of God as the supreme law of morals, I answer, that an utilitarian who believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals, must fulfil the requirements of utility in a supreme degree. But others besides utilitarians have been of opinion that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is: and that we need a doctrine of ethics, carefully followed out, to *interpret* to us the will of God. Whether this opinion is correct or not, it is superfluous here to discuss; since whatever aid religion, either natural or revealed, can afford to ethical investigation, is as open to the utilitarian moralist as to any other. He can use it as the testimony of God to the usefulness or hurtfulness of

any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connexion with usefulness or with happiness.

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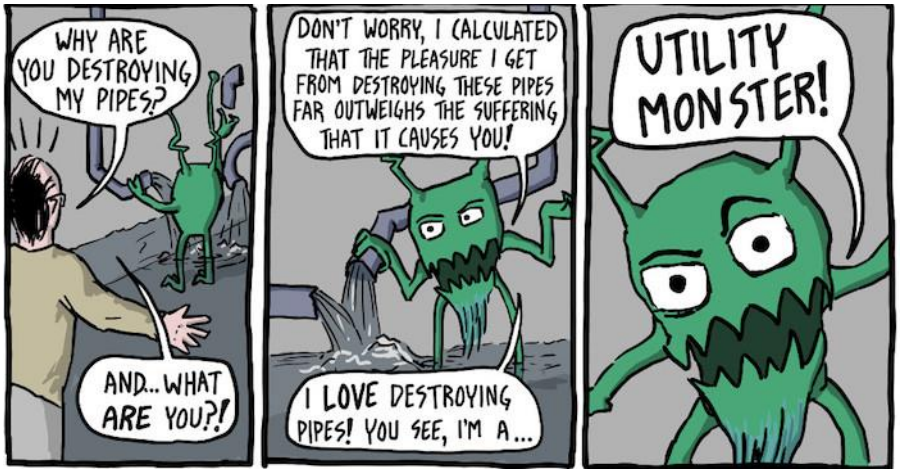

Again, Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with Principle. But the Expedient, in the sense in which it is opposed to the Right, generally means that which is expedient for the particular interest of the agent himself: as when a minister sacrifices the interest of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing with the useful, is a branch of the hurtful. Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity, is one of the most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth, does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilisation, virtue, everything on which human happiness on the largest scale depends; we feel that the violation, for a present advantage, of a rule of such transcendent expediency, is not expedient, and that he who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which

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is when the withholding of some fact (as of information from a male-factor, or of bad news from a person dangerously ill) would preserve some one (especially a person other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognized, and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.

Again, defenders of utility often find themselves called upon to reply to such objections as this—that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which anything has to be done, to read through the Old and New Testaments. The answer to the objection is, that there has been ample time, namely, the whole past duration of the human species. During all that time mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then I do not think that he would find the question very puzzling; but, at all events, the matter is now done to his hand. It is truly a whimsical supposition, that if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced by law and opinion. There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it, but on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better. That philosophers might easily do this, even now, on many subjects; that the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of

morality as improvable, is one thing; to pass over the intermediate generalizations entirely, and endeavour to test each individual action directly by the first principle, is another. It is a strange notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveller respecting the place of his ultimate destination, is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and aim of morality, does not mean that no road ought to be laid down to that goal, or that persons going thither should not be advised to take one direction rather than another. Men really ought to leave off talking a kind of nonsense on this subject, which they would neither talk nor listen to on other matters of practical concernment. Nobody argues that the art of navigation is not founded on astronomy, because sailors cannot wait to calculate the Nautical Almanack. Being rational creatures, they go to sea with it ready calculated; and all rational creatures go out upon the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be presumed they will continue to do. Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by: the impossibility of doing without them, being common to all systems, can afford no argument against any one in particular: but gravely to argue as if no such secondary principles could be had, and as if mankind had remained till now, and always must remain, without drawing any general conclusions from the experience of human life, is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.

The remainder of the stock arguments against utilitarianism mostly consist in laying to its charge the common infirmities of human nature, and the general difficulties which embarrass conscientious persons in shaping their course through life. We are told that an utilitarian will be apt to make his own particular case an exception to moral rules, and, when under temptation, will see an utility in the breach of a rule, greater than he will see in its observance. But is utility the only creed which is able to furnish us with excuses for evil doing, and means of cheating our own conscience? They are afforded in abundance by all doctrines which recognise as a fact in morals the existence of conflicting considerations; which all doctrines do, that have been believed by sane persons. It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require no exceptions, and that hardly any kind of action can safely be laid down as either always obligatory or always condemnable. There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of

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circumstances; and under every creed, at the opening thus made, self-deception and dishonest casuistry get in. There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics, and in the conscientious guidance of personal conduct. They are overcome practically with greater or with less success according to the intellect and virtue of the individual; but it can hardly be pretended that any one will be the less qualified for dealing with them, from possessing an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all: while in other systems, the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry, and unless determined, as they generally are, by the unacknowledged influence of considerations of utility, afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to. There is no case of moral obligation in which some secondary principle is not involved; and if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognized.

ON A UTILITARIAN LEVEL, I REALIZE THAT TO TRY TO ACCOMPLISH THE GREATEST GOOD FOR THE GREATEST NUMBER OF PEOPLE, SOMETIMES WE HAVE TO BECOME SALESMEN FOR WHAT WE BELIEVE, AND PART OF BEING A SALESMAN IS BEING EFFECTIVE.

(MOBY)

SOCIAL HEDONISTIC CONSEQUENTIALISM

The Technical Name for Classical Utilitarianism

John Stuart Mill (1806-1873) is one of the most influential thinkers in normative ethics. When we talk about ***normative ethics***, we're talking about a systematic study of the theories about what is right or wrong. Mill's Utilitarianism is certainly one of these theories—and you've just read his careful argument for why he thinks his theory is correct. His argument is quite compelling and thoughtful. To see what he's doing, we'll need to (as always) begin with some definitions.

Utilitarianism: *a normative ethical theory composed of three theses: consequentialism, socialism, and a thesis regarding the nature of the Good (or happiness)*[*]

[*] If you're thinking this implies there are different kinds of utilitarianism, you're right. There are differences regarding what counts as that ultimate Good that measures actions as morally obligatory or praiseworthy. We'll see some of this later on in this chapter. (There's also a

Consequentialism: *the thesis that an action is right or wrong to the extent that it results in the Good (or happiness)*

Socialism: *the thesis that the standard of goodness is not the agent's own, but that of all concerned*

Hedonism: *the thesis that the Good (or happiness) is pleasure and/or the absence of pain*

We can thus say that Mill's utilitarianism can be more carefully called ***Social Hedonistic Consequentialism***. Great. What does that mean? Let's unpack it. Unlike Rand's theory, utilitarianism measures the rightness or wrongness of an action based on how that actions affects *everyone involved*. We know that Rand's theory is called *egoism*. That is, its standard was the consequences on the agent alone. Thus, we can contrast egoism with utilitarianism by saying that whereas the former was a form of *egoistic consequentialism*, the latter is distinctly a *socialist consequentialism*. Utilitarians care about the consequences for ***everyone involved***. Anyone who can experience the consequences—not just the one who is considering the action.

The consequentialism part can be contrasted with other ways one might measure an action. We'll later explore an approach that says it isn't the consequences that matter, but the extent to which one has the right kind of motive. To the extent that one's motive is to do one's moral *duty* is the standard in this kind of theory. So *consequentialism* can be contrasted with *deontology* (duty theory). Some argue that an action is good to the extent that it meets the criteria of a divine will. There's a theory called *theological voluntarism* that says that it is the will of God that makes (at least some) things right or wrong. Thus, we can say that utilitarianism is an *anti-voluntarist* theory, since it holds that it isn't God's will, but the action's own consequences, that determines the rightness or wrongness of that action. And there are other ways to measure the rightness or wrongness of actions other than duty, divine will, and consequences, but you get the drift.

Finally, we can look at the *hedonistic* part of Mill's utilitarianism. This is that thesis that defines the ultimate aim of an action. Clearly, we aim for what's good. But what is *the* good? The *ultimate* good? If you're a hedonist, you say that this is *pleasure*—or at very least, the absence of pain. Others might say that the good is power, or survival, or romance, or *eudaimonia* (a specific kind of happiness that Aristotle argues is the ultimate good).

If we put these all together, then, we can better understand utilitarianism as *Social Hedonistic Consequentialism*:

Social Hedonistic Consequentialism: *the theory that an action is right to the extent that it results in more pleasure and less pain for all concerned (than alternative actions)*

Let's see how this theory could cash out by way of application.

Applying the Utilitarian Calculus

Suppose you're in an ethics class. Hard to imagine, I know. Now suppose further that you're trying to determine whether you should cheat on an upcoming exam. You're a utilitarian, so you want to maximize the aggregate happiness (or pleasure). So you want to see whether it is morally acceptable to cheat. You have two options: cheat or don't cheat.

distinction between "act" and "rule" utilitarianism, which we will not at all discuss in this chapter, but which you can get a brief overview at by checking out http://www.iep.utm.edu/util-a-r/.)

The morally acceptable action will be that one that results in more pleasure and less pain for all concerned. So you set up a ***utilitarian calculus***. That is, you're going to calculate all the possible consequences of either option and then do a little math to determine which option is morally preferable, hence correct.

You might set up a heading like this:

ACTION: ***cheat***	CONSEQUENCES	ACTION: ***not cheat***
weighted pleasures		weighted pleasures

Now consider. If you don't cheat, then you'd have to study. So that would have a level of pain under *not cheat*. But there'd be no pain under *cheat.* On the other hand, if you study (because you don't cheat), you might experience the pleasure of discovering or learning something new. And you'd not get that pleasure if you cheat. Now suppose it's certain you'd get a good grade if you cheat. Well, there's pleasure there, but it's also possible you get a good grade if you cheat, but it'd feel a little better than the cheat good grade because you have that pleasure of actually *earning* the good grade. Also, consider how this grade might affect job prospects. Pleasure. Of course, there's also the possibility of getting caught if you cheat, a *huge* pain that won't even be possible if you don't cheat.

The key is that we have to quantify the consequences—put some plausible value on the pleasure or pain these consequences will cause. So let's put all that we've got so far on our calculus table for consideration:

ACTION: ***cheat***	CONSEQUENCES	ACTION: ***not cheat***
0	study pain	-10
0	learning pleasure	+5
+7	good grade pleasure	+9
+2	job prospects pleasure	+1
-100	getting caught pain	0

Without the prospect of getting caught, we have a net gain under cheating of 9, whereas without that prospect, we have a net gain from not cheating at 6. Cheating wins, until you consider getting caught, at which time it's clearly not cheating that is morally acceptable. In fact, if you get caught, you lose even that 9 you might have gained had you not been caught. So now it'd be 6 for not cheating, -100 for cheating.

SOCIAL CONSEQUENCES

But this isn't adequate for the utilitarian. Our calculus so far has only taken into account the consequences of the action upon the agent, not upon everyone involved. So who all is involved? Believe it or not, cheating on a test has consequences for the other students in the class, for other students in the college, for the professor, and for the college grading system nationwide. So we have to take into account other students, the professor, and the whole college grade system.

If you cheat, you risk really annoying the professor. In fact, it *really* annoys the professor, who then has to spend usually something like ten times the amount of work on the cheated exam than on other exams, which totally throws the schedule off, and forces the professor to go through a lot of unexpected paperwork and so on in order to prove and then report the cheating to the proper channels. In my own experience, one cheat can put three or more hours of *extra* work on my plate. *HUGE* pain. Huge pain that doesn't figure at all if you don't cheat.

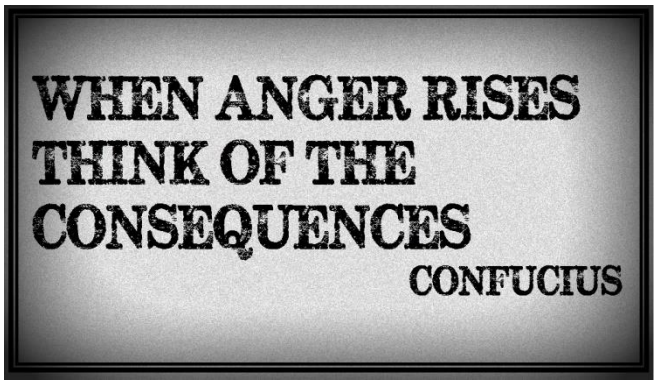
Cheating can also undermine other students' pleasure in succeeding in exams if they find out that you cheated and got the same—or a better—grade as they did. They receive less pleasure in their hard-earned good grade than they might have had if they

knew everyone worked hard and the test grades were based on honest effort all around. They get pleasure from good grades both ways, but less pleasure when you cheat (and they know it). Besides that, there's added annoyance. Other students will experience the pain of being irritated at you for cheating. So add that pain. And if you cheat, you take away the pleasure of trust from the class atmosphere. If we say the trusting atmosphere is a base zero, then we can see that cheating causes a psychological pain that not cheating doesn't cause.

Furthermore, if you cheat, then the system that says an A means proficiency in a certain area is inaccurate. The grade A doesn't mean what it's supposed to mean. Thus, businesses who expect certain proficiencies and determine this by looking at applicants' grades in certain areas are going to suffer pain when they find they hired people who aren't proficient. They'll suffer the pain of having to train people in areas that they expected the new hires to already know. And that'll cause irritation and so on.

Of course, it's an ethics test, after all, but we're trying to get the sense of what consequences can come of cheating. It's certainly true that certain fields—like abuse counselors or therapists—have to biannually take ethics courses to maintain their certification. And of course, every job expects ethical behavior from their employees, so they expect that if you've done well in an ethics course, they can get some ethical bang out of you as a hire. What a disappointment—what pain—if you cheat and don't have that knowledge.

So let's add all this stuff, all these potential consequences to the calculus sheet.



ACTION: ***cheat***	CONSEQUENCES	ACTION: ***not cheat***
0	study pain	-10
0	learning pleasure	+5
+7	good grade pleasure	+9
+2	job prospects pleasure	+1
-100	getting caught pain	0
-20	extra work for the prof pain	0
-2	other students find out pain	0
-1	loss of other students' pleasure in earned grades	0
-1	other students' irritation pain	0
-20	grade inflation	0
-5	trust atmosphere in the classroom	0
-5	business expectations not met pain	0
-5	retraining pain	0

PROBABILITIES

I can feel your eyes rolling. You're thinking, *yeah, but what are the odds, BJ? What are the odds that I get caught? What are the odds that the prof has to do all the extra work, that other students even know I cheat, that I don't know enough to succeed on a job without retraining, and so on? This is crazy far-fetched.*

And I reply—that's a great point. What *are* the odds? Well, we don't know, not precisely. Not in this case. There are other cases that we do know precise odds, but let's consider a plausible option. Let's be generous and say that 1 in 5 cheaters get caught. So that means that the pain of cheating is -20 if you want to cash it across all possible scenarios. (Or, if you're serious about this, you can figure five

consequence scenarios where you cheat, figuring being caught pain in only one of them. Thus, you'd be figuring a lot of different possible outcomes on this increasingly wide table. On the other hand, you could dive into probability mathematics and apply any relevant formulae to your calculus.) And if the odds of being caught are only 1 in 5, then you simply figure that into all the consequences that have to do with being caught. Of course, the effect on the grading system remains whether or not you're caught, so that pain remains regardless. And you can see how to figure out business pains and pleasures as well.

One last thought on figuring the social consequences. You have to figure for *everyone involved*. So if twenty people find out you've cheated and they studied hard, and if each person feels -1 from that, then you have to figure in -20. Or if the odds of all twenty finding out are slim, then you would need to figure out the odds for each person individually and put that into your calculus.

We probably don't need to do all the math right now to see that this is turning out to be a very bad idea. Not only is cheating unacceptable according to utilitarianism, but it's morally forbidden. The net total pleasure is nonexistent (we're deep into negative numbers) when you measure it up against the net total pleasure of not cheating.

Before you read on, stop and tinker. Think of some decision you are personally facing. It can be as simple as "should I buy those new subwoofers for my car?" or as difficult as "should I get a divorce?" Put together a utilitarian calculus for your decision. Make your scale a "do x" or "don't do x" to simplify it as much as possible, and be sure to consider the duration, intensity, certainty, proximity, productiveness, purity, and extent of consequential pleasure or pain *for everyone affected* (all beings who can experience pleasure/pain) in your calculus. Make sure you spend *at least* 15 minutes on this task. Take notes. Think hard. Mark pleasures and pains on a scale of 0 (least) to 100 (most). What does the calculus say is morally obligatory? Is this what you expected? Turn this in labeled as Task 69, making sure to show all your work and the conclusions of the calculus.

"Life, like lunch, is full of difficult choices."

THE SYMPATHY OF MORAL ACCOUNTING

By now, you're probably thinking something like *is this even possible? It's a crazy amount of work! Who can even do such technical calculations and complete predictions? And doesn't this make us all unsympathetic? It's like some whacko world of robotic accountants, tallying up pleasures and pains without feeling any of them.*

Well, no. And no.

Remember that this is a way to determine whether a potential action is morally acceptable or not. We don't have to figure out absolutely every detail for absolutely every action. It's the *principle* we need to have in mind. It's actually surprisingly intuitive, once you practice with the calculus a time or two, to apply it to your own choices. It might be a lot of work the first couple of times, but you don't have to figure out *all* the potential consequences—that isn't even possible unless you've got mad Nostradamus skills—just enough to get a good understanding of the scope of the effect the action has.

Doing the utilitarian calculus forces you to slow down and take into account how you're affecting others, and that is anything but an unsympathetic mindset. It forces you to live consciously, conscientiously. Let's consider *how* sympathetic this mindset is. First of all, *sympathy* literally means to *feel with*. That is, to imagine the pleasure and pains of others. To feel with them. And utilitarianism reminds us to consider *everyone* involved. Who all can feel pleasure and pain? It's not just moral agents. Remember that anything that can be affected by our actions are called moral *patients*. Animals can feel pleasure and pain, and they can be affected by our actions, so

whenever relevant, they need to be figured into our calculus.

Thus, any time you're deciding what kind of food you're eating (how it's processed, how the animals are farmed, etc.), you need to put them on your calculus. And of course, you'll need to bring the farmers and all people affected by the pollution of factory farming runoff and air pollution into your figures, right beside all of those who benefit from inexpensive and convenient foodstuffs.

People in faraway places can be affected by our actions. If you use oil that is accessed by fracking, then you have to consider the people in the places where fracking takes place: the pain of water loss and earthquakes up against the pleasure of extremely high wages in those places. If you buy clothing that is manufactured in third-world sweatshops with near-slave labor, then you have to measure the pleasure of a great new inexpensive outfit against the pain of the laborer's work and living conditions that make your outfit possible at that fantastic price. And you'll have to take into account the pains of pollution and traffic that come from shipping things so far from their place of origin. And the loss of local jobs. If you eat factory-farmed meat, you have to consider the sort of life a cow, pig, chicken, or sheep endures in order for you to experience a brief happy meal. You have to consider the life of the farm workers, the effects of the waste runoff and deforestation. Utilitarianism forces us to be sympathetic in ways that, when we first thought about it, might not have been so apparent. It turns out to be *profoundly* sympathetic, and forces us to take responsibility for how we affect others in every action—no matter how seemingly small—we undertake.

