RE Thinking Utilitarianism

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Very few people think that science is value free. As is rightly observed, “There has always been concern about the ways in which humans use the knowledge they have gained.”1 With the rapid development of science, a growing concern is now shown—a fact which is revealed by the “populist quality (of ethics) as the ethical dimensions of virtually any issue of substance are publicly debated.”2 As a result of this growing concern, and of the increasing international impetus of teaching ethics, of providing students with an appropriate tool that can help them discuss the complex questions that arise in their academic disciplines within the academy, professional schools—medicine, law, business, computer science and journalism, for example—“have reinvigorated their curricula with a renewed commitment to the teaching of ethics.”3 Teaching ethics was once the concern primarily of philosophers and theologians. Though this is not now the case, the philosophers’ modes of thinking are often introduced and discussed in the ethics courses as they “play an important part in analyzing the issues and formulating ethical responses.”4 These modes of thinking have to be discussed and explained because the way ethical theories are understood determines one’s approach to evaluating ethical behavior.

In this context, I attempt to rethink utilitarianism because, from one side, utilitarians “offer many examples from everyday life to show that the theory is practicable,”5 and now in the twenty-first century, it continues, through its principle, to be “the major determinant in framing public policy and making political decisions.”6 From the other side, utilitarianism is charged with its being “not a fully adequate moral theory,”7 or that its “existing literature suggests inherent contradiction which weighs heavily against its acceptability as a theory,”8 or that it is “conceptually not rich enough to capture the entire fabric of moral life, especially those areas concerning traits of character and the emotions.”9
The aim of this paper is to show that utilitarianism, taken as a whole, has been misapprehended and misconstrued. To justify taking utilitarianism as one whole, I will start by discussing the alleged radical change in understanding utilitarianism that the contemporary utilitarians claimed to show, construed in general as a move away from the exclusive focus on pleasure that was adopted by the classical utilitarians: Bentham, Mill and Sidgwick. Next, I will attempt to rebut in detail the most common charges against utilitarianism to show how these charges express misunderstanding of utilitarianism. My rebuttal of such charges is meant to show not only that utilitarianism, as a theory, is an adequate moral theory, but that it can be, consistently, applied in many domains of our practical life, as I will attempt to show through giving examples.

HOW THE CLASSICAL FOUNDERS OF UTILITARIANISM CONCEIVE OF IT

It is generally known that the three important classical utilitarians, Jeremy Bentham, John Stuart Mill and Henry Sidgwick, followed by all other utilitarians, base their theory on one and only one basic principle, which they called the principle of utility. According to Bentham, it is “that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question.” For Mill, 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.” As for Sidgwick, utilitarianism means “the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct.” As the texts clearly show, all three conceived utility, entirely, in terms of happiness or pleasure, and are therefore described as hedonistic utilitarians.

Before going any further to discuss the extent to which they differ from other contemporary utilitarians, a point that concerns this moral standard of the theory should be made clear. Pleasure or happiness should be understood as widely as possible since all three philosophers used other words (benefit, advantage, good, enjoyment) to refer to what they meant by pleasure or happiness. Bentham, for example, says:
“By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness (all this in the present case comes to the same thing).” 14 Sidgwick not only equates happiness with pleasure, but takes it to include all kinds of agreeable feelings. He says: “by ‘greatest possible happiness’ we understand the greatest attainable surplus of pleasure over pain; the two terms being used, with equally comprehensive meanings, to include respectively all kinds of agreeable and disagreeable feelings.” 15

Nevertheless, other contemporary utilitarians saw this concept, however wide it is to be taken, to be narrow, because values other than happiness, as they claim, have intrinsic worth such as knowledge, friendship, autonomy and/or achievement. 16 Moore, for example, lists friendship, knowledge, health and beauty as intrinsic values, 17 while James Griffin lists autonomy, achievement and success, understanding, and enjoyment as intrinsic values. 18 These differences have been construed, in general, as a move away from an exclusive focus on pleasure. 19

I will now attempt to show that differences of this sort do not constitute a radical departure from the classical utilitarian position. Instead, the later “pluralistic” utilitarianism can be reduced to the classical utilitarian position, because it seems in analyzing this alleged difference that we will come to the conclusion that it is always pleasure, taken widely to include enjoyment, good, interest and benefit, that is, in the end, desired or aimed at. And this warrants my speaking of utilitarianism as one whole, thus setting aside all difference between utilitarians.