The Swine Objection

Mill shows us a number of ways opponents objected to his theory. One objection, which we can call the ***Swine Objection*** (or **SWINE**), looks like this:

SWINE

1. Utilitarian holds the Greatest Happiness Principle (GHP) to be the supreme principle of morality.
2. The GHP says that actions are right if they result in more pleasure than alternatives.
3. Pig-like activities result in more pleasure than alternatives.
4. So the GHP requires us to act like pigs.
5. But morality requires self-sacrifice and nobility, not pig-like behavior.

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6. So, the GHP cannot be the supreme principle of morality.

Let's make sure we understand how this argument works. Utilitarianism measures morality by the GHP, so if the GHP is wrong, then utilitarianism must be wrong. Premise 1 and 2 are simply noting the importance of the GHP and what the GHP says. Premise 3 says that life as a pig can be swell. In fact, acting like a pig gives easy and frequent pleasures when the life of being a human—studying, thinking, working day in and day out, and so on—can be less pleasurable. But *if* 3 is true, then it logically follows that the GHP requires us to act like pigs.

Now here's the role of objections. Premise 5 is a statement of a rational intuition. When we think of the moral or the *right* thing to do—what are we thinking of? Morally praiseworthy people aren't the piggies amongst us. In contrast, they're the ones who we admire for their self-sacrifice, for doing the right thing even when it hurts. They're the ones who are noble and stand above us in some noticeable way, not the ones who sink below us into easy lives of hedonistic bliss.

In fact, we can now see that the swine objection is aimed squarely at the *hedonism* of utilitarianism. It's the thesis about what counts as the greatest good that sticks in the craw of those who posited the Swine Objection. And if premises 1-5 are true, then 6 cannot but follow. **SWINE** is a valid argument, and if it's sound, we have reason to discard utilitarianism with its hedonistic thesis.

THREE RESPONSES TO SWINE

Mill offers three responses to the Swine Objection. Each one challenges premise 3. Notice that if it isn't the case that pig-like behaviors produce more pleasure than the alternatives, then we can save the GHP. His first response we can call the ***QUANTITY Response***. Before we discuss **QUANTITY**—or for that matter, any of the responses—let's notice what Mill is doing here. His responses to SWINE are not formally-structured arguments. Rather, they are analyses of the nature of pleasure itself. So we will start with a working question: *what is the difference between human and non-human (or animal) pleasure?*

QUANTITY

Mill isn't trying to reinvent the wheel. He uses a sense of humanness that has been in currency since Plato's *Republic* (if not earlier). If you think about living things, you can see a sort of continuum of capacity. Vegetable life and non-sentient life (including simple cell organisms, viruses, yeasts, and so on) have at bare minimum the power to reproduce, heal (regenerate), and nourish. But this doesn't include any sort of pleasure, so we'll set this kind of life aside. But animals—including pigs—have the ability to experience physical pleasure. The heat of the sun on skin, the taste of cool water, the luxurious stretch after sleep. Animals have physical pleasures in spades. Humans are animals, so we have these. But we have more. We can experience the thrill of winning the Final Four, the joy of seeing your child accomplish her dreams, the awe of discovering a long-believed unreachable new technology or scientific truth. We can experience *both* 'animal' or physical pleasures *and* psychological pleasures. We have a greater capacity for pleasure. Why settle for only a fraction of what we're capable of?

It might be helpful to get this visually. Imagine the capacity for pleasure as a sort of container—we'll imagine a beaker in a lab, and we'll put maximum pig pleasure possibility into both a pig beaker and a human beaker. Notice that the same *amount* of pleasure, when put into both beakers, might come off to the one containing the beaker, as a very different sort of thing. If you pour *all* the possible pig pleasures into a human beaker, you get what will feel like a very dissatisfied human, even though that same quantity of pleasure will completely bliss out a pig. Even adding a small quantity of human pleasures—say the thrill of discovery or the awe of creativity—and although that beaker is still mostly empty, it is fuller than a pig's. The pig beaker just isn't big enough to contain distinctly human pleasures.

Thus, Mill notes, "I would rather be Socrates dissatisfied, than a pig satisfied." If a pig can have, say, 350 ml of pleasure maximum, then a human (who can have, say, a full liter of pleasure) experiencing only 400 ml of pleasure will still have more *total* pleasure than the pig, even though that human will likely not *feel* satisfied. It follows that the GHP, arguing for the greatest amount of happiness, doesn't require us to act like pigs.

QUALITY

Mill's second response we can call the ***QUALITY Response***. Suppose you could somehow stack all piggy pleasures and all human pleasures onto separate tables, so that you could analyze and compare them. If we were to compare, say, the pleasure of eating a fantastic meal with the pleasure of winning the Nobel Prize, how would they measure up against each other? The former is a pleasure that any animal can experience—good tasting food. There's this cat named Saber who lives at the Aquatera water/wastewater treatment plant in Grande Prairie, AB. One day, Saber caught a bird and settled in for a meal. A friend saw Saber lunching, and noticed that his behavior demonstrated great pleasure. She said it was as if he had found some spectacular gourmet meal, that every bite was bliss. He thoroughly appreciated every savory morsel, and when he was done, he let out a long, satisfied sigh. What a great meal.

Compare this to the pleasure of getting that 3 AM phone call from Sweden. You aren't impressed with the wake-up, of course, but you've

been anticipating for years that you'd get recognition for your hard work, and finally it comes. You hear that accented voice, telling you that you've won. You're not only now financially set to continue your work, but you have international recognition for your accomplishments. You'll go down in history. You'll be in textbooks. And your work will have changed the whole world for the better. The feeling! Humbled awe, gratification, the buzzing almost giddy thrill, mixed with that sense of purpose and the relief of discovering it has all been worth it, after all. Years—decades—of hard work have come to this huge moment. Your whole life has built to this, and now, wham. Here it is. What a feeling. You'll never be the same again.

Which kind of pleasure is better? Mill argues that distinctly human pleasures—accomplishment, discovery, insight, comradery—are of a higher *quality* than pig-like pleasures. Would you sacrifice the getting of an award for a great meal? Would you sacrifice honor and reputation for sex?* Not if you're truly thinking about how to maximize pleasure. Why wear a horsehair shirt when you've got a silk one? Why eat moldy bread when you've got fettuccini Alfredo? Again, Mill isn't saying that we should *reject* pig-like pleasures. They're pleasure. They're good. But some goods are better goods.

This seems right. When you go to the store, for example, why do you buy the certain brands you buy? Most likely, if you've ever made a deliberate choice in the matter, it's because you find the one you usually buy as of a better quality. This lasts longer; that tastes better; the other is more durable. The same goes for pleasures. It's not that pig pleasures are bad, but that human pleasures are *better*. They last longer. You'll be hungry again in a few hours, but you'll be floating for a long time after you get that Nobel Prize.†

What counts for higher quality? Duration. Complexity. Depth. Distinctly human pleasures have all that—piggy pleasures have none. Thus, the GHP, arguing for the greatest amount of happiness, doesn't require us to act like pigs. It requires us to get the best pleasure we can. And that is going ever to require some distinctly human pleasure.

TOTAL

Mill's final response to the Swine Objection we'll call th ***TOTAL Response***. Up to now we've only looked at the pleasure gained by the agent. If *I* act like a pig… Bu we have to remember tha utilitarianism is a *socialis* consequentialism. We have to look at the total pleasure for all involved.

How do pig-like pleasures measure up to human pleasures when we look at the sum total pleasure for all affected? It's easy to see in my absurdly obvious meal-versus-Nobel-Prize example. The pleasure of a good meal affects me. Maybe if somebody else made the meal and sees I'm enjoying it, it'll affect that person or group of people, too, who will draw satisfaction from my satisfaction.

But….never mind.

Their pleasure is human. So who is affected by non-human pleasure? Only the one experiencing it.

In contrast, the Nobel affects many. You get yours, of course, but your family, friends, colleagues, neighbors, and mentors all feel pride for you. Human pleasure allows for derivative pleasure. Human pleasure can be shared and spread and multiplied. Human pleasures affect non-human pleasures, making them better. Which seems more pleasurable: sex or sex with one you love deeply, whom you know you're also pleasing? A great meal or a sharing a great meal that you prepared with a friend who loves your cooking and conversation? A good buzz, or a good buzz at a great party with your best friends and

* This, by the way, is the point of the Hebrew story of Esau and the porridge. He gave up the human value for a lesser, animal one. He sold his birthright—a human role of respect and power—for a bowl of lentils. In utilitarian terms, he chose pig-like pleasures over distinctly human ones. He thus did something morally blameworthy.

† And of course it needn't be something so improbable as the Nobel. Imagine the pleasure of getting a promotion or raise on the job. Or hearing your dad say "I'm proud of you." Or solving a particularly hard problem without help and being able to use this to help somebody else, when nobody else could help that person.

fantastic music? Music, parties, friendship—these are all human pleasures.*

Pig-like behavior gives only *individual* pleasure, and thus does not maximize *total* pleasure. It takes human actions to maximize the pleasure for all involved. Thus, the GHP, arguing for the greatest amount of happiness, doesn't require us to act like pigs.

What Mill *doesn't* say

Although he has three responses to **SWINE**, each of which gives us reasons to discard premise 3—thus the conclusion—notice what Mill does not, indeed *cannot* say. He doesn't tell us flat out that we shouldn't act like pigs. He can't. To say such a thing would be to appeal to something—some unstated principle—that trumps the GHP. And the GHP is the *supreme* principle of morality, so nothing can arbitrarily trump it. Mill has to bite the bullet and say that *if indeed pig-like behavior produced more total pleasure, then pig-like behavior is the morally correct action.*

Instead, he argues that it will never be the case that pig-like behavior will maximize total pleasure. If he's right, then he's salvaged the GHP as consistent with our reasonable moral intuitions. If he's right, then it follows that the GHP in fact requires us to—at times—act nobly and with self-sacrifice.

Hey wait, BJ. I hear you say. *Where'd you find self-sacrifice in this?*

Easy. Utilitarianism's *socialism* focuses on the total pleasure for *all* involved. If I can maximize total pleasure by sacrificing some of my own, then that is my moral <u>*obligation*</u> to do so.

Utilitarianism doesn't require that every relevant individual moral patient experience maximized pleasure. It doesn't even require that every single one affected experience *any* pleasure. What it requires is that the *total* pleasure for everyone involved be higher than any other alternative's possible outcome. So if ten million feel pretty good pleasure, but one must suffer painfully, then that's the morally correct path to take. Even if it means that this one—or these few—would much rather not suffer to make everyone else happier.

* Yes, of course, animals have affinities and some form of love and companionship amongst themselves. But human friendship comes with shared values, shared stories, shared hopes, and shared dreams. Thus, friendship as we experience it is infused with humanity. Separating the human aspects of friendship is as impossible as separating the eggs and flour from an already-baked cake.

THE CHALLENGE TO UTILITARIANISM

In Fyodor Dostoevsky's novel *Brothers Karamazov*, Ivan tells Alyosha, his brother, a horrifying tale of abused children in their beloved Russia. Ivan presents this as a complaint against God, famously saying that if God needs children to suffer so horribly in order for the world to be good, then he wants nothing of it: "It's not God that I don't accept," he says, "only I most respectfully return Him the ticket." His attack is against the benevolence of God (which we discuss in chapter 10), but also against the seeming utilitarianism of Christianity. He concludes his argument with this challenge:

> Imagine that you are creating a fabric of human destiny with the object of making men happy in the end, giving them peace and rest at last, but that it was essential and inevitable to torture to death only one tiny creature—that baby beating its breast with its fist, for instance—and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions? Tell me, and tell the truth.

When Alyosha confirms he couldn't consent, Ivan concludes,

> Can you admit the idea that men for whom you are building it would agree to accept their happiness on the foundation of the unexpiated blood of a little victim? And accepting it would remain happy for ever?

This is ***the*** problem facing utilitarians. If they cannot answer the charge, then we have much to worry about, even with the intuitive pull of the Greatest Happiness Principle.

ANOTHER KIND OF UTILITARIANISM

Ivan's gauntlet (left) wasn't the only one tossed at Utilitarianism. The worry that the maximization of pleasure might require small groups to suffer extreme pain haunts many great utilitarian thinkers. For example, what if it turns out that, in some cases, slavery is not only acceptable, but since in those cases it maximizes total utility, it would be morally *obligatory*?

If it turns out that the Greatest Happiness Principle in fact *does* justify some—perhaps rare—cases of slavery, then what? I can hear intuitions screaming in horror. And that's a good thing, because it's where we go once we begin to understand a theory enough to see possible cracks.

This is what the English philosopher R.M. Hare worried about. As an intellectually honest utilitarian, Hare took up the challenge, and the essay below is his careful look at both the slavery objection and the discoveries he made about how Utilitarianism faces the charge.

Read Hare carefully, and prepare a critical question over his argument.

MOST MEN TODAY CANNOT CONCEIVE OF A FREEDOM THAT DOES NOT INVOLVE SOMEBODY'S SLAVERY.

(W.E.B. DU BOIS)

Chapter 17, page *413

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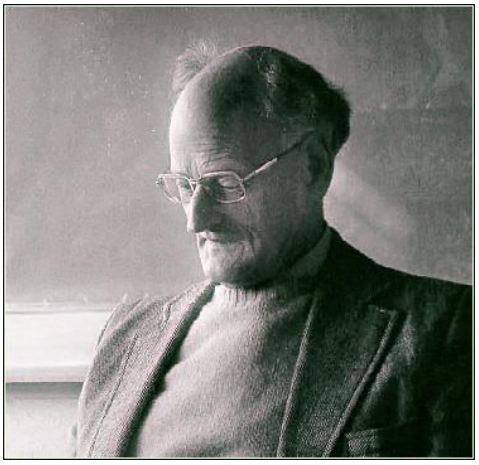
WHAT IS WRONG WITH SLAVERY?

R. M. Hare[*]



Nearly everybody would agree that slavery is wrong; and I can say this perhaps with greater feeling than most, having in a manner of speaking *been* a slave. However, there are dangers in just taking for granted that something is wrong; for we may then assume that it is obvious that it is wrong and indeed obvious why it is wrong; and this leads to a prevalence of very bad arguments with quite silly conclusions, all based on the so-called absolute value of human freedom. If we could see more clearly what *is* valuable about freedom, and why it is valuable, then we might be protected against the rhetoric of those who, the moment anything happens that is disadvantageous or distasteful to them, start complaining loudly about some supposed infringement of their liberty, without telling us why it is wrong that they should be prevented from doing what they would like to do. It may well *be* wrong in many such cases; but until we have some way of judging when it is and when it is not, we shall be at the mercy of every kind of demagogy.

This is but one example of the widespread abuse of the appeal to human rights. We may even be tempted to think that our politics would be more healthy if rights had never been heard of; but that would be going too far. It is the unthinking appeal to ill-defined rights, unsupported by argument, that does the harm. There is no doubt that arguments justifying some of these appeals are possible; but since the forms of such arguments are seldom understood even by philosophers; it is not surprising that many quite unjustified claims of this sort go unquestioned, and thus in the end bring any sort of appeal to human rights into disrepute. It is a tragedy that this happens, because there really are rights that ought to be defended with all the devotion we can command. Things are being done the world over which can properly be condemned as infringements of human rights; but so long as rights are used so loosely as an all-purpose political weapon, often in support of very questionable causes, our protests against such infringements will be deprived of most of their force.

Another hazard of the appeal to rights is that it is seldom that such an appeal by one side cannot be countered with an appeal to some conflicting right by the opposite side. The controversies which led finally to the abolition of slavery provide an excellent example of this, with one side appealing to rights of liberty and the other to rights of property. But we do not have to go so far back in history to find examples of this sort

[*] This is a revised version of a lecture given in 1978 in the Underwood Memorial Series, Wesleyan University, Middletown, Connecticut. [All notes, except where indicated, are Hare's.]

of thing. We have only to think of the disputes about distributive justice between the defenders of equality and of individual liberty; or of similar arguments about education. I have written about both these disputes elsewhere, in the attempt to substitute for intuitions some more solid basis for argument.* I have the same general motive in raising the topic of slavery, and also a more particular motive. Being a utilitarian, I need to be able to answer the following attack frequently advanced by opponents of utilitarianism. It is often said that utilitarianism must be an objectionable creed because it could in certain circumstances condone or even commend slavery, given that circumstances can be envisaged in which utility would be maximized by preserving a slave-owning society and not abolishing slavery. The objectors thus seek to smear utilitarians with the taint of all the atrocious things that were done by slave-traders and slave-owners. The objection, as I hope to show, does not stand up; but in order to see through this rhetoric we shall have to achieve a quite deep understanding of some rather difficult issues in moral philosophy; and this, too, adds to the importance and interest of the topic.

First, we have to ask what this thing, slavery, is, about whose wrongness we are arguing. As soon as we ask this question we see at once, if we have any knowledge of history, that it is, in common use, an extremely ill-defined concept.

Even if we leave out of account such admittedly extended uses of 'wage-slave' in the writings of Marxists, it is clear that the word 'slave' and its near-equivalents such as *'servus'* and *'doulos'* have meant slightly different things in different cultures; for slavery is, primarily, a *legal* status, defined by the disabilities or the liabilities which are imposed by the law on those called slaves; and obviously these may vary from one jurisdiction to another. Familiar logical difficulties arise about how we are to decide, of a word in a foreign language, that it means the same as the English word 'slave.' Do the relevant laws in the country where the language is spoken have to be identical with those which held in English-speaking countries before slavery was abolished? Obviously not; because it would be impossible for them to be identical with the laws of all such countries at all periods, since these did not remain the same. Probably we have a rough idea of the kind of laws which have to hold in a country before we can say that that country has an institution properly called 'slavery'; but it is pretty rough.

It would be possible to pursue at some length, with the aid of legal, historical and anthropological books on slavery in different cultures and jurisdictions, the different shades of meaning of the word 'slave', But since my purpose is philosophical, I shall limit myself to asking what is essential to the notion of slavery in common use. The essential features are, I think, to be divided under two heads: slavery is, first, a *status* in society, and secondly, a *relation* to a master. The slave is so

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* "Justice and Equality", in J. Arthur and W. H. Shaw, eds., *Justice and Economic Distribution* (Englewood Cliffs, NJ: Prentice-Hall,1978); "Opportunity for What?: Some Remarks on Current Disputes About Equality in Education", *Oxford Review of Education* 3 (1977).

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called first of all because he occupies a certain place in society, lacking certain rights and privileges secured by the law to others, and subject to certain liabilities from which others are free. And secondly, he is the slave *of* another person or body (which might be the state itself). The first head is not enough to distinguish slavery from other legal disabilities; for example the lower castes in some societies are as Jacking in legal rights as slaves in some others, or more so, but are not called slaves. because they are not the slaves *of* anybody.

The *status* of a slave was defined quite early by the Greeks in terms of four freedoms which the slave lacks. These are: a legally recognized position in the community, conferring a right of access to the courts; protection from illegal seizure and detention and other personal violence; the privilege of going where he wants to go; and that of working as he pleases. The first three of these features are present in a manumission document from Macedonia dated about 235 B.C.; the last is added in the series of manumission documents from Delphi which begins about thirty years later.[*] The state could to some extent regulate by law the treatment of slaves without making us want to stop calling them slaves, so that the last three features are a bit wobbly at the edges. But we are seeking only a rough characterization of slavery, and shall have to put up with this indefiniteness of the concept.

The *relation* of the slave to a master is also to some extent indefinite. It might seem that we could tie it up tight by saying that a slave has to be the *property* of an *owner;* but a moment's reflection will show what unsafe ground this is. So-called property-owners do not need to be reminded that legal restrictions upon the use and enjoyment of property can become so onerous as to make it almost a joke to call it property at all. I am referring not only to such recent inventions as zoning and other planning laws (though actually they are not so recent, having been anticipated even in ancient times), and to rent acts, building regulations, clean air acts and the like, but also to the ancient restrictions placed by the common law on uses of one's property which might be offensive to one's neighbours. In relation to slavery, it is also instructive to think of the cruelty-to-animals legislation which now rightly forbids one to do what one likes to one's own dog or cow which one has legally purchased. Legislation of just this kind was passed in the days before abolition, and was even to some extent enforced, though not always effectively. The laws forbidding the slave trade were, of course, the outstanding example of such legislation preventing people from doing what they wanted with their own property.

However, as before, we are seeking only a general and rough characterization of slavery, and shall therefore have to put up with the open texture of the concept of property. This, like slavery itself, is defined by the particular rights and obligations .which are conferred or imposed by a particular legal system, and these may vary from one such system to another. It will be enough to have a general idea of what would stop us calling a person the slave of another—how far the law would have to go in assigning rights to slaves before we stopped

[*] See W. L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia: American Philosophical Society, 1955), p. 35.

using that word of them. I have gone into these difficulties in such detail as space has allowed only because I am now going on to describe, for the purposes of our moral discussion, certain conditions of life about which I shall invite the reader's judgment, and I do not want anybody to say that what I am describing *is* not really slavery. The case I shall sketch is admittedly to some extent fantastic; and this, as we shall later see, is very important when we come to assess the philosophical arguments that have been based on similar cases. But although it is extremely unlikely that what I describe should actually occur, I wish to maintain that *if* it occurred, we should still call it slavery, so that *if* imaginary cases are allowed to be brought into the arguments, this case will have to be admitted.

It may be helpful if, before leaving the question of what slavery is, I list a few conditions of life which have to be *distinguished* from slavery proper. The first of these is *serfdom* (a term which, like 'slavery' itself, has a wide range of meaning). A serf is normally tied, not directly to a master, but to a certain area of land; the rights to his services pass with the land if it changes hands. This very distinction, however, separates the English *villein in gross*,* who approximates to a slave although enjoying certain legal rights, from the *villein regardant*, whose serfdom arises through his feudal tenure of land. Those who unsuccessfully tried to persuade Lord Mansfield in Sommersett's case that slavery could exist in England attempted to show that the defendant was a *villein in gross*.' Secondly, one is not a slave merely because one belongs to a *caste* which has an inferior legal status, even if it has pretty well no rights; as I have said, the slave has to be the slave *of* some owner. Thirdly, slavery has to be distinguished from *indenture,* which is a form of contract. Apprentices in former times, and football players even now, are bound by contract, entered into by themselves or, in the case of children, by their parents, to serve employers for a fixed term under fixed conditions, which were in some cases extremely harsh (so that the actual sufferings of indentured people could be as bad as those of slaves).† The difference lies in the voluntariness of the contract and in its fixed term. We must note however that in some societies (Athens before Solon for example) one could *choose* to become a slave by selling one's person to escape debt;‡ and it might be possible to sell one's children as well, as the Greeks sometimes did, so that even the hereditability of the slave status does not serve to make definite the rather fuzzy boundary between slavery and indenture.

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* Summing up- for defence and judgement of Lord Mansfield in Sommersett's case, King's Bench, 12 George III, 1771-1772, *Howell's State Trials* 20, pp. 1 ff.

Villein is a term used in the feudal era to denote something like a serf or peasant tenant farmer who was irredeemably attached to a specific lord or specific property. A *Villein in gross* belonged to the lord of the manor, and a *villein regardant* was considered a part of the manor itself. The word *villein* comes from the Latin *villanus* which meant something like *country estate worker*. The medieval *villein* was socially ranked below the free peasant and above the slave.

† See 0. Patterson, *The Sociology of Slavery* (London: MacGibbon and Kee, 1967), p. 74; A. Sampson, *Drum* (London: Collins, 1956), chap. 3.

‡ See Westermann, *Slave Systems,* p. 4.

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We ought perhaps to notice two other conditions which approximate to slavery but are not called slavery. The first is a compulsory *military* or *naval service* and, indeed, other forced labour. The impressed sailors of Nelson's navy no doubt endured conditions as bad as many slaves; Dr. Johnson remarked that nobody would choose to be a sailor if he had the alternative of being put in prison.* But they were not called slaves, because their status as free men was only in abeyance and returned to them on discharge. By contrast, the galley slaves of the Mediterranean powers in earlier times really were slaves. Secondly, although the term 'penal servitude' was once in use, *imprisonment* for crime is not usually called slavery. This is another fuzzy boundary, because in ancient times it was possible for a person to lose his rights as a citizen and become a slave by sentence of a court for some crime;' though when something very like this happened recently in South Africa, it was not *called* slavery, officially.† Again, prisoners of war and other captives and bondsmen are not always called slaves, however grim their conditions, although in ancient times capture in war was a way of becoming a slave, if one was not fortunate enough to be ransomed.‡ I have myself, as a prisoner of war, worked on the Burma railway in conditions not *at the time* distinguishable from slavery; but because my status was temporary I can claim to have been a slave only 'in a manner of speaking'.

I shall put my philosophical argument, to which we have now come, in terms of an imaginary example, to which I shall give as much verisimilitude as I can. It will be seen, however, that quite unreal assumptions have to be made in order to get the example going-and this is very important for the argument between the utilitarians and their opponents. It must also be noted that to play its role in the argument the example will have to meet certain requirements. It is intended as a fleshed-out substitute for the rather jejune examples often to be found in anti-utilitarian writers. To serve its purpose it will have to be a case in which to abolish slavery really and clearly would diminish utility. This means, first, that the slavery to be abolished must really be slavery, and, secondly, that it must have a total utility clearly, but not enormously, greater than the total utility of the kind of regime which would be, in that situation, a practical alternative to slavery.

If it were not *clearly* greater, utilitarians could argue that, since all judgements of this sort are only probable, caution would require them to stick to a well-tried principle favouring liberty, the principle itself being justified on utilitarian grounds (see below); and thus the example would cease to divide them from their opponents, and would become inapposite.

* Boswell, *Life of Johnson,* ed. G. B. Hill and L. F. Powell (Oxford: Oxford University Press, 1934), vol. 1, p. 348, 16 March 1759.

† See Sampson, *Drum,* p. 241.

‡ See Westermann, *Slave Systems,* pp. 2, 5-7, 29.

If, on the other hand, the utility of slavery were *enormously* greater, antiutilitarians might complain that their own view was being made too strong; for many anti-utilitarians are pluralists and hold that among the principles of morality a principle requiring beneficence is to be included. Therefore, if the advantages of retaining slavery are made sufficiently great, a non-utilitarian with a principle of beneficence in his repertory could agree that it ought to be retained-that is, that *in this case* the principle of beneficence has greater weight than that favouring liberty. Thus there would again be no difference, in this case, between the verdicts of the utilitarians and their opponents, and the example would be inapposite.

There is also another dimension in which the example has to be carefully placed. An anti-utilitarian might claim that the example I shall give makes the difference between the conditions of the slaves and those of the free in the supposed society too small, and the number of slaves too great. If, he might claim, I had made the number of slaves small and the difference between the miseries of the slaves and the pleasures of the slave-owners much greater, then the society might have the same total utility as mine (that is, greater than that of the free society with which I compare it), but it would be less plausible for me to maintain that if such a comparison had to be made in real life, we ought to follow the utilitarians and prefer the slave society.*

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SLAVES
TO SELL!

ON SATURDAY, 15TH OF SEPT'R NEXT,

I will sell at the Court House door, in the town of Jackson, Cape Girardeau county, Mo., on a credit of twelve months, with interest from date, all the Slaves belonging to the estate of John Randol, deceased. Said Slaves consist of

A NEGRO MAN,
Negro Woman & Child,
AND TWO FEMALE CHILDREN.

Bond with approved security, will be required for the purchase money.

SAMUEL H. RANDOL,
Administrator of John Randol, deceased.

Cape Girardeau, August 23d, 1855.

DAWSON & HERR, Printers, *Eagle Office.*

* I am grateful to the Editors for pressing this objection. I deal with it only so far as it concerns slavery such as might occur in the world as we know it. Brave New World situations: in which people are conditioned from birth to be obedient slaves and given disagreeable or dangerous tasks require separate treatment which is beyond the scope of this paper, though anti-utilitarian arguments based on them meet the same defence, namely the requirement to assess realistically what the consequences of such practises would actually be.

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I cannot yet answer this objection without anticipating my argument; I shall merely indicate briefly how I would answer it. The answer is that the objection rests on an appeal to our ordinary intuitions; but that these are designed to deal with ordinary cases. They give no reliable guide to what we ought to say in highly unusual cases. But, further, the case desiderated is never likely to occur. How could it come about that the existence of a small number of slaves was necessary in order to preserve the happiness of the rest? I find it impossible to think of any technological factors (say, in agriculture or in transport by land or sea) which would make the preservation of slavery for a small class necessary to satisfy the interests of the majority. It is quite true that in the past there have been *large* slave populations supporting the higher standard of living of *small* minorities. But in that case it is hard to argue that slavery has more utility than its abolition, if the difference in happiness between slaves and slave-owners is great. Yet if, in order to produce a case in which the retention of slavery really would be optimal, we reduce the number of slaves relative to slave-owners, it becomes hard to say how the existence of this relatively small number of slaves is necessary for the happiness of the large number of free men. What on earth are the slaves doing that could not be more efficiently done by paid labour? And is not the abolition (perhaps not too abrupt) of slavery likely to promote those very mechanical changes which are necessary to enable the society to do without it?

The crux of the matter, as we shall see, is that in order to use an appeal to our ordinary intuitions as an argument; the opponents of utilitarianism have to produce cases which are not too far removed from the sort of cases with which our intuitions are designed to deal, namely the ordinary run of cases. If the cases they use fall outside this class, then the fact that our common intuitions give a different verdict from utilitarianism has no bearing on the argument; our intuitions could well be wrong about such cases, and be none the worse for that, because they will never have to deal with them in practise. We may also notice, while we are sifting possible examples, that cases of *individual* slave-owners who are kind to their slaves will not do. The issue is one of whether slavery is an institution protected by law should be preserved; and if it is preserved, though there may be individuals who do not take advantage of it to maltreat their slaves, there will no doubt be many others who do.

Let us imagine, then, that the battle of Waterloo, that 'damned nice thing, the nearest run thing *you* ever saw in your life',* as Wellington called it, went differently from the way it actually did go, in two respects. The first was that the British and Prussians lost the battle; the last attack of the French Guard proved too much for them, the Guard's morale having been restored by Napoleon who in person led the advance instead of handing it over to Ney. But secondly, having exposed himself to fire as Wellington habitually did, but lacking Wellington's amazing good fortune, Napoleon was struck by a cannon

* For references, see E. Longford, *Wellington, The Years of the Sword* (London: Weidenfeld and Nicholson, *1969),* p. 489.

ball and killed instantly. This so disorganized the French, who had no other commanders of such ability, that Wellington was able to rally his forces and conduct one of those holding operations at which he was so adept, basing himself on the Channel ports and their intricate surrounding waterways; the result was a cross between the Lines of Torres Vedras and the trench warfare of the first World War. After a year or two of this, with Napoleon out of the way and the war party discredited in England, liberal (that is, neither revolutionary nor reactionary) regimes came into power in both countries, and the Congress of Vienna reconvened in a very different spirit, with the French represented on equal terms.

We have to consider these events only as they affected two adjacent islands in the Caribbean which I am going to call Juba and Camaica. I need not relate what happened in the rest of the world, because the combined European powers could at that time command absolute supremacy at sea, and the Caribbean could therefore be effectively isolated from world politics by the agreement which they reached to take that area out of the imperial war game. All naval and other forces were withdrawn from it except for a couple of bases on small islands for the suppression of the slave trade, which, in keeping with their liberal principles, the parties agreed to prohibit (those that had not already done so). The islands were declared independent and their white inhabitants, very naturally, all departed in a hurry, leaving the government in the hands of local black leaders, some of whom were of the calibre of Toussaint l'Ouverture and others of whom were very much the reverse.

On Juba, a former Spanish colony, at the end of the colonial period there had been formed, under pressure of military need, a militia composed of slaves under white officers, with conditions of service much preferable to those of the plantation slaves, and forming a kind of elite. The senior serjeant-major of this force found himself, after the white officers fled, in a position of unassailable power, and, being a man of great political intelligence and ability, shaped the new regime in a way that made Juba the envy of its neighbours. What he did was to retain the institution of slavery but to remedy its evils. The plantations were split up into smaller units, still under overseers, responsible to the state instead of to the former owners. The slaves were given rights to improved conditions of work; the wage they had already received as a concession in colonial times was secured to them and increased; all cruel punishments were prohibited. However, it is still right to call them slaves, because the state retained the power to direct their labour and their place of residence and to enforce these directions by sanctions no more severe than are customary in countries without slavery, such as lines and imprisonment. The Juban government, influenced by early communist ideas (though Marx had not yet come on the scene) kept the plantations in its own hands; but private persons were also allowed to own a limited number of slaves under conditions at least as protective to the slaves as on the state-owned plantations.

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African slaves photographed outside their cabin on the plantation

The island became very prosperous, and the slaves in it enjoyed a life far preferable in every way to that of the free inhabitants of the neighbouring island of Camaica. In Camaica there had been no such focus of power in the early days. The slaves threw off their bonds and each seized what land he could get hold of. Though law and order were restored after a fashion, and democracy of a sort prevailed, the economy was chaotic, and this, coupled with a population explosion, led to widespread starvation and misery. Camaica lacked what Juba had: a government with the will *and the instrument, in the shape of the institution of slavery,* to control the economy and the population, and so make its slave-citizens, as I said, the envy of their neighbours. The flood of people in fishing boats seeking to emigrate from free Camaica and insinuate themselves as slaves into the plantations of Juba became so great that the Juban government had to employ large numbers of coastguards (slaves of course) to stop it.

That, perhaps, will do for our imaginary example. Now for the philosophical argument. It is commonly alleged that utilitarianism could condone or commend slavery. In the situation described, utility

would have been lessened and not increased if the Juban government had abolished slavery and if as a result the economy of Juba had deteriorated to the level of that of Camaica. So, it might be argued, a utilitarian would have had to oppose the abolition. But everyone agrees, it might be held, that slavery is wrong; so the utilitarians are convicted of maintaining a thesis which has consequences repugnant to universally accepted moral convictions.

What could they reply to this attack? There are, basically, two lines they could take. These lines are not incompatible but complementary; indeed, the defence of utilitarianism could be put in the form of a dilemma. Either the defender of utilitarianism is allowed to question the imagined facts of the example, or he is not. First let us suppose that he is not. He might then try, as a first move, saying that in the situation *as portrayed* it would indeed be wrong to abolish slavery. If the argument descends to details, the antiutilitarians may be permitted to insert any amount of extra details (barring the actual abolition of slavery itself) in order to make sure that its retention really does maximize utility. But then the utilitarian sticks to his guns and maintains that in that case it *would* be wrong to abolish slavery, and that, further, most ordinary people, if *they* could be got to consider the case on its merits and not allow their judgements to be confused by association with more detestable forms of slavery, would agree with this verdict. The principle of liberty which forbids slavery is a prima facie principle admitting of exceptions, and this imaginary case is one of the exceptions. If the utilitarians could sustain this line of defence, they would win the case; but perhaps not everyone would agree that it is sustainable.

So let us allow the utilitarian another slightly more sophisticated move, still staying, however, perched on the first horn of the dilemma. He might admit that not everyone would agree on the merits of this case, but explain this by pointing to the fantastic and unusual nature of the case, which, he might claim, would be unlikely to occur in real life. *If* he is not allowed to question the facts of the case, he has to admit that abolition would be wrong; but ordinary people, he might say, cannot see this because the principles of political and social morality which we have all of us *now* absorbed (as contrasted with our eighteenth-century ancestors), and with which we are deeply imbued, prevent us from considering the case on its merits. The principles arc framed to cope with the cases of slavery which actually occur (all of which are to a greater or less degree harmful). Though they are the best principles for us to have when confronting the actual world, they give the wrong answer when presented with this fantastic case. But all the same, the world being as it is, we should be morally worse people if we did not have these principles; for then we might be tempted, whether through ignorance or by self-interest, to condone slavery in cases in which, though actually harmful, it could be colourably represented as being beneficial. Suppose, it might be argued, that an example of this sort had been used in anti-abolitionist writings in, say 1830 or thereabouts. Might it not have persuaded many people that slavery *could* be an admirable thing, and thus have secured their votes against abolition;

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and would this not have been very harmful? For the miseries caused by the *actual* institution of slavery in the Caribbean and elsewhere were so great that it was desirable from a utilitarian point of view that people should hold and act on moral convictions which condemned slavery as such and without qualification, because this would lead them to vote for its abolition.

If utilitarians take this slightly more sophisticated line, they are left saying at one and the same time that it would have been wrong to abolish slavery in the imagined circumstances, *and* that it is a good thing that nearly everyone, if asked about it, would say that it was right. Is this paradoxical? Not, I think, to anybody who understands the realities of the human situation. What resolves the paradox is that the example *is* imaginary and that therefore people are not going to have to pronounce, as a practical issue, on what the laws of Juba are to be. In deciding what principles it is good that people have, it is not necessary or even desirable to take into account such imaginary cases. It does not really matter, from a practical point of view, what judgements people reach about imaginary cases, provided that this does not have an adverse effect upon their judgements about real cases. From a practical point of view, the principles which it is best for them to have are those which *will* lead them to make the highest proportion of right decisions in actual cases where their decisions make a difference to what happens-weighted, of course, for the importance of the cases, that is, the amount of difference the decisions make to the resulting good or harm.

It is therefore perfectly acceptable that we should at one and the same time feel a strong moral conviction that even the Juban slave system, however beneficial, is wrong, *and* confess, when we reflect on the features of this imagined system, that we cannot see anything specifically wrong about it, but rather a great deal to commend. This is bound to be the experience of anybody who has acquired the sort of moral convictions that one ought to acquire, and at the same time is able to reflect rationally on the features of some unusual imagined situation. I have myself constantly had this experience when confronted with the sort of anti-utilitarian examples which are the stock-in-trade of philosophers like Bernard Williams. One is led to think, on reflection, that *if* such cases were to occur, one ought to do what is for the best in the circumstances (as even Williams himself appears to contemplate in one of his cases);* but one is bound also to find this conclusion repugnant to one's deepest convictions; if it is not, one's convictions are not the best convictions one could have.