1) **Intrinsic values bring or constitute our pleasure**

Let’s start with knowledge. It is clear that those who value knowledge for its own sake (for instance, highly motivated professionals) find pleasure in both the pursuit and attainment of knowledge, however exhausted they become in either case. So, granted that knowledge, for them, is a value that has intrinsic worth in itself, and is thus sought for itself, it is a value that yields their pleasure or happiness. The same can be said about the other values. Let’s take autonomy in the sense expressed by Hooker as “control over one’s own life” as another example. Here one needs to say no more than that the mere fact that people seek autonomy explains the satisfaction or the pleasure autonomy brings. Those who value autonomy, thus seek it for itself, cannot feel happy when their decisions are not in their hands, or when they do not have control over their own life. In short, they cannot be happy otherwise. Moore, who explicitly
differs from the classical utilitarians in holding that pleasure is not the sole good,\textsuperscript{20} says that “the most valuable things... are pleasures of human intercourse and the enjoyment of beautiful objects,”\textsuperscript{21} which seems to mean that such things are valued for the pleasures and the enjoyment they bring. These examples clearly show that though these values have intrinsic worth, they bring or constitute our pleasure.

2) What constitutes our well-being constitutes at the same time our pleasure

Hooker says that he shares the conviction that knowledge, autonomy and other things can increase our well-being over and beyond whatever pleasure they bring us.\textsuperscript{22} This is the conviction that many contemporary philosophers hold against what is called the mental-state account of well-being attributed to Bentham, Mill and Sidgwick according to which people’s level of well-being is determined solely by how much pleasure and pain they experience.\textsuperscript{23}

Against this conviction, I would say that to be in a state of well-being, a person must value and desire the things she thinks will constitute her well-being. If the things valued and desired for their own sake, as I have attempted to show, constitute a person’s happiness, and they are now what will constitute her well-being, or help her live in welfare, then, to be in a state of well-being is also to be in a state of happiness and whatever value increases her well-being increases in the same time her pleasure. Those, who for the sake of an increase in autonomy would be willing to trade away some pleasure, as Hooker thinks there are many,\textsuperscript{24} are in fact increasing their pleasure by seeking a value they can not live happily without, and for those who value knowledge for its own sake, it can not be more pleasant for them sometimes not to know the important truths (e.g. about the nature of the universe), as Hooker thinks it can.\textsuperscript{25} These are the values they think constitute their well-being and these are the values they enjoy living with.

The question that can arise now is: Can some values increase our well-being, as values intrinsically good for us, regardless of whether we value them or desire them? The answer is surely not, because unless these things are valued and desired by a person, they will not play any part in enhancing or increasing her well-being. If I do not value knowledge, and, as a result, am not keen to possess it, then it seems odd to say that knowledge has enhanced my well-being. If I do not desire friendship and like to live in loneliness, friendship will not play any part in my life. Accordingly,
things that promote well-being must be valued and desired by the person whose well-being is in question, and these are the things that constitute her happiness. Thus, by increasing the person’s well-being, they increase, in the same time, her happiness.

Another question: If I am in a state of pleasure as a result of an action I took or achieving what I thought would constitute my well-being, does this entail that I took the correct action or chose what would really achieve my well-being only because it led to my happiness? Surely not. There is always the possibility of taking an action, or making a choice, based on a false belief thinking it is the best action, or choice, to promote happiness. However, this possible false belief or wrong action does not undermine the moral goal that we always aim at achieving our best. In addition, life is a continuous process of trials and errors in which we normally rely in our attempts to attain what is good on our and others’ knowledge and experience regarding what makes people's life go well. This background lessens in many situations the possibility of taking an erroneous action or making a wrong choice.

3) Pleasure is the ultimate aim

So if from (1), values sought for their own sake bring or constitute our pleasure, and from (2), what constitutes our well-being constitutes in the same time our pleasure, these conclusions can warrant our putting pleasure over and above those other values as the ultimate aim man wishes to achieve, thus finding a sense in Bentham’s claim that “mankind is under the governance of two sovereign masters, pain and pleasure,”

seeking the values that yield or constitute their pleasure as the ultimate aim, avoiding what would yield harm or pain, and to Mill’s claim that happiness, also as the ultimate aim, is “the directive rule of human conduct.”

Now, whether my arguments are acceptable or not, that is, whether well-being or welfare can be equated with or result into happiness, I shall use them, from now on, interchangeably, though it is to be noted that it is well being that matters for utilitarianism.
THE MOST COMMON OBJECTIONS AGAINST UTILITARIANISM AND RESPONSES

1) It permits immoral actions.

Utilitarianism in general seems to permit immoral actions, either when these actions are the individual preferences, as, to borrow Beau- champ and Childress’s example, when a research investigator derives supreme satisfaction from inflicting pain on animals or on human sub- jects in experiments,28 or when these immoral actions are sometimes the only necessary means to achieve the maximal utilitarian outcome.

In response to this charge, one can say, regarding the first type of action that constitutes the problem of accepting sadistic or evil pleasures, that it is pretty clear that this type of pleasure was refused by many utili- tarians to be incorporated in their concept of pleasure. For example, Moore held that it is intrinsically bad to enjoy something that is evil or ugly. The existence of universe consisted solely of minds occupied by evil passions would be a far worse evil than the existence of none at all.29 Non-hedonists typically view evil pleasures as having little, no, or even negative value.30 This shows clearly that it is consistent with the utilitarian doctrine not to accept such pleasures that rest on the happiness of oth- ers, because the happiness of each person, as Bentham urged, counts as much as the happiness of any other.31

To illustrate the second type of immoral action, let’s take the exam- ple given by Dostoevsky in The Brothers Karamazov mentioned by Helga Kuhse and Peter Singer in their introduction to Bioethics: An Anthology:

Imagine that you are charged with building the edifice of human destiny, the ultimate aim of which is to bring people happiness, to give them peace and contentment at last, but that in order to achieve this it is essential and unavoidable to torture just one little speck of creation, that some little child beating her chest with her little fists, and imagine that this edifice has to be erected on her unexpiated tears. Would you agree to be the architect under those conditions? Tell me honestly!32

This passage expresses the dilemma utilitarianism faces: either utili- tarians have to admit that sometimes the only way to achieve the maximal utilitarian outcome is to perform an immoral act judged at least by the standards of the common morality,33 thus leaving utilitarianism void of its value as a moral theory, or to refuse to admit permitting such immoral
actions, thus being faced with inconsistency, and consequently the theory would lack one of the important criteria it has to conform to.

How can we save utilitarianism from such dilemma? Is there a way out?

Utilitarianism is an ethical theory. Thus, merely achieving the maximal outcome is not a sufficient condition to attain its end. Actions achieving the maximal outcome should be virtuous. This is how, as I think, both Bentham and Mill intend it. Bentham says: “Goodwill is that of which the dictates, taken in a general view, are surest of coinciding with those of the principle of utility. For the dictates of utility are neither more nor less than the dictates of the most extensive and enlightened (that is well-advised) benevolence.”34 Mill says: “(the utilitarian) standard is not the agent’s own greatest happiness, but the greatest amount of happiness altogether; and 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.”35

The action that achieves the maximal outcome should, then, be a virtuous action that by intending to achieve the maximal outcome it intends mainly to achieve the good of those in interest. Add to this, virtuous actions do not achieve the maximal outcome through, or at the expense of, the unhappiness of others. But it seems that very few examples can, in this sense, be characterized as virtuous, because very few actions achieve people’s interests without having negative outcomes on others. Here we can divide negative actions, or harms, into two categories: those that are characterized by everyone (whatever their moral standard is) as crimes or apparently extreme harms that neither a benevolent nor a noble person could perform, such as murder, theft, or/ and torture, and those that are harms but can be tolerated for the sake of the majority and for their being compensatable.

To illustrate, let’s take two examples—both will result in harm to others—to show that consistently with utilitarianism the first action ought not to be accepted, while the other can.

The first example is borrowed from Beauchamp and Childress’s book *Principles of Biomedical Ethics*. According to them, if victory on one’s side can be gained by torturing the other side’s captured children who were told by their soldiers fathers not to reveal their location, the former should, according to utilitarianism, torture the children and it is a moral action.36
Doubtlessly, torture is an immoral action and no action can be characterized as moral if it achieves the maximal utilitarian outcome through such an apparent harm. As the maximal outcome intended by utilitarianism should be reached through a virtuous action performed by a benevolent or/and noble agent, and a noble agent does not achieve the greatest amount of happiness through an apparent harm like torture, such actions should consistently with utilitarianism be excluded from the actions intended to achieve happiness, or the maximal utilitarian outcome.