Against this, it might be objected that if one's deep moral convictions yield the wrong answer even. in imaginary or unusual cases, they are *not* the best one could have. Could we not succeed, it might be asked, in inculcating into ourselves convictions of a more accommodating sort? Could we not, that is to say, absorb principles which had written into them either exceptions to deal with awkward cases like that in

* See Williams, 'A Critique of Utilitarianism', in J. J. C. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), p. 99.

my example, or even provision for writing in exceptions ad hoc when the awkward cases arose? Up to a point this is a sensible suggestion; but beyond that point (a point which will vary with the temperament of the person whose principles they are to be) it becomes psychologically unsound. There are some simple souls, no doubt, who really cannot keep themselves in the straight and narrow way unless they ding fanatically and in the face of what most of us would call reason to extremely simple and narrow principles. And there are others who manage to have very complicated principles with many exceptions written into them (only 'written' is the wrong word, because the principles of such people defy formulation). Most of us come somewhere in between. It is also possible to have fairly simple principles but to attach to them a rubric which allows us to depart from them, either when one conflicts with another in a particular case, or where the case is such an unusual one that we find ourselves doubting whether the principles were designed to deal with it. In these cases we may apply utilitarian reasoning directly; but it is most unwise to do this in more normal cases, for those are precisely the cases (the great majority) which our principles *are* designed to deal with, since they were chosen to give the best results in the general run of cases. In normal cases, therefore, we are more likely to achieve the right decision (even from the utilitarian point of view) by sticking to these principles than by engaging in utilitarian reasoning about the particular case, with all its temptations to special pleading.

I have dealt with these issues at length elsewhere.* Here all I need to say is that there is a psychological limit to the complexity and to the flexibility of the moral principles that we can wisely seek to build deeply, as moral convictions, into our character; and the person who tries to go beyond this limit will end up as (what he will be called) an unprincipled person, and will not in fact do the best he could with his life, even by the test of utility. This may explain why I would always vote for the abolition of slavery, even though I can admit that cases could be *imagined* in which slavery would do more good than harm, and even though I am a utilitarian.

So much, then, for the first horn of the dilemma. Before we come to the second horn, on which the utilitarian is allowed to object to his opponents' argument on the ground that their example would not in the actual world be realized, I wish to make a methodological remark which may help us to find our bearings in this rather complex dispute. Utilitarianism, like any other theory of moral reasoning that gets anywhere near adequacy, consists of two parts, one formal and one substantial. The formal part is no more than a rephrasing of the requirement that moral prescriptions be universalizable: this has the consequence that equal interests of all are to be given equal weight in our reasoning: everybody to count for one and nobody for more than one. One should not expect such a formal requirement to generate, by

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* See my 'Ethical Theory and Utilitarianism', in H. D. Lewis, ed., *Contemporary British Philosophy 4* (London: Allen and Unwin, 1976), and the references given there.

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itself, any substantial conclusions even about the actual world, let alone about all logically possible worlds. But there is also a substantial element in the theory. This is contributed by factual beliefs about what interests people in the real world actually have (which depends on what they actually want or like or dislike, and on what they would want or like or dislike under given conditions); and also about the actual effects on these interests of different actions in the real world. Given the truth of these beliefs, we can reason morally and shall come to certain moral conclusions. But the conclusions are not generated by the formal part of the theory alone.

Utilitarianism therefore, unlike some other theories, is *exposed* to the facts. The utilitarian cannot reason a priori that *whatever* the facts about the world and human nature, slavery is wrong. He has to show that it is wrong by showing, through a study of history and other factual observation, that slavery does have the effects (namely the production of misery) which make it wrong. This, though it may at first sight appear a weakness in the doctrine, is in fact its strength. A doctrine, like some kinds of intuitionism, according to which we can think up examples as fantastic as we please and the doctrine will still come up with the same old answers, is really showing that it has lost contact with the actual. world with which the intuitions it relies on were designed to cope. Intuitionists think they can face the world armed with nothing but their inbred intuitions; utilitarians know that they have to look at what actually goes on in the world and see if the intuitions are really the best ones to have in that sort of world.

I come now to the second horn of the dilemma, on which the utilitarian is allowed to say, 'Your example won't do: it would never happen that way'. He may admit that Waterloo and the Congress of Vienna could have turned out differently-after all it was a damned nice thing, and high commanders were in those days often killed on the battlefield (it was really a miracle that Wellington was not), and there were liberal movements in both countries. But when we come to the Caribbean, things begin to look shakier. Is it really likely that there would have been such a contrast between the economies of Juba and Camaica? I do not believe that the influence of particular national leaders is ever so powerful, or that such perfectly wise leaders are ever forthcoming. And I do not believe that in the Caribbean or anywhere else a system of nationalized slavery could be made to run so smoothly. I should, rather, expect the system to deteriorate very rapidly. I base these expectations on general beliefs about human nature, and in particular upon the belief that people in the power of other people will be exploited, whatever the good intentions of those who founded the system.

Alternatively, if there really had been leaders of such amazing statesmanship, could they not have done better by abolishing slavery and substituting a free but disciplined society? In the example, they gave the slaves some legal rights; what was to prevent them giving others, such as the right to change residences and jobs, subject of course to an overall system of land-use and economic planning such as exists in many free countries? Did the retention of *slavery* in

particular contribute very much to the prosperity of Juba that could not have been achieved by other means? And likewise, need the government of Camaica have been so incompetent? Could it not without reintroducing slavery, have kept the economy on the rails by such controls as are compatible with a free society? In short, did not the optimum solution lie somewhere *between* the systems adopted in Juba and Camaica, but on the free side of the boundary between slavery and liberty?

These factual speculations, however, are rather more superficial than I can be content with. The facts that it is really important to draw attention to are rather deep facts about human nature which must always, or nearly always, make slavery an intolerable condition.* have mentioned already a fact about slave ownership; that ordinary, even good, human beings will nearly always exploit those over whom they have absolute power. We have only to read the actual history of slavery in all centuries and cultures to see that. There is also the effect on the characters of the exploiters themselves. I had this brought home to me recently when, staying in Jamaica, I happened to pick up a history book† written there at the very beginning of the nineteenth century, before abolition, whose writer had added at the end an appendix giving his views on the abolition controversy, which was then at its height. Although obviously a kindly man with liberal leanings, he argues against abolition; and one of his arguments struck me very forcibly. He argues that although slavery can be a cruel fate, things are much better in Jamaica now: there is actually a law that a slave on a plantation may not be given more than thirty-six lashes by the foreman without running him up in front of the overseer. The contrast between the niceness of the man and what he says here does perhaps more than any philosophical argument to make the point that our moral principles have to be designed for human nature as it is.

The most fundamental point is one about the human nature of the slave which makes ownership by another more intolerable for him than for, say, a horse (not that we should condone cruelty to horses). Men are different from other animals in that they can look a long way ahead, and therefore can become an object of deterrent punishment. Other animals, we may suppose, can only be the object of Skinnerian reinforcement and Pavlovian conditioning. These methods carry with them, no doubt, their own possibilities of cruelty; but they fall short of the peculiar cruelty of human slavery. One can utter to a man threats of punishment in the quite distant future which he can understand. A piece of human property, therefore, unlike a piece of inanimate property or even a brute animal in a man's possession) can be subjected to a sort of terror from which other kinds of property are immune; and, human owners being what they are, many will inevitably take advantage of this fact. That is the reason for the atrocious

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* For the effects of slavery on slaves and slave-owners, see 0. Patterson, *Sociology of Slavery;* and S.M. Elkins, *Slavery* (Chicago: University of Chicago Press, 1959).

† R. C. Dallas, *The History of the Maroons* (London: Longman and *Rees, 1803;* reprinted by Frank Cass, 1968). I have not been able to obtain the book again to verify this reference.

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punishments that have usually be inflicted on slaves; there would have been no point in inflicting them on animals. A slave is the only being that is *both* able to be held responsible in this way, *and* has no escape from, or even redress against, the power that this ability to threaten confers upon his oppressor. If he were a free citizen, he would have rights which would restrain the exercise of the threat; if he were a horse or a piece of furniture, the threat would be valueless to his owner because it would not be understood. By being subjected to the threat of legal and other punishment, but at the same time deprived of legal defences against its abuse (since he has no say in what the laws are to be, nor much ability to avail himself of such laws as there are) the slave becomes, or is likely to become if his master is an ordinary human, the most miserable of all creatures.

No doubt there are other facts I could have adduced. But I will end by reiterating the general point I have been trying to illustrate. The wrongness of slavery, like the wrongness of anything else, has to be shown in the world as it actually is. We can do this by first reaching an understanding of the meaning of this and the other moral words, which brings with it certain rules of moral reasoning, as I have tried to show in other places.* One of the most important of these rules is a formal requirement reflected in the Golden Rule: the requirement that what we say we ought to do to others we have to be able to say ought to be done to ourselves were we in precisely their situation with their interests. And this leads to a way of moral reasoning (utilitarianism) which treats the equal interests of all as having equal weight. Then we have to apply this reasoning to the world as it actually is, which will mean ascertaining what will actually be the result of adopting certain principles and policies, and how this will actually impinge upon the interests of ourselves and others. Only so can we achieve a morality suited for use in real life; and nobody who goes through this reasoning in real life will adopt principles which permit slavery, because of the miseries which in real life it causes. Utilitarianism can thus show what is wrong with slavery; and so far as I can see it is the kind of moral reasoning best able to this, as opposed to merely *protesting* that slavery is wrong.

BY BEING SUBJECTED TO THE THREAT OF LEGAL AND OTHER PUNISHMENT, BUT AT THE SAME TIME DEPRIVED OF LEGAL DEFENCES AGAINST ITS ABUSE THE SLAVE BECOMES THE MOST MISERABLE OF ALL CREATURES.

R. M. HARE

* See fn. [30] above and my *Freedom and Reason* (Oxford: Oxford University Press, 1963), especially chap. 6.

MARKETS ARE, IN THE END, MAN-MADE DEVICES FOR UTILITARIAN PURPOSES, NOT A FORCE OF NATURE THAT WE SHOULD NOT TRY TO RESIST. IF THEY END UP SERVING THE INTERESTS OF ONLY A TINY MINORITY, AS IS INCREASINGLY THE CASE, WE HAVE THE RIGHT—AND INDEED THE DUTY—TO REGULATE THEM IN THE INTEREST OF GREATER SOCIAL GOOD.

(HA-JOON CHANG)

Thought Experiments

(a refresher from chapter 11)

A *lot* of philosophical analysis turns on thought experimentation—often hypothetical scenarios that fulfill all the definitive criteria of the theory, claim, or definition, but might fail the *intuition* test. Something just doesn't sit well.

Thought experiments are often ridiculous sounding, to the untrained ear—much like a story about a bacterium suddenly appearing in a non-natural state of suspension between two glass sheets under a microscope might seem ridiculous to all the other bacteria back home.

Don't make the same mistake as the bacteria down in the cave. Remember that

> *X is a* ***thought experiment*** *iff x is a (probably implausible) hypothetical scenario that is designed to isolate and analyze intuitions , theories, or claims concerning some philosophical issue.*

Thought experiments are also used discover, analyse, and test our intuitions by theories or claims that ring true. Remember that

> *X is an* ***intuition*** *iff x is a person's unreflective, unconscious, or unconsidered insight regarding something.*

continued…

SOCIAL WELFARIST CONSEQUENTIALISM

An Early Name for Contemporary Utilitarianism

Slavery. What if the GHP requires us to have slaves? What if the standard makes is morally *obligatory*? Pleasure is maximized. Sure, some suffer, but they are better off than anyone in the only alternative, where there isn't slavery. On the one hand, everyone is free but suffering greatly. On the other hand, some few are enslaved—though the majority aren't—and everyone (slaves included) are living much more comfortably. It looks like we'd have to say that we are, in such circumstances (rare though they might be), morally obligated to enslave others. And *that* is horrifying.

The Slave Objection

Is it really the case that the supreme principle of morality would *ever* allow—even require—slavery? This is the heart of the ***SLAVE Objection***:

SLAVE

1. In some (perhaps rare) circumstances, the retention of slavery would maximize overall happiness.
2. If the Greatest Happiness Principle (GHP) is true, then in some (perhaps rare) circumstances, the retention of slavery would be right (morally obligatory).
3. Slavery is *always* wrong.

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4. So the GHP is false.

SLAVE is a valid argument. If 1-3 are true, then we have to accept 4. Let's check our premises to see what's going on. Hare presents a very careful thought experiment to show that premise 1 is

Thought Experiments,

continued.

We start everything with our intuitions, so we need to ensure that they're reasonable—that they meet the *intellectual honesty* criteria. Thought experiments are useful—in fact very powerful—tools in this task.

We use experiments to transform our intuitions into *considered judgments*—and in this particular philosophical area, into considered *moral* judgments.

Why Thought Experiments?

Remember the three basic benefits:

First, they help us find our intuitions, which are useful pieces of information to include in our considerations.

Second, they simplify the question so that we do not get distracted by side issues.

And third, they are good at testing strong claims, hypotheses, or theories.

Criteria of Thought Experiments

A good thought experiment ***simplifies, clarifies, and tests.***

Thus, it focuses *only* on the issue at hand, leaving out any and all unnecessary details when it presses the issue between the glass panes of intellectual analysis.

Thought experiments, then, are simple. They don't get overly complicated, or they risk becoming too difficult to handle. Because they are simple, they are often far-fetched. But if a theory or claim is universal, then it should also cover the far-fetched scenarios within its domain.

plausible. More than plausible, actually—he shows it to be something within the realm of historical possibility. So we have reason to think 1 true. And 2 clearly follows from 1.

Premise 3 is our considered intuition. Remember that ethics involves a lot of from-the-gut reasoning. Not that we think our intuitions are always right, but they're often right, and they're generally great starting points. if we put these intuitions—these gut senses of right and wrong—up on the table with our ethical reasoning—we have them there at the ready to be analyzed along with the theories in question. So let's suppose that intuition is true. It follows then that we have to say 4 is true.

Put yourself in utilitarian shoes. You *love* this theory. It seems correct. Logical. And it's not subjective, requiring people sometimes to act self-sacrificially in order to make the world a better place. But *this* much self-sacrifice? To be a *slave*? That feels a little hinky. And that's the purpose of the Juba and Camaica thought experiment. What do we do when our intuitions conflict with our carefully-reasoned ethical positions?

Taking a deep breath, Hare steps back to reassess the problem. Maybe we're misunderstanding something, because it *both* seems right to say that we should aim for the greatest overall happiness *and* to say that slavery is always wrong. Are we missing something?

It seems likely we've made two errors. First, we've too narrowly defined *happiness* as *pleasure*. And second, we've not thought carefully enough about the nature of slavery. The principle of utility—that thing Mill calls alternatively happiness and pleasure—can it really be reduced to pleasure? Maybe not. In fact, maybe this is where Ayn Rand got it right. What matters to us is our *interests*.

THE EXPERIENCE MACHINE

We don't just want feel good. If that were the case, you could make for a very happy populace in a Matrix-like state of affairs. In fact, our good friend (from chapter 16) Robert Nozick posits a thought-experiment shaped objection to Bentham and Mill. He says,

Suppose there was an experience machine that would give you any experience you desired. Super-duper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug into this machine for life, preprogramming your life experiences? [...] Of course, while in the tank you won't know that you're there; you'll think that it's all actually happening [...] Would you plug in?*

No. The answer is supposed to be *no*. Of *course* we wouldn't. Why? Because there are other things that matter to us beyond simply how life feels "from the inside." Nozick suggests three such things:

1. We want actually *do* things and not just have the experience of having them done *to* us.
2. We want to actually *be* certain people.
3. We want to actually experience a *full* reality, not simply a *human-created* reality.

But we can't do anything, become anyone, or experience much of the world at all in the experience machine. We're in the Matrix. Only worse. In the Matrix, people communicated with each other and so on. In Nozick's machine, you're alone, just *feeling great*. But like the Matrix, once you're plugged in, you no longer remember or know that you're in that machine. But we want (to use our calculation from earlier this chapter) to *actually* conquer that darn exam. To actually do the work and endure the training and beat our bodies into submission and *then* make it to the summit of Mount Everest or the surface of the moon or some other accomplishment. We want to do it ourselves, not just falsely believe we did it—even with all the pleasures attached to that programmed experience. And we want to become certain kinds of people. We want to learn and grow and maybe change the world in certain ways. But if we're in that machine—we're totally passive. Sure, it feels like we've done great things, but we haven't. And although we might not get to taste all that reality has for us—we certainly want to get as much of it as we can.

It's this intuition of ours that makes us feel like Cypher is such a creep even before he kills everyone. There's *got* to be something wrong with this guy. Why would he want to be plugged *back* into the Matrix? For the taste of a good *steak*? Who in their *right mind* would want to be put back into the experience machine? Sure the real world is hard, but the three values Nozick suggests are *there* to be had, whereas they're absent in the Matrix.

Nozick uses this thought experiment to argue that we want more than pleasure. Thus Nozick enables us to come to a ***considered moral judgment***—that moral belief one gets after careful philosophical thought. Hare seems to agree with Nozick on this much: we

* Robert Nozick, "The Experience Machine," in *Anarchy, State, and Utopia* (N.Y.: Basic Books, 1974).

want *more* than pleasure. There are a number of things that matter to us. These things are what we'll call our *interests*.

What sorts of things number as our interests? Standard of living, maybe. Opportunities. Education. Health. Longevity. And yes, pleasure. It isn't just that we want to *feel* good, but that we want a total good life. Hare thus gives us a more nuanced utilitarianism, a *welfarist* utilitarianism. And with that, we need to define a term.

> **Welfarism:** *the thesis that the Good (or happiness) is the fulfilment of people's interests*

And with this, we have a slightly different perspective. Remember what utilitarianism is:

> **Utilitarianism:** *a normative ethical theory composed of three theses: consequentialism, socialism, and a thesis regarding the nature of the Good (or happiness)*

Since the nature of the Good is different—broader—the theory is going to look at things differently. We now have a utilitarianism that is properly understood as *Social Welfarist Consequentialism.* Whereas we had rejected Rand when moving into utilitarian thinking, we can adopt the idea that it's the *best interests* that matter, but still remain socialist in that it's not *just my* interests, but those of everyone involved. We can define utilitarianism this way:

> **Social Welfarist Consequentialism:** *the theory that an action is right to the extent that it results in more interest fulfillment for all concerned (than alternative actions)*

And with this, we can return to our slave objection to see whether it still works. It might be that only under the conditions where *pleasure* were the Good would the GHP force us to embrace slavery in some weird settings. But what if the Good is total welfare?

ARE THERE OTHER COUNTEREXAMPLES?

The first thing Hare does is think about whether there are other counterexamples that might undermine utilitarianism. What else do we find to be utterly abhorrent? Murder? But we don't think that in some rare instances murder would make the most people happy. Why? if you kill somebody, the loss of that person's pleasure has to be capitalized across a whole life. Incalculably large deficit of pleasure here. Capitalize the loss of pleasure, the gain of pain for all who love or depend on the one who would be killed. It's pretty huge. On the other hand, if you're talking about killing one who is causing great pain—say, Adolph Hitler or Pol Pot—then few will agree that this falls into the category of killing being *always* wrong. In fact, even the strictest of those who despise capital punishment will pause at the thought of killing one like this if it will cause everyone else affected to breathe easier, to live better. Depending on how we define killing, we either have something that will absolutely not be endorsed by the GHP or we have something that people will not say is *always* wrong.*

How about torture? Is it possible to recast the Slave Objection as the Torture Objection? I think so.

TORTURE

1. In some (perhaps rare) circumstances, the practice of torture would maximize overall happiness.
2. If the Greatest Happiness Principle (GHP) is true, then in some (perhaps rare) circumstances, the practice of torture would be right (morally obligatory).
3. Torture is *always* wrong.

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4. So the GHP is false.