For the second example, let’s imagine a country government planning to build a bridge that will benefit the people of the related city, but in order to carry out such construction, some private buildings will have to be removed. Here, we can say that such removal of these private buildings, though it can be harmful to the buildings’ owners, can consistently with the utilitarian doctrine be accepted as it is a virtuous action tending to achieve an overall good. The owners of the buildings to be removed can, in addition, be financially compensated, thus lessening, to the least possible degree the harm they are exposed to. As this action of constructing the bridge in itself is not harmful, but tends to achieve the overall good of the majority, and as the resulting harm to the few owners can be tolerated and compensated, this action, though resulting in some harm to a few, can consistently be accepted.

Applying the principle of the greatest net amount of happiness can, in addition, show the consistency of excluding the action expressed in the first example from the actions to be permitted by the utilitarians, and show, in the meantime, the consistency of accepting this latter given in the second example.

Let’s start with applying the principle to this latter example as it is less controversial. The principle of the greatest net amount of happiness, expressed by Shaw, is “not that each individual votes on the basis of his or her happiness or unhappiness with the majority ruling, but that we add up the various pleasures or pains, however large or small, and go with the action that results in the greatest net amount of happiness.” Accordingly, it would surely increase overall happiness to have a bridge that can smooth the traffic in spite of the undesirability of the few owners of the buildings whose financial compensation will probably lessen their supposed harm. If we compare the added up positive effects on the majority who will benefit from the construction of the bridge with the harm of the affected owners of the private buildings, the net amount of happiness will be in favor of the bridge construction.
As for the first example, nothing can have as strong a negative effect on a person as his being tortured or killed. Therefore, however good the outcome may seem for people on one side, the net result, gained by torturing the other side’s captured children, can never be happiness. In addition, victory, like all other human aims, should not be reached through mean methods. Reaching an end in such a way, e.g. through torturing or killing innocent children, can’t be named “victory.” It is an inhumane action that no moral theory can explicitly or implicitly accept or consider a moral action.

2) It demands too much.

The second objection I would like to discuss is the popular charge that utilitarianism demands too much in the moral life having made the promotion of well-being its standard of right and wrong. Actions that are, or should be, moral options should be seen in light of the utilitarian standard as obligatory. Examples of such actions are suicides by the frail elderly and persons with severe disabilities who are no longer of use to society and donation of bodily parts such as kidneys or even hearts to save another person’s life.

In response, I do not intend to go into detailed discussion of such a charge enumerating, and thus repeating, the already known different defenses given by various utilitarians against such a charge. I will only confine my defense of utilitarianism against such charge to focusing on an important fact that critics of utilitarianism seem to have ignored in raising the objection. This fact can be stated as follows. Individuals are different in their capacities to act. Their capacities are determined by various reasons that fall beyond their power. Based on this fact, I can sum up my defense as follows: To take the utilitarian standard of right and wrong, i.e. promotion of well-being, to imply that actions that promote people’s well-being are obligatory is simply to ignore that utilitarianism is a theory directed to people living in a real life, thus regarding in its requirements the fact of their different capacities.

And now to the details. An ethical theory is indeed an ought-to theory, instructing people on how they ought to act and on what values they ought to adopt. However, it should be seen as a realistic theory, regarding in its requirements this fact about people’s different capacities. Therefore, what falls beyond people’s capacities can neither be required by any ethical theory, including utilitarianism, nor implied of it.

Indeed, people should always continuously do their best to promote well-being, so long as these actions do not yield harm to them; otherwise,
they are morally doing wrong. Declining to help others in a way that will result in an overall utility when it is in their capacity to do is morally wrong. So far, this, as I see it, is a correct implication of the utilitarian principle. However, people are different, and this is a fact that ought not to be ignored. Taking the utilitarian standard to imply that acts that will result into an overall utility are obligatory simply ignores the fact that people, for various reasons, do not always possess the capacity to do such actions. Some things that I can do, others, psychologically, cannot. I can donate an organ of my body, another person can not: she cannot overcome the fear of a possible death from the transplant operation. A person may willingly commit suicide, seeing herself becoming old and no longer of use to her society, feeling herself a burden to it. Another person cannot for religious or social reasons. Religious people may believe that the soul is an endowment from the Creator and no person is free to take it away on demand. People in some cultures are so tied to one another that they do not have the freedom to make decisions even regarding their own lives. To conclude, critics regarding every action that is bound to promote well-being as obligatory simply ignore an important fact in our real life, which utilitarianism does not.