There are two possible reasons for torture. Either it is a tool for some other end—say, getting information or exacting punishment—or it is a valued end in itself—for some sadistic understanding of pleasure. In the former case, the question is whether torture of a few will maximize the welfare of the many: a question we have heard a lot on the American front since 2003. Utilitarians have worried about this. Does the GHP endorse torture in this kind of rare situation (it's not like there's a worldwide need for torture at your friendly neighborhood bunker)? Jean Maria Arrigo carefully explored exactly this problem in 2004.† She explores four justifications for torture as a means to gaining

* If you take abortion as relevant to this question, the same applies. If it will save the life of the mother, who has responsibilities and others to care for, then many are loathe to prefer the life of the fetus to that of the one who is already deeply enmeshed in the social world of either shared pleasure or shared welfare.

† "A Utilitarian Argument Against Torture Interrogation of Terrorists," *Science and Engineering Ethics* 10, 3 (2004): 543-572.

truthful evidence that will improve social welfare. Referring to scientific, sociological, psychological, and medical research, she systematically demonstrates that torture is unlikely—if ever—to gain the desired end.

But what about torture for the sheer pleasure of it? Is it possible that the torture of a small number of persons could maximize the happiness of a great number of persons? It would seem to require a large-ish number of sadists who could share or derive pleasure from sadism—maybe in a situation like Korean torture camps of the 1950s. Let's imagine something like Juba and Camaica. Suppose that the Korean war had different sort of outcome, and that instead of the Kim dynasty's suppression of *all* North Korean citizenry, it focused its attention on one small clan, the Sam family.* In this world, everyone but the Sams experience a comfortable living comparable to the way South Koreans live in α.† But in this possible world, let it be the case that that South Korea didn't become an economic powerhouse, but retained a semi-feudal system where no one was tortured, but people still eked out a living in a difficult agrarian economy. Now we have it that those in North Korea live well, since the Kims are placated by the torture of a few people, and the South Koreans don't live as well off even without torture.

It might be the case that Hare can respond to the torture counterexample in the same way he does the slave objection. We'll see. But as we cast our minds around looking for other worrisome possibilities, it seems that these two are the only ones that might defeat the value of utilitarianism as an acceptable moral system.

Responding to the Slave Objection

There are two ways Hare could respond. First, he could accept the alleged facts and challenge premise 3: slavery *isn't* always wrong. He could try to somehow explain away the ordinary intuitions of people who would be opposed to slavery in this case (Juba and Camaica). He could say that we *believe* slavery is always wrong, but why? Generally because slaves always are the worst off, and because they're the vast majority in slaveholding societies. But in this scenario, the slaves are moderately comfortable, and certainly far better off than they'd be were they to live in the alternative society where there are no slaves.

This might not convince many. So Hare looks to the other avenue of response—to challenge the alleged facts and deny the truth of premise 1. Slavery is always inconsistent with maximizing happiness. This requires a careful analysis of slavery. Slavery isn't just physical restraint. It doesn't just remove physical or economic or social or political opportunity. We humans are autonomous (self-directed, self-regulating) beings. It's a part of the core of who we are. And to remove this autonomy is to cause psychological distress.

This relates to Nozick's intuitions behind our desire to be and to do for ourselves rather than having things done to us. If society denies us this ability to do, we suffer greatly. Slaves are treated like work animals. Suppose work animals are treated very well—like perhaps war horses are treated well. Their lives aren't self-directed; they have a specific purpose defined for them by their masters. But they aren't abused. Work animals aren't suffering. But humans would. There is a particular kind of suffering to which humans are susceptible that animals aren't. It all goes back to Mill's discussion of *distinctly human* pleasures. There is also distinctly human suffering. War horses still live like horses. They aren't forced to deny their essential

* The Sam family name was, according to census data from 2000, estimated to only be distributed among 51 persons, which we can contrast with, say, the Kim family name which was, at the time, distributed among 9,925,949 persons.

† Remember possible worlds talk. We're suggesting, by this thought experiment, a possible world that is near to the actual world, which we always refer to as α. For a refresher, see chapter 10.

horse-ness. But slaves are forced to deny their humanness. By removing the power to apply reason independently, we would be denying the essential humanity, thus causing great distress.

Hare doesn't say that the slaves are miserable *because slavery is wrong*. He can't. If he says this, then he's saying that right and wrong are something other than the maximization of utility. Rather, he must say that the slaves are miserable (for other reasons) and *thus* slavery is wrong.

Furthermore, it's extremely unlikely that the situation wouldn't be extended: it's highly likely that there's be those to take advantage of the slaves. The system wouldn't remain benevolent for long. Here's the realism of the calculus at work. What are the odds that the slaves will stay in a decent lifestyle versus the odds that they'll be further and further oppressed by the opportunistic? Applying the calculus, Hare notes that a slave "becomes or is likely to become…the most miserable of all creatures." In fact, the misery is *so* great, that it will outweigh any and all gains. The dehumanization of a few will cause so much suffering, will minimize the slaves' welfare so greatly, that the net gain of social welfare will not be more than the alternative. The misery deep in the psyche of the slave far outweighs the standard of living gains of the free.

Notice that Hare doesn't limit the scope of his discussion to the misery of the slaves. He must (and does) consider the consequences for ***everyone*** involved—slave and free. We can't look at the welfare of only a subset of the group when determining whether the consequences are a net gain or loss. So Hare is careful to look at everyone involved.

TORTURE?

Can we posit a similar response to our torture counterexample? It seems so. We can either deny the alleged facts (premise 3) and say that torture is (at least) *sometimes* acceptable, or we can accept 3 and reject 1. We could say that the ordinary intuition that torture is invariably wrong is presupposing the everyday world we live in. But in some extremely rare cases like our Sam counterexample, it's actually acceptable, even if we find it distasteful from the view of a world where torture doesn't maximize utility.

Or we could reject 1, and say that there's no way the GHP will endorse torture, and we could argue for the very same reasons Hare uses against slavery. There is suffering that humans are susceptible to that is beyond the physical. The huge psychological isolation, the dehumanization, the becoming an *object* instead of an autonomous agent is crippling. The suffering of the 51 outweighs the social welfare gains of the 24 million. That feels improbable.

But we can note (like Hare) that it's also likely that people would take advantage of the system. Why stop at the Sam family? Why not include those annoying Janggoks and Juns? And while we're at it, the Ryuks offended the Kims last month. Considering the possibilities, we cannot say that it is unlikely that the regime might find it expedient to add more families to the torture class to improve the welfare of the shrinking privileged class. What are the odds? Not so slim that we shouldn't figure this possibility into the calculus. And this shows that if Hare's responses work against **SLAVE**, they work against **TORTURE**.

Potential Theoretical Weaknesses

Utilitarians cannot respond to these objections in any way that contradicts one of the three key theses of the theory. They cannot say that something like slavery or torture is wrong *period*. Objective morality like utilitarianism (and all the others we'll look at) forbids *ad hoc* proclamations. The supreme principle of morality must be the arbiter of what is right and wrong, so if the GHP is this principle, and if in some rare cases slavery or torture would maximize utility, then the utilitarian would have to say that in those rare cases, these things are morally acceptable—even obligatory. The best a utilitarian can do is to say that the likelihood of such a situation arising is extremely unlikely. But *if*… If it does arise, then the path is clear.

> ALTHOUGH WE HAVE, IN THEORY, ABOLISHED HUMAN SLAVERY, RECOGNIZED WOMEN'S RIGHTS, AND STOPPED CHILD LABOR, WE CONTINUE TO ENSLAVE OTHER SPECIES WHO, IF WE SIMPLY PAY ATTENTION, SHOW QUITE CLEARLY THAT THEY EXPERIENCE PARENTAL LOVE, PAIN, AND THE DESIRE FOR FREEDOM, JUST AS WE DO.
>
> INGRID NEWKIRK

THE CURRENT FACE OF UTILITARIANISM

Nowadays, Utilitarianism's most influential voice speaks with an Australian accent. In some ways, Peter Singer has returned the theory to its Benthamist roots—by focusing on what it means to be a moral patient, on who should be counted, and how to think about the variety of ways patients are affected by our daily choices. But he has done this while at the same time showing that *pleasure* need not be taken quite so hedonistically. His approach is now the accepted understanding of utilitarianism—focusing on *preferences* instead of simple pleasures.

As I understand Bentham and Mill, however, I don't think they'd object. Given Bentham's understanding of the many criteria for evaluating utility, it seems preferences are presumed relevant—even vital—at every turn. Singer brings Bentham's passion for universal justice to the world of cell phones, jet travel, and fast-paced scientific innovation.

Read the following paper from early on in Singer's career. How does he make us aware of the *cost* of ethical obligation? Does his challenge hit you? Read him carefully, and prepare a critical question on the text.

MORAL MEDITATION

So what should *you* do? Consider the weight of what you already are doing. What's the impact on others, on *anything* that can experience pain or have preferences? Here's a jump start for you:

- What happens to your trash after you personally no longer have to look at it?
- Where does your food come from, and how does its manufacture affect others?
- Who makes your clothing, and how does its transport affect others?
- What is the probable consequence of your actions today on the people of ten years from now? How will your vote affect them?
- How do your habits affect the way the market views—and consequently treats—those who are 'disposable' because poor or without voice?
- Are you using your income to maximize utility or only your own self-induced experience machine?

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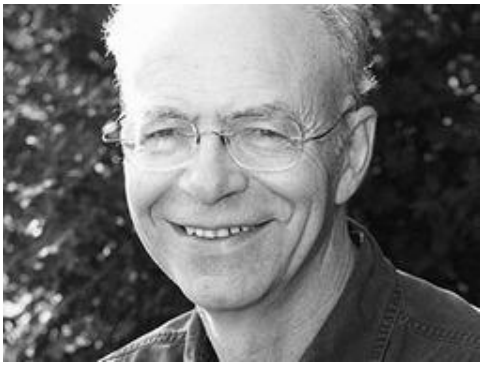
ALL ANIMALS ARE EQUAL

Peter Singer[*]



In recent years a number of oppressed groups have campaigned vigorously for equality. The classic instance is the Black Liberation movement, which demands an end to the prejudice and discrimination that has made blacks second-class citizens. The immediate appeal of the black liberation movement and its initial, if limited, success made it a model for other oppressed groups to follow. We became familiar with liberation movements for Spanish-Americans, gay people, and a variety of other minorities. When a majority group—women—began their campaign, some thought we had come to the end of the road. Discrimination on the basis of sex, it has been said, is the last universally accepted form of discrimination, practiced without secrecy or pretense even in those liberal circles that have long prided themselves on their freedom from prejudice against racial minorities.

One should always be wary of talking of "the last remaining form of discrimination." If we have learnt anything from the liberation movements, we should have learnt how difficult it is to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out.

A liberation movement demands an expansion of our moral horizons and an extension or reinterpretation of the basic moral principle of equality. Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice. Who can say with confidence that all his or her attitudes and practices are beyond criticism? If we wish to avoid being numbered amongst the oppressors, we must be prepared to re-think even our most fundamental attitudes. We need to consider them from the point of view of those most disadvantaged by our attitudes, and the practices that follow from these attitudes. If we can make this unaccustomed mental switch we may discover a pattern in our attitudes and practices that consistently operates so as to benefit one group—usually the one to which we ourselves belong—at the expense of another. In this way we may come to see that there is a case for a new liberation movement. My aim is to advocate that we make this mental switch in respect of our attitudes and practices towards a very large group of beings: members of species other than our own—or, as we popularly though misleadingly call them, animals. In other words, I am urging that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species.

[*] From *Philosophic Exchange*, vol. 1, no. 5 (Summer 1974). All notes are Singer's unless otherwise specified.

All this may sound a little far-fetched, more like a parody of other liberation movements than a serious objective. In fact, in the past the idea of "The Rights of Animals" really has been used to parody the case for women's rights. When Mary Wollstonecraft, a forerunner of later feminists, published her Vindication of the Rights of Women in 1792, her ideas were widely regarded as absurd, and they were satirized in an anonymous publication entitled A Vindication of the Rights of Brutes. The author of this satire (actually Thomas Taylor, a distinguished Cambridge philosopher) tried to refute Wollstonecraft's reasonings by showing that they could be carried one stage further. If sound when applied to women, why should the arguments not be applied to dogs, cats, and horses? They seemed to hold equally well for these "brutes"; yet to hold that brutes had rights was manifestly absurd; therefore the reasoning by which this conclusion had been reached must be unsound, and if unsound when applied to brutes, it must also be unsound when applied to women, since the very same arguments had been used in each case.

One way in which we might reply to this argument is by saying that the case for equality between men and women cannot validly be extended to nonhuman animals. Women have a right to vote, for instance, because they are just as capable of making rational decisions as men are; dogs, on the other hand, are incapable of understanding the significance of voting, so they cannot have the right to vote. There are many other obvious ways in which men and women resemble each other closely, while humans and other animals differ greatly. So, it might be said, men and women are similar beings and should have equal rights, while humans and nonhumans are different and should not have equal rights.

The thought behind this reply to Taylor's analogy is correct up to a point, but it does not go far enough. There are important differences between humans and other animals, and these differences must give rise to some differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to nonhuman animals. The differences that exist between men and women are equally undeniable, and the supporters of Women's Liberation are aware that these differences may give rise to different rights. Many feminists hold that women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either Women's Liberation or Animal Liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall

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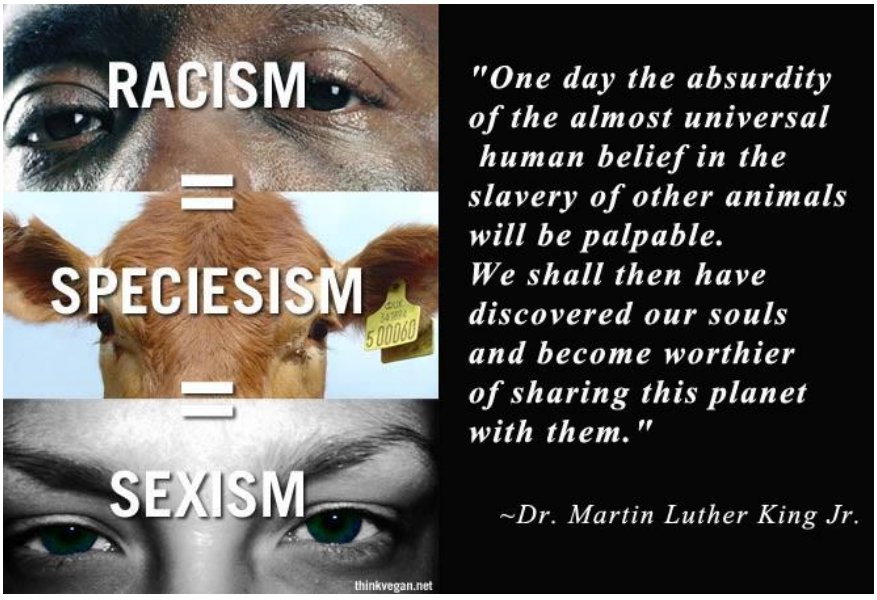
argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights. So there is a different way of replying to Taylor's attempt to parody Wollstonecraft's arguments, a way which does not deny the differences between humans and nonhumans, but goes more deeply into the question of equality and concludes by finding nothing absurd in the idea that the basic principle of equality applies to so-called "brutes." I believe that we reach this conclusion if we examine the basis on which our opposition to discrimination on grounds of race or sex ultimately rests. We will then see that we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to nonhumans.

When we say that all human beings, whatever their race, creed, or sex, are equal, what is it that we are asserting? Those who wish to defend a hierarchical, inegalitarian society have often pointed out that by whatever test we choose, it simply is not true that all humans are equal. Like it or not, we must face the fact that humans come in different shapes and sizes; they come with differing moral capacities, differing intellectual abilities, differing amounts of benevolent feeling and sensitivity to the needs of others, differing abilities to communicate effectively, and differing capacities to experience pleasure and pain. In short, if the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality. It would be an unjustifiable demand.

Still, one might cling to the view that the demand for equality among human beings is based on the actual equality of the different races and sexes. Although humans differ as individuals in various ways, there are no differences between the races and sexes as such. From the mere fact that a person is black, or a woman, we cannot infer anything else about that person. This, it may be said, is what is wrong with racism and sexism. The white racist claims that whites are superior to blacks, but this is false—although there are differences between individuals, some blacks are superior to some whites in all of the capacities and abilities



that could conceivably be relevant. The opponent of sexism would say the same: a person's sex is no guide to his or her abilities, and this is why it is unjustifiable to discriminate on the basis of sex.

This is a possible line of objection to racial and sexual discrimination. It is not, however, the way that someone really concerned about quality would choose, because taking this line could, in some circumstances, force one to accept a most inegalitarian society. The fact that humans differ as individuals, rather than as races or sexes, is a valid reply to someone who defends a hierarchical society like, say, South Africa, in which all whites are superior in status to all blacks. The existence of individual variations that cut across the lines of race or sex, however, provides us with no defense at all against a more sophisticated opponent of equality, one who proposes that, say, the interests of those with I.Q. ratings above 100 be preferred to the interests of those with I.Q.s below 100. Would a hierarchical society of this sort really be so much better than one based on race or sex? I think not. But if we tie the moral principle of equality to the factual equality of the different races or sexes, taken as a whole, our opposition to racism and sexism does not provide us with any basis for objecting to this kind of inegalitarianism.

There is a second important reason why we ought not to base our opposition to racism and sexism on any kind of factual equality, even the limited kind which asserts that variations in capacities and abilities are spread evenly between the different races and sexes: we can have no absolute guarantee that these abilities and capacities really are distributed evenly, without regard to race or sex, among human beings. So far as actual abilities are concerned, there do seem to be certain measurable differences between both races and sexes. These differences do not, of course, appear in each case, but only when averages are taken. More important still, we do not yet know how much of these differences is really due to the different genetic endowments of the various races and sexes, and how much is due to environmental differences that are the result of past and continuing discrimination. Perhaps all of the important differences will eventually prove to be environmental rather than genetic. Anyone opposed to racism and sexism will certainly hope that this will be so, for it will make the task of ending discrimination a lot easier; nevertheless it would be dangerous to rest the case against racism and sexism on the belief that all significant differences are environmental in origin. The opponent of, say, racism who takes this line will be unable to avoid conceding that if differences in ability did after all prove to have some genetic connection with race, racism would in some way be defensible.

It would be folly for the opponent of racism to stake his whole case on a dogmatic commitment to one particular outcome of a difficult scientific issue which is still a long way from being settled. While attempts to prove that differences in certain selected abilities between races and sexes are primarily genetic in origin have certainly not been conclusive, the same must be said of attempts to prove that these differences are largely the result of environment. At this stage of the

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investigation we cannot be certain which view is correct, however much we may hope it is the latter.

Fortunately, there is no need to pin the case for equality to one particular outcome of this scientific investigation. The appropriate response to those who claim to have found evidence of genetically-based differences in ability between the races or sexes is not to stick to the belief that the genetic explanation must be wrong, whatever evidence to the contrary may turn up: instead we should make it quite clear that the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral ideal, not a simple assertion of fact. There is no logically compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interests. The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat animals.

Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: "Each to count for one and none for more than one." In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. A later utilitarian, Henry Sidgwick, put the point in this way: "The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other."* More recently, the leading figures in contemporary moral philosophy have shown a great deal of agreement in specifying as a fundamental presupposition of their moral theories some similar requirement which operates so as to give everyone's interests equal consideration—although they cannot agree on how this requirement is best formulated.†

It is an implication of this principle of equality that our concern for others ought not to depend on what they are like, or what abilities they possess—although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do. It is on this basis that the case against racism and the case against sexism must both ultimately rest; and it is in accordance with this principle that speciesism is also to be condemned. If possessing a higher degree of

* *The Methods of Ethics* (7th Ed.), p. 382. [Singer note 1]

† For example, R. M. Hare, *Freedom and Reason* (Oxford, 1963) and J. Rawls, *A Theory of Justice* (Harvard, 1972); for a brief account of the essential agreement on this issue between these and other positions, see R. M. Hare, "Rules of War and Moral Reasoning," *Philosophy and Public Affairs,* vol. 1, no. 2 (1972). [Singer note 2]

intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit nonhumans?

Many philosophers have proposed the principle of equal consideration of interests, in some form or other, as a basic moral principle; but, as we shall see in more detail shortly, not many of them have recognized that this principle applies to members of other species as well as to our own. Bentham was one of the few who did realize this. In a forward-looking passage, written at a time when black slaves in the British dominions were still being treated much as we now treat nonhuman animals, Bentham wrote:

> The day may come when the rest of the animal creation may acquire those rights which never could have been witholden from them but by the hand of tyranny. 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 one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sarrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason nor Can they talk? but, Can they suffer?*

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering—or more strictly, for suffering and/or enjoyment or happiness—is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark "the insuperable line" that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

THE QUESTION IS NOT, CAN THEY REASON NOR CAN THEY TALK? BUT, CAN THEY SUFFER?

JEREMY BENTHAM

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* *Introduction to the Principles of Morals and Legislation,* ch. XVII. [Singer note 3]

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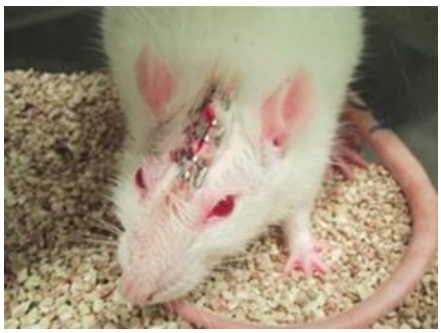
If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin color?

chickens spend their whole lives in tiny cages so we can have cheap eggs

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species.* The pattern is the same in each case. Most human beings are speciesists. l shall now very briefly describe some of the practices that show this.

For the great majority of human beings, especially in urban, industrialized societies, the most direct form of contact with members of other species is at mealtimes: we eat them. In doing so we treat them purely as means to our ends. We regard their life and well-being as subordinate to our taste for a particular kind of dish. l say "taste" deliberately—this is purely a matter of pleasing our palate. There can be no defense of eating flesh in terms of satisfying nutritional needs, since it has been established beyond doubt that we



* I owe the term speciesism to Richard Ryder. [Singer note 4]

could satisfy our need for protein and other essential nutrients far more efficiently with a diet that replaced animal flesh by soy beans, or products derived from soy beans, and other high-protein vegetable products.*

It is not merely the act of killing that indicates what we are ready to do to other species in order to gratify our tastes. The suffering we inflict on the animals while they are alive is perhaps an even clearer indication of our speciesism than the fact that we are prepared to kill them.† In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire durations of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in a higher "conversion ratio" is liable to be adopted. As one authority on the subject has said, "cruelty is acknowledged only when profitability ceases."‡ [...]

feral cat experimented on at the University of Wisconsin

Since, as l have said, none of these practices cater for anything more than our pleasures of taste, our practice of rearing and killing other

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* In order to produce 1 lb. of protein in the form of beef or veal, we must feed 21 Ibs. of protein to the animal. Other forms of livestock are slightly less inefficient, but the average ratio in the United States is still 1:8. It has been estimated that the amount of protein lost to humans in this way is equivalent to 90 percent of the annual world protein deficit. For a brief account, see Frances Moore Lappe, *Diet for a Small Planet* (Friends of The Earth/Ballantine, New York 1971), pp. 4—11. [Singer note 5]

† Although one might think that killing a being is obviously the ultimate wrong one can do to it, l think that the infliction of suffering is a clearer indication of speciesism because it might be argued that at least part of what is wrong with killing a human is that most humans are conscious of their existence over time and have desires and purposes that extend into the future see, for instance, M. Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs,* vol . 2, no. I (1972). Of course, if one took this view one would have to hold—as Tooley does—that killing a human infant or mental defective is not in itself wrong and is less serious than killing certain higher mammals that probably do have a sense of their own existence over time. [Singer note 6]

‡ Ruth Harrison, *Animal Machines* (Stuart, London, 1964). For an account of farming conditions, see my *Animal Liberation* (New York Review Company, 1975) from which "Down on the Factory Farm," is reprinted in this volume. [Singer note 7]

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animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism we must stop this practice, and each of us has a moral obligation to cease supporting the practice. Our custom is all the support that the meat-industry needs. The decision to cease giving it that support may be difficult, but it is no more difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves: if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

The same form of discrimination may be observed in the widespread practice of experimenting on other species in order to see if certain substances are safe for human beings, or to test some psychological theory about the effect of severe punishment on learning, or to try out various new compounds just in case something turns up. [...]

In the past, argument about vivisection has often missed the point, because it has been put in absolutist terms: Would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: Would the experimenter be prepared to perform his experiment on an orphaned human infant, if that were the only way to save many lives? (I say "orphan" to avoid the complication

of parental feelings, although in doing so l am being overfair to the experimenter, since the nonhuman subjects of experiments are not orphans.) If the experimenter is not prepared to use an orphaned human infant, then his readiness to use nonhumans is simple discrimination, since adult apes, cats, mice, and other mammals are more aware of what is happening to them, more self-directing and, so far as we can tell, at least as sensitive to pain, as any human infant. There seems to be no relevant characteristic that human infants possess that adult mammals do not have to the same or a higher degree. (Someone might try to argue that what makes it wrong to experiment on a human infant is that the infant will, in time and if left alone, develop into more than the nonhuman, but one would then, to be consistent, have to oppose abortion, since the fetus has the same potential as the infant—indeed, even contraception and abstinence might be wrong on this ground, since the egg and sperm, considered jointly, also have the same potential. In any case, this argument still gives us no reason for selecting a nonhuman, rather than a human with severe and irreversible brain damage, as the subject for our experiments).

The experimenter, then, shows a bias in favor of his own species whenever he carries out an experiment on a nonhuman for a purpose that he would not think justified him in using a human being at an equal or lower level of sentience, awareness, ability to be self-directing, etc. No one familiar with the kind of results yielded by most experiments on animals can have the slightest doubt that if this bias were eliminated the number of experiments performed would be a minute fraction of the number performed today.

Experimenting on animals, and eating their flesh, are perhaps the two major forms of speciesism in our society. By comparison, the third and last form of speciesism is so minor as to be insignificant, but it is perhaps of some special interest to those for whom this article was written. I am referring to speciesism in contemporary philosophy.

Philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy, and it is this task that makes philosophy a worthwhile activity. Regrettably, philosophy does not always live up to its historic role. Philosophers are human beings, and they are subject to all the preconceptions of the society to which they belong. Sometimes they succeed in breaking free of the prevailing ideology: more often they become its most sophisticated defenders. So, in this case, philosophy as practiced in the universities today does not challenge anyone's preconceptions about our relations with other species. By their writings, those philosophers who tackle problems that touch upon the issue reveal that they make the same unquestioned assumptions as most other humans, and what they say tends to confirm the reader in his or her comfortable speciesist habits.

I could illustrate this claim by referring to the writings of philosophers in various fields—for instance, the attempts that have been made by those interested in rights to draw the boundary of the sphere of rights so that it runs parallel to the biological boundaries of the species homo

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sapiens, including infants and even mental defectives, but excluding those other beings of equal or greater capacity who are so useful to us at mealtimes and in our laboratories. l think it would be a more appropriate conclusion to this article, however, if I concentrated on the problem with which we have been centrally concerned, the problem of equality.

It is significant that the problem of equality, in moral and political philosophy, is invariably formulated in terms of human equality. The effect of this is that the question of the equality of other animals does not confront the philosopher, or student, as an issue itself—and this is already an indication of the failure of philosophy to challenge accepted beliefs. Still, philosophers have found it difficult to discuss the issue of human equality without raising, in a paragraph or two, the question of the status of other animals. The reason for this, which should be apparent from what I have said already, is that if humans are to be regarded as equal to one another, we need some sense of "equal" that does not require any actual, descriptive equality of capacities, talents or other qualities. If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them—but then the philosopher comes up against the catch that any such set of characteristics which covers all humans will not be possessed only by humans. In other words, it turns out that in the only sense in which we can truly say, as an assertion of fact, that all humans are equal, at least some members of other species are also equal—equal, that is, to each other and to humans. If, on the other hand, we regard the statement "All humans are equal" in some non-factual way, perhaps as a prescription, then, as I have already argued, it is even more difficult to exclude non-humans from the sphere of equality.

dogs live in confined quarters in 'puppy mills' for designer breeds

This result is not what the egalitarian philosopher originally intended to assert. Instead of accepting the radical outcome to which their own reasonings naturally point, however, most philosophers try to

reconcile their beliefs in human equality and animal inequality by arguments that can only be described as devious.

As a first example, I take William Frankena's well-known article "The Concept of Social Justice." Frankena opposes the idea of basing justice on merit, because he sees that this could lead to highly inegalitarian results. Instead he proposes the principle that all men are to be treated as equals, not because they are equal, in any respect, but simply because they are human. They are human because they have emotions and desires, and are able to think, and hence are capable of enjoying a good life in a sense in which other animals are not.*

But what is this capacity to enjoy the good life which all humans have, but no other animals? Other animals have emotions and desires and appear to be capable of enjoying a good life. We may doubt that they can think—although the behavior of some apes, dolphins, and even dogs suggests that some of them can—but what is the relevance of thinking? Frankena goes on to admit that by "the good life" he means "not so much the morally good life as the happy or satisfactory life," so thought would appear to be unnecessary for enjoying the good life; in fact to emphasize the need for thought would make difficulties for the egalitarian since only some people are capable of leading intellectually satisfying lives, or morally good lives. This makes it difficult to see what Frankena's principle of equality has to do with simply being human. Surely every sentient being is capable of leading a life that is happier or less miserable than some alternative life, and hence has a claim to be taken into account. In this respect the distinction between humans and nonhumans is not a sharp division, but rather a continuum along which we move gradually, and with overlaps between the species, from simple capacities for enjoyment and satisfaction, or pain and suffering, to more complex ones.

Faced with a situation in which they see a need for some basis for the moral gulf that is commonly thought to separate humans and animals, but can find no concrete difference that will do the job without undermining the equality of humans, philosophers tend to waffle. They resort to highsounding phrases like "the intrinsic dignity of the human individual";† they talk of the "intrinsic worth of all men" as if men (humans?) had some worth that other beings did not,‡ or they say that humans, and only humans, are "ends in themselves," while "everything other than a person can only have value for a person.''§

This idea of a distinctive human dignity and worth has a long history; it can be traced back directly to the Renaissance humanists, for instance to Pico delta Mirandola's Oration on the Dignity of Man. Pico and other humanists based their estimate of human dignity on the idea that man possessed the central, pivotal position in the "Great Chain of

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* In R. Brandt (ed.), *Social Justice* (Prentice Hall, Englewood Cliffs, 1962), p. 19.

† Frankena, op. cit. p. 23.

‡ H. A. Bedau, "Egalitarianism and the Idea of Equality," in *Nomos IX: Equality,* ed. J. R. Pennock and J. W. Chapman, New York, 1967.

§ C. Vlastos, "Justice and Equality," in Brandt, *Social Justice,* p. 48.

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Being" that led from the lowliest forms of matter to God himself; this view of the universe, in turn, goes back to both classical and Judeo-Christian doctrines. Contemporary philosophers have cast off these metaphysical and religious shackles and freely invoke the dignity of mankind without needing to justify the idea at all. Why should we not attribute "intrinsic dignity" or "intrinsic worth" to ourselves? Fellow-humans are unlikely to reject the accolades we so generously bestow on them, and those to whom we deny the honor are unable to object. Indeed, when one thinks only of humans, it can be very liberal, very progressive, to talk of the dignity of all human beings. In so doing, we implicitly condemn slavery, racism, and other violations of human rights. We admit that we ourselves are in some fundamental sense on a par with the poorest, most ignorant members of our own species. It is only when we think of humans as no more than a small sub-group of all the beings that inhabit our planet that we may realize that in elevating our own species we are at the same time lowering the relative status of all other species.

sows can be confined in 'gestation crates' for months at a time

The truth is that the appeal to the intrinsic dignity of human beings appears to solve the egalitarian's problems only as long as it goes unchallenged. Once we ask why it should be that all humans—including infants, mental defectives, psychopaths, Hitler, Stalin, and the rest—have some kind of dignity or worth that no elephant, pig, or chimpanzee can ever achieve, we see that this question is as difficult to answer as our original request for some relevant fact that justifies the inequality of humans and other animals. In fact, these two questions are really one: talk of intrinsic dignity or moral worth only takes the problem back one step, because any satisfactory defence of the claim that all and only humans have intrinsic dignity would need to refer to some relevant capacities or characteristics that all and only humans possess. Philosophers frequently introduce ideas of dignity, respect, and worth at the point at which other reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resource of those who have run out of arguments.

In case there are those who still think it may be possible to find some relevant characteristic that distinguishes all humans from all members of other species, I shall refer again, before I conclude, to the existence of some humans who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience, of many non-humans. l am thinking of humans with severe and irreparable brain damage, and also of infant humans. To avoid the complication of the relevance of a being's potential, however, I shall henceforth concentrate on permanently retarded humans.

the reality of 'free range' and 'cage free' chickens

Philosophers who set out to find a characteristic that will distinguish humans from other animals rarely take the course of abandoning these groups of humans by lumping them in with the other animals. It is easy to see why they do not. To take this line without re-thinking our attitudes to other animals would entail that we have the right to perform painful experiments on retarded humans for trivial reasons; similarly it would follow that we had the right to rear and kill these humans for food. To most philosophers these consequences are as unacceptable as the view that we should stop treating nonhumans in this way.

Of course, when discussing the problem of equality it is possible to ignore the problem of mental defectives, or brush it aside as if somehow insignificant.* This is the easiest way out. What else remains? My final example of speciesism in contemporary philosophy has been selected to show what happens when a writer is prepared to face the question of human equality and animal inequality without ignoring the existence of mental defectives, and without resorting to obscurantist mumbo jumbo.

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* For example, Bernard Williams, "The Idea of Equality," in *Philosophy, Politics, and Society* (second series), ed. P. Laslett and W. Rundman (Blackwell, Oxford, 1962), p. 118; J. Rawls, A Theory of Justice, pp. 509—10.

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Stanley Benn's clear and honest article "Egalitarianism and Equal Consideration of Interests'"* fits this description.

Benn, after noting the usual "evident human inequalities" argues, correctly I think, for equality of consideration as the only possible basis for egalitarianism. Yet Benn, like other writers, is thinking only of "equal consideration of human interests." Benn is quite open in his defence of this restriction of equal consideration:

> …not to possess human shape is a disqualifying condition. However faithful or intelligent a dog may be, it would be a monstrous sentimentality to attribute to him interests that could be weighed in an equal balance with those of human beings…if, for instance, one had to decide between feeding a hungry baby or a hungry dog, anyone who chose the dog would generally be reckoned morally defective, unable to recognize a fundamental inequality of claims.
>
> This is what distinguishes our attitude to animals from our attitude to imbeciles. It would be odd to say that we ought to respect equally the dignity or personality of the imbecile and of the rational man… but there is nothing odd about saying that we should respect their interests equally, that is, that we should give to the interests of each the same serious consideration as claims to considerations necessary for some standard of well-being that we can recognize and endorse.

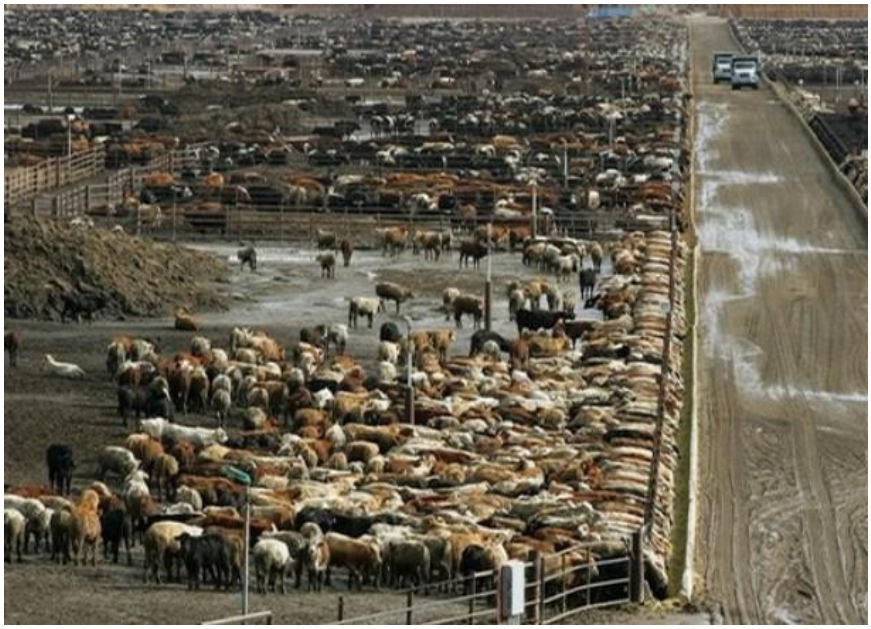
eyes sewn shut at birth for experimental purposes

Benn's statement of the basis of the consideration we should have for imbeciles seems to me correct, but why should there be any fundamental inequality of claims between a dog and a human imbecile? Benn sees that if equal consideration depended on rationality, no reason could be given against using imbeciles for research purposes, as we now use dogs and guinea pigs. This will not do: "But of course we do distinguish imbeciles from animals in this regard," he says. That the common distinction is justifiable is something Benn does not question; his problem is how it is to be justified. The answer he gives is this:

* *Nomos IX: Equality;* the passages quoted are on p. 62ff.

we respect the interests of men and give them priority over dogs not *insofar* as they are rational, but because rationality is the human norm. We say it is *unfair* to exploit the deficiencies of the imbecile who falls short of the norm, just as it would be unfair, and not just ordinarily dishonest, to steal from a blind man. If we do not think in this way about dogs, it is because we do not see the irrationality of the dog as a deficiency or a handicap, but as normal for the species,

The characteristics, therefore, that distinguish the normal man from the normal dog make it intelligible for us to talk of other men having interests and capacities, and therefore claims, of precisely the same kind as we make on our own behalf. But although these characteristics may provide the point of the distinction between men and other species, they are not in fact the qualifying conditions for membership, to the distinguishing criteria of the class of morally considerable persons; and this is precisely because a man does not become a member of a different species, with its own standards of normality, by reason of not possessing these characteristics.



the 'grassy fields' in which beef cattle spend their lives

The final sentence of this passage gives the argument away. An imbecile, Benn concedes, may have no characteristics superior to those of a dog; nevertheless this does not make the imbecile a member of "a different species" as the dog is. Therefore it would be "unfair" to use the imbecile for medical research as we use the dog. But why? That the imbecile is not rational is just the way things have worked out, and the same is true of the dog—neither is any more responsible for their mental level. If it is unfair to take advantage of an isolated defect, why is it fair to take advantage of a more general limitation? I find it hard to see anything in this argument except a defense of preferring the interests of members of our own species because they are members of our own species. To those who think there might be more to it, I suggest the following mental exercise.

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Assume that it has been proven that there is a difference in the average, or normal, intelligence quotient for two different races, say whites and blacks. Then substitute the term "white" for every occurrence of "men" and "black" for every occurrence of "dog" in the passage quoted; and substitute "high l.Q." for "rationality" and when Benn talks of "imbeciles" replace this term by "dumb whites"—that is, whites who fall well below the normal white l.Q. score. Finally, change "species" to "race."

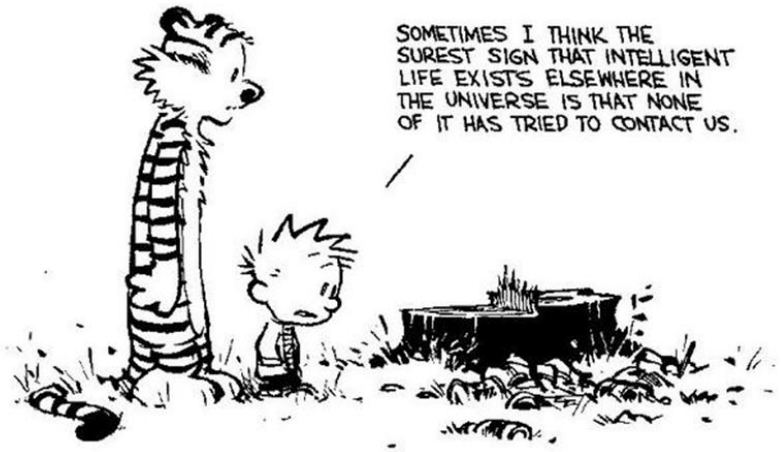
the life of a Butterball turkey*

Now reread the passage. It has become a defense of a rigid, no-exceptions division between whites and blacks, based on l.Q. scores, notwithstanding an admitted overlap between whites and blacks in this respect. The revised passage is, of course, outrageous, and this is not only because we have made fictitious assumptions in our substitutions. The point is that in the original passage Benn was defending a rigid division in the amount of consideration due to members of different species, despite admitted cases of overlap. If the original did not, at first reading strike us as being as outrageous as the revised version does, this is largely because although we are not racists ourselves, most of us are speciesists. Like the other articles, Benn's stands as a warning of the ease with which the best minds can fall victim to a prevailing ideology.

THE GREATNESS OF A NATION AND ITS MORAL PROGRESS CAN BE JUDGED BY THE WAY ITS ANIMALS ARE TREATED.

(MAHATMA GANDHI)

* Image still from video of undercover investigation reported by ABC News in 2012.



SOCIAL PREFERENCE CONSEQUENTIALISM

The Name of Contemporary Utilitarianism

Peter Singer is the most well-known utilitarian today, and he's considered one of the most influential living philosophers. He argues in this paper, and in his more recent discussions on altruism and animal rights,* for a utilitarianism that is more technically called *Social Preference Consequentialism*.

Of course, we have a term to define:

> **Preference-ism:** *the thesis that the Good (or happiness) is the fulfilment of moral patients' preferences*

Notice the difference between Welfarism (the Good = the fulfilment of

* One such talk he gave at Radboud Universiteit Nijmegen in 2012, available online with spotty audio at https://www.youtube.com/watch?v=W6T0KIGryI0.

The following discussion references ideas he uses in this talk.

people's interests) and this. Singer reminds us that Bentham, the first to use the term *utilitarian*, included anything capable of *feeling* in the calculus. It isn't just moral *agents*, but moral *patients* that must be included. Moral obligation is cast out beyond the sphere of how one affects other persons, but to all others who can experience pleasure and pain, to all others who have interests that can be fulfilled or denied. In short, we have moral obligations to any sentient things with preferences.

So we see how challenging morality becomes, if we wish to be intellectually careful and philosophically objective. Today, utilitarianism looks like this:

Social Preference

Consequentialism: *the theory that an action is right to the extent that it results in more preference fulfillment for all patients concerned (than alternative actions)*

Three Distances

Singer notes that we have obligations to all concerned, regardless three distances. The first we see in this paper—the distance between species. The second is the distance between locations, and the third is the distance between times. His case is pretty clear regarding the first distance in this reading, so I'll focus on the second two distances in this brief discussion. And I recommend you watch the video footnoted below to get his argument more clearly.

FARAWAY SPECIES

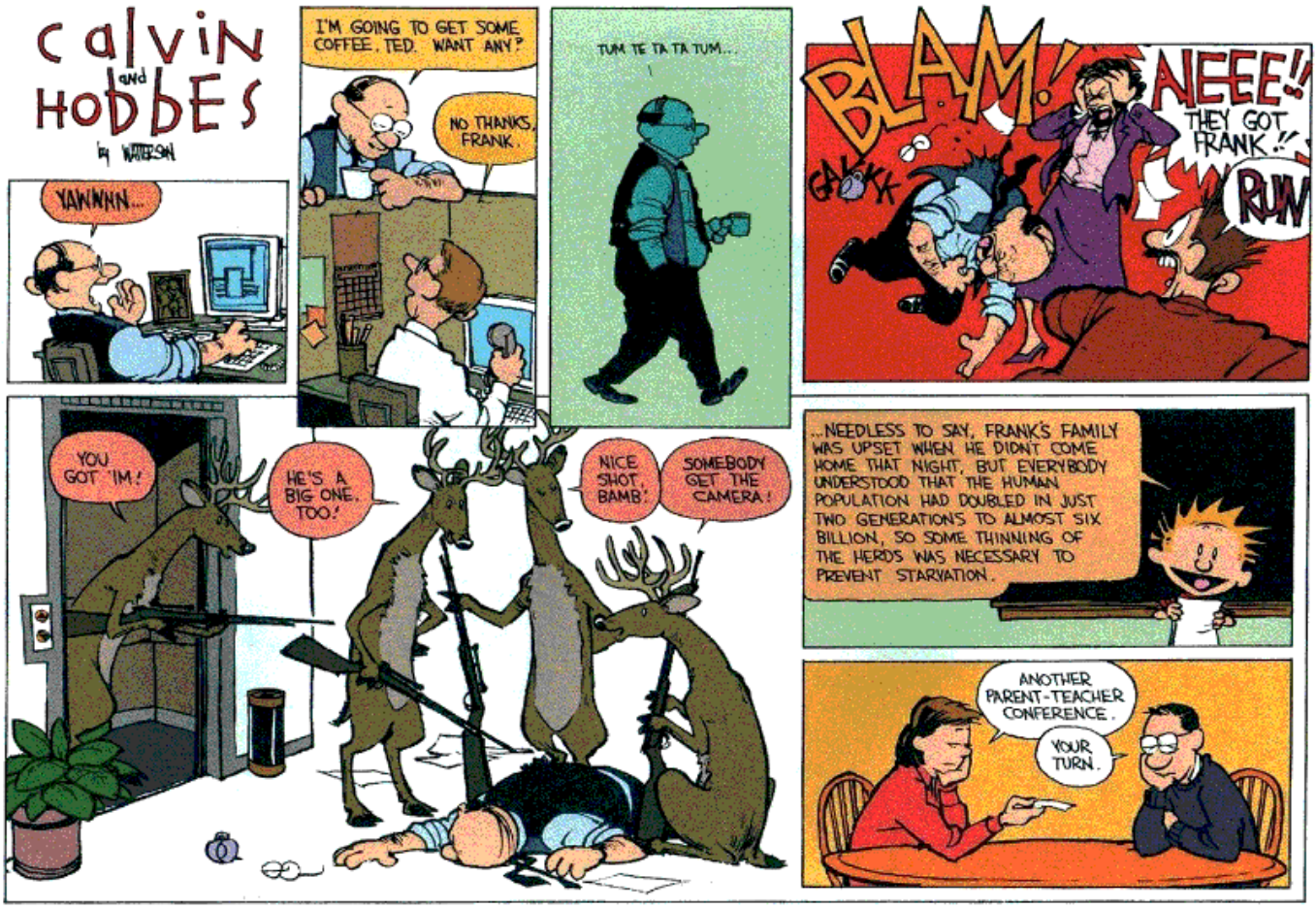
The first distance has already been clearly discussed in his paper, above. What justification do we have for ignoring the preferences and real pain of non-human animals? Because *ignoring* is what we do.

Living ethically, Singer reminds us, requires critical thought. Our actions *always* have consequences, and we are to some extent morally responsible for these consequences—whether we choose to acknowledge them or not.

FARAWAY PLACES

Consider Singer's now-famous thought experiment:

Suppose you are taking a walk, wearing your new expensive shoes. Say they cost you $200. And suppose further that you notice a small child happens to have fallen in a pool nearby. Nobody else is around, and though the pool isn't too deep for you, it's clear that child will drown if somebody doesn't do something. You haven't time to unlace and remove your shoes (maybe they have complicated laces). If you do, that child will drown. If you jump in with your shoes on, you'll ruin them. What is the moral action? Intuitively, we say "save that kid!" Why? Because the value of that child's life is greater than



the value of the shoes. A small child's life is worth more than $200. Most people wouldn't think twice.

Consider this, then. There are children in similar extreme situations in faraway countries. Malnourished, or enslaved, or orphaned, or suffering in other dire ways. Is it just that they're farther away that makes it less appealing to us? It is still the case that a child's life is worth more than some petty luxuries we cling to. Couldn't we find some fiscally responsible charity to donate our extra funds to in order to save these children who aren't so in-your-face because they're far away? Whether we're so *emotionally* attached is irrelevant. Our moral obligation remains the same. So why *don't* we comply?

Singer thinks it's because there are indefinitely many children out there in dire straits. It's not just one kid versus one pair of shoes. How much is our obligation? Are we to give and give and give until we ourselves are barely scraping by? Here Singer applies the calculus in a quite insightful way. He thinks of two criteria: *require people to give every spare penny they can* and *require people to give less than their all but more than the bare minimum*.

One *might* suppose that we are obligated by the GHP to give our all. But we have to think of possible consequences. How many people would be utterly frustrated by such a high bar and fail to give anything at all—or at best, might give once and then give up charity altogether? In contrast, think of how many people would give, how much total good would be effected, if the lesser standard were put into play. It is likely, Singer argues, that far more people will give in this case, and that the total gain would far outweigh the small gains from the minimal compliance to a higher standard. Thus, it is clear that the GHP requires not *total* sacrifice, but *some* sacrifice. Maybe, for example, instead of going to that huge party *and* the concert you've been waiting for, cut the party and go only to the concert. Allocate the money you would have spent on drinks and a cab to some charity with a record of giving most of their funds to those who truly need it (and not advertising or overhead).

FARAWAY TIMES

Now consider that this child isn't yet alive. People who will be born twenty, thirty, sixty years from now will have interests, too. And to the extent that

Detractions and Attractions

A REFLECTION ON UTILITARIANISM

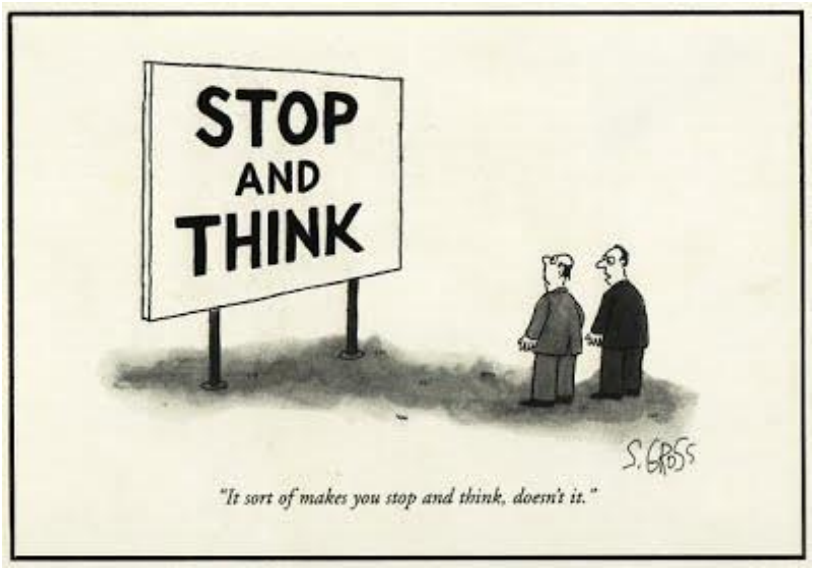
There are things about utilitarianism that might give us pause, but there are things that likewise draw us to it. This final section briefly discusses both.

People find utilitarianism distasteful to the extent that it cares not about *individual* happiness but about the net total happiness. They say that seems unsympathetic, or aloof. It doesn't matter if it's one unit of yours or one unit of mine or one unit of somebody on the other side of the planet. It also doesn't matter whose misery is involved. Utilitarianism shows no favoritism. If you and I suffer but the welfare of many in some faraway place is improved, this is the right thing. The only thing that matters is the *total* net gain or loss.

On the other hand, there are a fistful of compelling attractions to utilitarianism.

First, it focuses on *what is important to us*: pleasure, preferences, well-being. It measures the right by something intuitively plausible. It seems right to say that whatever maximizes these things is the right thing to do.

continued…



we affect these interests we are morally connected to these people.

What interests do you, as a human being, have? Here's a partial list that comes to mind: clean and available water, safe community, employment and education opportunities, healthy and affordable food, slightly more than adequate housing, access to recreational activities, creative outlets, access to excellent healthcare, ensured retirement care and funding, and clean, breathable air. This set (which is larger than these examples) I'll call the preferences of being human. These preferences are shared by those who aren't yet born. When they *are* alive, they'll want clean air and water, healthy food and so on, too.

To the extent that it is in our power to ensure or deny future persons' access to the fulfilment of their preferences we are morally responsible. That is, we are obligated to *future persons* to keep the world in such a way that they can fulfil their interests like we have fulfilled ours. To focus on our own interests at the harm or neglect—or even total lack of consideration of—the interests of these is to act immorally. How does this look?

One example comes to mind. As I type this, California is in extreme drought, to the extent that prehistoric

Detractions and Attractions

continued.

Second, it focuses on *results*. We can see, experience, or measure morality—or at least, we can predict how it would be measured. Third, it isn't *selfish*. It's based on the good for everyone. It's that Spock thinking: "the needs of the many outweigh the needs of the few, or the one."*

These first three attractions come from the three theses that make up the theory. The next is that it can be determined by empirical *calculation* — at least in principle. That is, it has a scientific base. Closely related to this is the next: it's attractive because it's based on a common currency—a common umpire. It's *objective*.

And finally, this ethical approach is not exclusively *religious*. Though Jesus, Mohammad, the Buddha, or Zoroaster might approve, this approach isn't exclusionary based on religious practices or dogma. It's *universal*. For these six reasons, then, we'll put utilitarianism into our tool box as a viable and powerful approach towards doing ethical philosophy.

* Spock is a utilitarian! This particular quote comes from "Star Trek II: The Wrath of Khan" (1982). But this shows up constantly in Spock action. Can you see the utilitarian mindset in the new Star Trek movies in either young or old Spock?

reservoirs from deep beneath the surface of the earth are being tapped for the first time in history. Farms are drying up. Animals are dying. Forests are burning, including ancient groves that were havens for fragile ecosystems. Whole cities are without adequate water. People are moving to other states, looking for this basic human need. For this preference.

At the same time, major corporations are continuing to engage in oil fracking in California. Fracking requires millions of gallons of water, water that is so severely polluted after use that it takes extreme measures to render it useable again. At the same time, Nestlé is illegally redirecting the drinking water of whole towns to its own plant so that this water can be bottled and sent to faraway places like Nebraska or Michigan where people who have ample drinking water from local sources can buy it instead.

Furthermore, oil pipelines from non-functioning sources are being forcefully plotted through aquifers, rivers, and other life-sustaining regions, potentially obliterating the culture and health of whole communities and cultures in order to satisfy the short-term profits of a few.

In real time, this seems bad enough, from a utilitarian perspective. But consider future persons. If we persist in such behavior, there will not be the assurance of clean or even *available* water.

Is there an alternative action that we can pursue? Could we instead drink from local sources so that future generations would have water? Sure. What about fracking? Are there other technologies or innovation potential? Certainly. Are their alternative power sources? Sure.

Hare reminded us that we have to take *everyone*—not just our own subgroup—into account when determining morality, Singer shows us that "everyone" means <u>*everyone*</u>: animals, people in faraway places, and people who aren't yet born.

Singer developed a social movement called ***effective altruism***. Watch his TED Talk called *The Why and How of Effective Altruism*.* Then write a careful paragraph on your reflections. How does his argument affect you? What ethical actions might you have to reconsider? Label this reflection as Task 70, and turn it in when this reading is due.

* Available on the TED site, at <u>http://www.ted.com/speakers/peter_singer</u>.

TEAM PROJECT: CONSEQUENCES FOR NON-HUMANS

ANIMAL ETHICS

It's one thing to say animals feel pain, but another to consider how we everyday people both maximize animal suffering and minimize such suffering's visibility in our everyday lives. Especially in wealthy nations like ours, we've made it practically invisible. This task is going to be controversial, but you're up to the challenge. As a team, explore one issue that directly affects you and animals: eating from McDonald's, Sonic, KFC, Popeye's, In-N-Out, or Jimmy John's; buying your meat from Hy-Vee, Wal-Mart, or a local butcher (or specific brands like Tyson, Eggland's Best, etc.); buying cosmetics or fragrances from MAC, Estee Lauder, Suave, Smashbox, or TRESemme; etc.

You are, as a team, to agree on the use of a product, service, or brand. Then you must explore the company's animal treatment policy, whether it be testing, kill conditions or living conditions (e.g. gestation crates), or even managerial stances on exotic game hunting safaris. As you explore your chosen issue, carefully document how your team's actions regarding this product/service have ethical consequences for animals. How does your money support/protect animal preferences and related environmental issues? What are the consequences of your life patterns? Make sure you reference well-documented and legitimate (i.e., credible) sources (if you don't know what counts, see chapter 3 or ask your instructor).

Your instructor will set the due date for this project. Write that date on the assignment, along with the names of all your participating team members. Turn in *one* paper for the whole team. Please write legibly.

TEAM PROJECT: ENVIRONMENTAL IMPACT

WORLD RESPONSIBILITY

How do our everyday actions affect the environment? And why is this important? Consider an environmental issue that affects you and your teammates in everyday life. This could be something like

- drinking bottled water that is sourced from drought-devastated California or impoverished Pakistani villages (e.g., Nestlé);
- using transportation or power sources that demonstrably increase/decrease unhealthy particulate matter in the air (that kill/preserve vegetation and increase/decrease breathing problems);
- engaging (or not engaging) in political or social activity that impacts the air/water/soil (e.g., recycling, composting, supporting factory farming or corporate self-regulation, endangering forests or wetlands); and
- supporting/challenging elected officials who have known positions/practices that affect the environment.

You are, as a team, to agree on the use of a product or service. Then you must explore the company's environmental policy and/or effect. As you explore your chosen issue, carefully document how your team's actions regarding this product/service have impact the environment. How do your activities positively or negatively affect the environment? How do these consequences affect others, whether they be far away or in future generations? What are the consequences of your life patterns?

Your instructor will set the due date for this project. Write that date on the assignment, along with the names of all your participating team members. Turn in *one* paper for the whole team. Please write legibly.

If you are interested in some personal research, take the time to learn the difference between the terms 'cage-free', 'grass fed', 'free-range', 'pasture raised', 'natural', 'certified organic', 'USDA organic', 'certified humane', 'American humane certified', and 'animal welfare approved' as they appear on food packaging.

Here's a few places to start:

http://ethicalfarms.org/

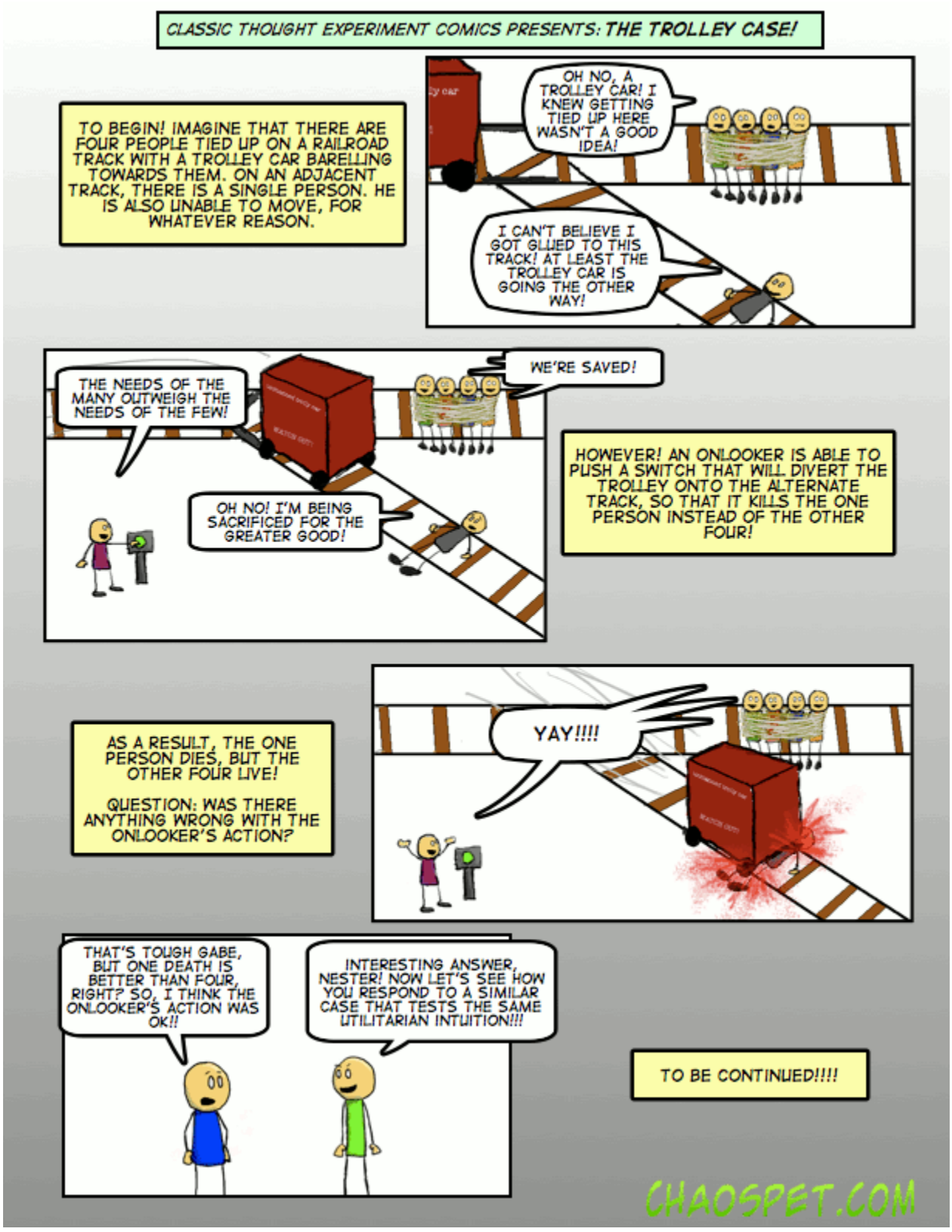
http://www.globalanimal.org/2011/11/08/humane-labeling/

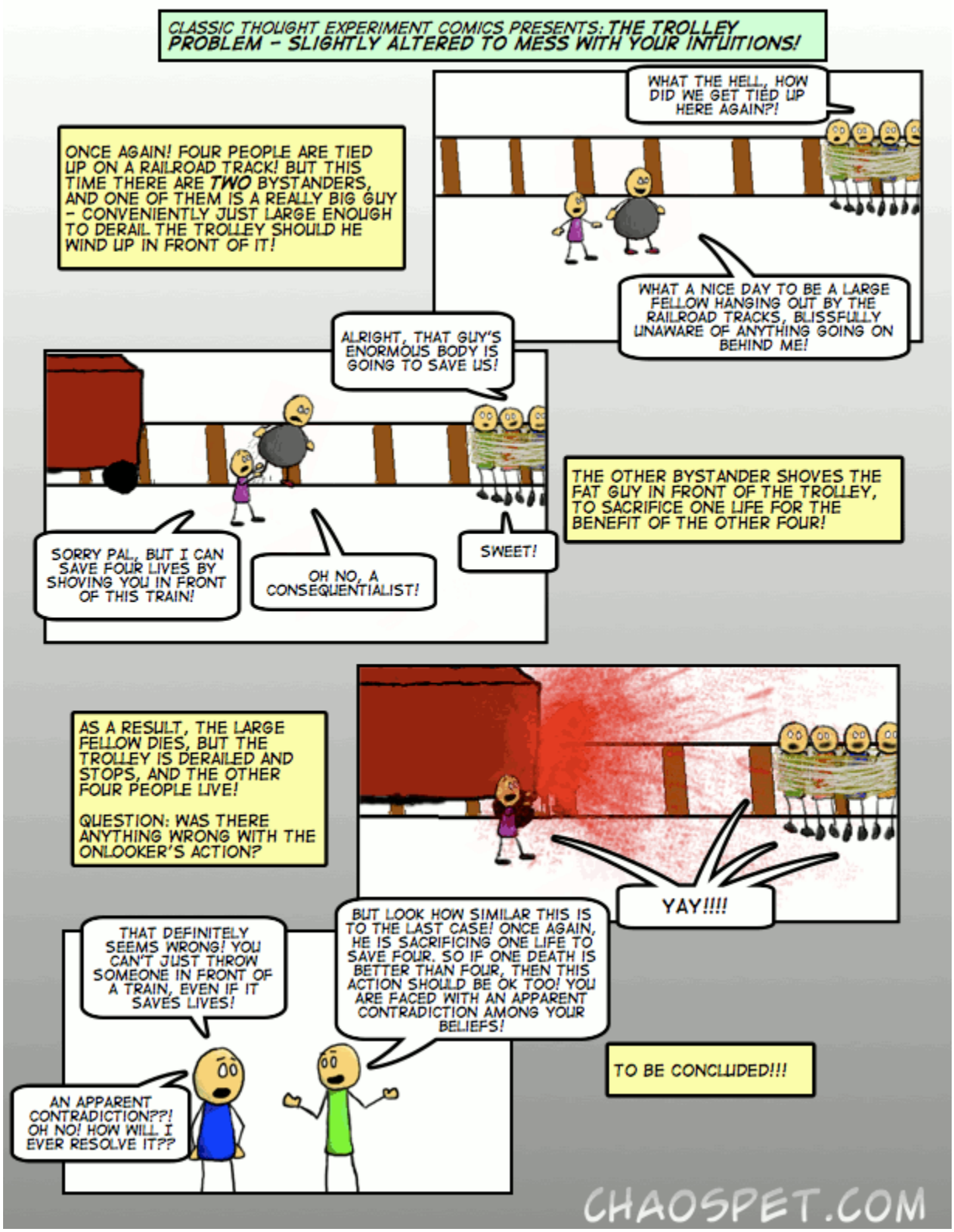
http://www.care2.com/news/member/785880716/1174922

http://www.humanesociety.org/issues/confinement_farm/facts/guide_egg_labels.html

EXTRA CREDIT OPPORTUNITY

Take one of the above team projects on animal or environmental ethics and explore it personally. Write a careful 4-page essay (double spaced) that does all of the following: state and explain the action you wish to analyze. Then apply the utilitarian calculus, following Social Preference Consequentialism (Singer). Using the information you've found via research, explain the consequences of the doing or not-doing the action for all affected, animals, persons at a distance, and any other relevant parties. Finally, state what the calculus deems the morally obligatory action. How will this affect your future choices in the matter? This essay will be due at a time your instructor sets, and is worth up to *four* Tasks.


CLASSIC THOUGHT EXPERIMENT COMICS PRESENTS: THE TROLLEY CASE!
TO BEGIN! IMAGINE THAT THERE ARE FOUR PEOPLE TIED UP ON A RAILROAD TRACK WITH A TROLLEY CAR BARELLING TOWARDS THEM. ON AN ADJACENT TRACK, THERE IS A SINGLE PERSON. HE IS ALSO UNABLE TO MOVE, FOR WHATEVER REASON.
OH NO, A TROLLEY CAR! I KNEW GETTING TIED UP HERE WASN'T A GOOD IDEA!
I CAN'T BELIEVE I GOT GLUED TO THIS TRACK! AT LEAST THE TROLLEY CAR IS GOING THE OTHER WAY!
THE NEEDS OF THE MANY OUTWEIGH THE NEEDS OF THE FEW!
WE'RE SAVED!
OH NO! I'M BEING SACRIFICED FOR THE GREATER GOOD!
HOWEVER! AN ONLOOKER IS ABLE TO PUSH A SWITCH THAT WILL DIVERT THE TROLLEY ONTO THE ALTERNATE TRACK, SO THAT IT KILLS THE ONE PERSON INSTEAD OF THE OTHER FOUR!
AS A RESULT, THE ONE PERSON DIES, BUT THE OTHER FOUR LIVE!
QUESTION: WAS THERE ANYTHING WRONG WITH THE ONLOOKER'S ACTION?
YAY!!!!
THAT'S TOUGH GABE, BUT ONE DEATH IS BETTER THAN FOUR, RIGHT? SO, I THINK THE ONLOOKER'S ACTION WAS OK!!
INTERESTING ANSWER, NESTER! NOW LET'S SEE HOW YOU RESPOND TO A SIMILAR CASE THAT TESTS THE SAME UTILITARIAN INTUITION!!!
TO BE CONTINUED!!!!
CHAOSPET.COM


CLASSIC THOUGHT EXPERIMENT COMICS PRESENTS: THE TROLLEY PROBLEM – SLIGHTLY ALTERED TO MESS WITH YOUR INTUITIONS!
ONCE AGAIN! FOUR PEOPLE ARE TIED UP ON A RAILROAD TRACK! BUT THIS TIME THERE ARE TWO BYSTANDERS, AND ONE OF THEM IS A REALLY BIG GUY – CONVENIENTLY JUST LARGE ENOUGH TO DERAIL THE TROLLEY SHOULD HE WIND UP IN FRONT OF IT!
WHAT THE HELL, HOW DID WE GET TIED UP HERE AGAIN?!
WHAT A NICE DAY TO BE A LARGE FELLOW HANGING OUT BY THE RAILROAD TRACKS, BLISSFULLY UNAWARE OF ANYTHING GOING ON BEHIND ME!
ALRIGHT, THAT GUY'S ENORMOUS BODY IS GOING TO SAVE US!
THE OTHER BYSTANDER SHOVES THE FAT GUY IN FRONT OF THE TROLLEY, TO SACRIFICE ONE LIFE FOR THE BENEFIT OF THE OTHER FOUR!
SORRY PAL, BUT I CAN SAVE FOUR LIVES BY SHOVING YOU IN FRONT OF THIS TRAIN!
OH NO, A CONSEQUENTIALIST!
SWEET!
AS A RESULT, THE LARGE FELLOW DIES, BUT THE TROLLEY IS DERAILED AND STOPS, AND THE OTHER FOUR PEOPLE LIVE!
QUESTION: WAS THERE ANYTHING WRONG WITH THE ONLOOKER'S ACTION?
YAY!!!!
THAT DEFINITELY SEEMS WRONG! YOU CAN'T JUST THROW SOMEONE IN FRONT OF A TRAIN, EVEN IF IT SAVES LIVES!
BUT LOOK HOW SIMILAR THIS IS TO THE LAST CASE! ONCE AGAIN, HE IS SACRIFICING ONE LIFE TO SAVE FOUR. SO IF ONE DEATH IS BETTER THAN FOUR, THEN THIS ACTION SHOULD BE OK TOO! YOU ARE FACED WITH AN APPARENT CONTRADICTION AMONG YOUR BELIEFS!
AN APPARENT CONTRADICTION??! OH NO! HOW WILL I EVER RESOLVE IT??
TO BE CONCLUDED!!!
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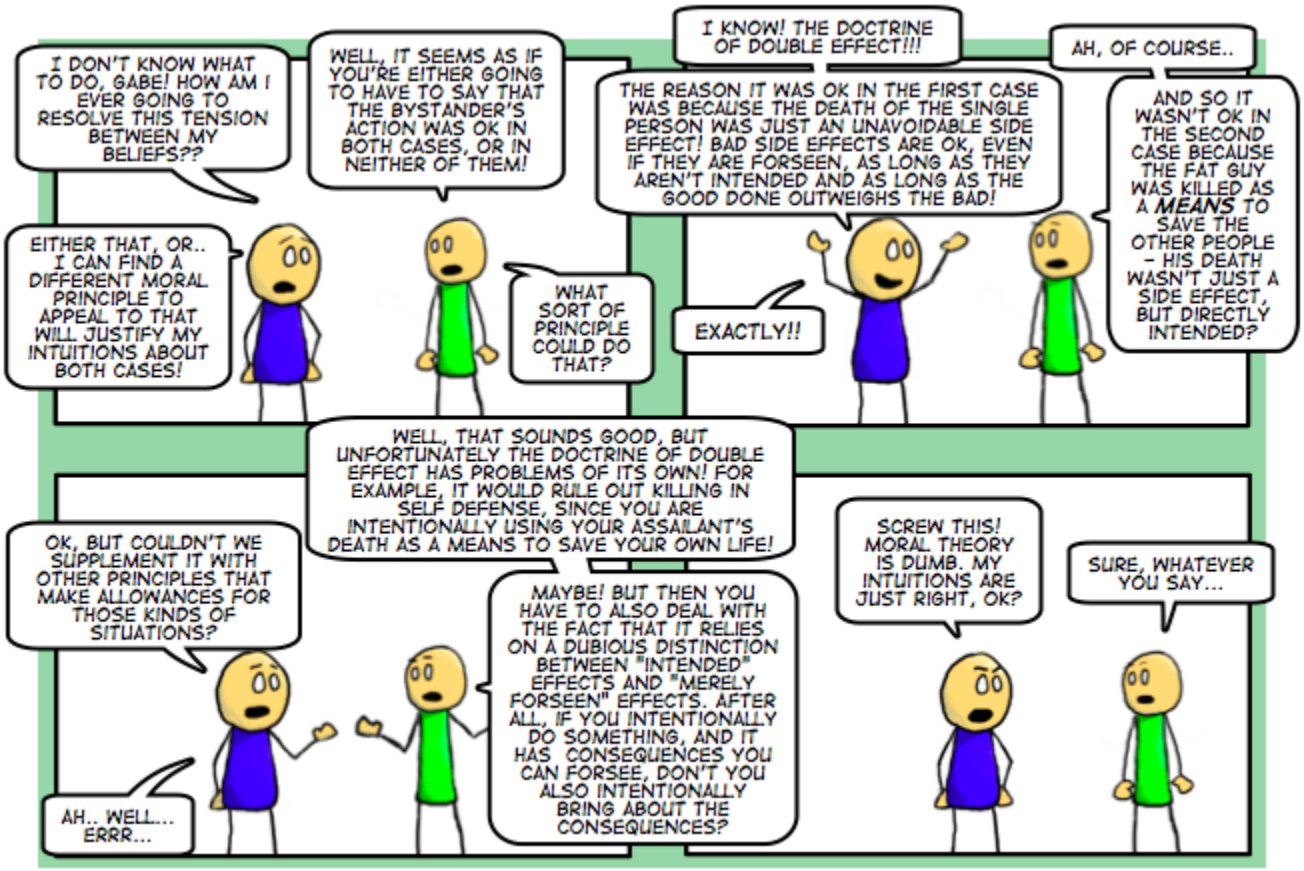
I DON'T KNOW WHAT TO DO, GABE! HOW AM I EVER GOING TO RESOLVE THIS TENSION BETWEEN MY BELIEFS??
WELL, IT SEEMS AS IF YOU'RE EITHER GOING TO HAVE TO SAY THAT THE BYSTANDER'S ACTION WAS OK IN BOTH CASES, OR IN NEITHER OF THEM!
I KNOW! THE DOCTRINE OF DOUBLE EFFECT!!!
AH, OF COURSE..
THE REASON IT WAS OK IN THE FIRST CASE WAS BECAUSE THE DEATH OF THE SINGLE PERSON WAS JUST AN UNAVOIDABLE SIDE EFFECT! BAD SIDE EFFECTS ARE OK, EVEN IF THEY ARE FORSEEN, AS LONG AS THEY AREN'T INTENDED AND AS LONG AS THE GOOD DONE OUTWEIGHS THE BAD!
AND SO IT WASN'T OK IN THE SECOND CASE BECAUSE THE FAT GUY WAS KILLED AS A MEANS TO SAVE THE OTHER PEOPLE – HIS DEATH WASN'T JUST A SIDE EFFECT, BUT DIRECTLY INTENDED?
EITHER THAT, OR.. I CAN FIND A DIFFERENT MORAL PRINCIPLE TO APPEAL TO THAT WILL JUSTIFY MY INTUITIONS ABOUT BOTH CASES!
WHAT SORT OF PRINCIPLE COULD DO THAT?
EXACTLY!!
WELL, THAT SOUNDS GOOD, BUT UNFORTUNATELY THE DOCTRINE OF DOUBLE EFFECT HAS PROBLEMS OF ITS OWN! FOR EXAMPLE, IT WOULD RULE OUT KILLING IN SELF DEFENSE, SINCE YOU ARE INTENTIONALLY USING YOUR ASSAILANT'S DEATH AS A MEANS TO SAVE YOUR OWN LIFE!
OK, BUT COULDN'T WE SUPPLEMENT IT WITH OTHER PRINCIPLES THAT MAKE ALLOWANCES FOR THOSE KINDS OF SITUATIONS?
MAYBE! BUT THEN YOU HAVE TO ALSO DEAL WITH THE FACT THAT IT RELIES ON A DUBIOUS DISTINCTION BETWEEN "INTENDED" EFFECTS AND "MERELY FORSEEN" EFFECTS. AFTER ALL, IF YOU INTENTIONALLY DO SOMETHING, AND IT HAS CONSEQUENCES YOU CAN FORSEE, DON'T YOU ALSO INTENTIONALLY BRING ABOUT THE CONSEQUENCES?
SCREW THIS! MORAL THEORY IS DUMB. MY INTUITIONS ARE JUST RIGHT, OK?
SURE, WHATEVER YOU SAY...
AH.. WELL.... ERRR...