As an additional refutation to the charge that utilitarianism demands too much, I would like to rebut the claim that suicides by the frail elderly and persons with severe disabilities who are no longer of use to the society should consistently with utilitarianism be considered examples of obligatory actions. My rebuttal aims to show that these people’s suicides, even by the test of utility, would yield more harm than good.

To illustrate, let’s grant that such classes of people have to commit suicide because, as the idea suggests, they are useless to society with regard to their “present condition.” Then, consistently, children should also be asked to commit suicide as they are also, qua children, useless. If children have not been included in the classes of people who have to commit suicide, and that is because of their potential contribution in future, i.e. they may prove to be useful when they grow up, then, regarding the “aged,” why should we ignore their past life, their youth, when they were also useful? As the society provides for children, expecting them, in turn, to provide for others when they grow up, analogously, we should look at the elderly as people who provided, and now it is society’s turn to provide for them again. Evaluating the worth of a person should regard their whole life, not their value in a short period of their life. It is the value of justice that demands this holistic perspective in looking at, or evaluating, people, and, consequently, this holistic perspective, as I see,
refutes the claim that according to utilitarianism the aged suicide is obligatory. Add to this that we are faced with the practical difficulty of executing such demand: the person’s life is a continuous current of life. Indeed, the person at seventy is an old one and the person at twenty is young, but where is the point of time at which one can point and say that that person has become old, before which she was not, at which she has become useless and consequently has to commit suicide? Deciding when a person has become old is as difficult as deciding when a person has become bald in removing his hair one by one.

As for the severely disabled, irrespective of the fact that few of them may develop into persons who live normal and happy lives, go to college, marry, and work fulltime, many parents if given the choice to help their severely disabled children to die, or even to abandon their severely disabled newborns in hospital will refuse. The same applies to siblings towards their disabled siblings, and children towards their handicapped parents if asked whether they prefer to have these latters’ lives ended peacefully and mercifully. Many of them will refuse. They simply need their disabled relatives, even if these latter will remain as they are for the rest of their lives, which their relatives know that this is what will most probably happen, because merely having them alive constitutes for them an emotional need, fulfills for them a sentimental desire. Such a class of people is not, then, totally of no use. Therefore, their suicides are not obligatory; on the contrary, their deaths may negatively affect their relatives badly. Thus, consistent with the principle of the greatest net amount of happiness, their deaths are neither obligatory nor even praiseworthy. Their mere existence achieves strong satisfaction to their relatives, and no harm to others, thus it is what will produce the greatest happiness.

3) It promotes the indifferent distribution of welfare.

The charge, as Shaw expresses it, goes like this: because utilitarianism recognizes only one fundamental imperative—namely that welfare be promoted as much as possible—it does not matter, in itself, how that welfare is allocated, or it follows that the precise way in which welfare is distributed among individuals is, in and of itself, unimportant. As a result, the critics argue, utilitarianism too easily permits one person’s happiness to be sacrificed for the benefit of others. It ignores considerations of justice and fairness or, at best, subordinates them entirely to the principle of utility. I will discuss two variants of this general criticism: First, that utilitarianism fails to take equality seriously enough; second, that utilitarian-
ism permits unfair, unjust, or morally repugnant social arrangements if they maximize well-being.

As for the first variant, I think that the critics who charge utilitarianism with inequality commit a certain mistake. Their mistake does not lie in their depending on hypothetical imaginary scenarios that lack social detail or historical realism, as Shaw says, but instead in portraying societies that are difficult to believe would exist in reality. Moreover, these examples, as I see it, don’t constitute a refutation to utilitarianism but rather a wrong application of its principle of the “greatest happiness.” For example, Shaw presents for us one such hypothetical scenario:

“As equality reigns in society E, which consists of five peasants each with two units of happiness, whereas happiness is very unequally distributed in society U. It consists of four agricultural laborers each with one unit of happiness working for a fifth person who enjoys seven units of happiness. Because total happiness is greater in society U, the objection goes, a utilitarian would have to favor it over its more egalitarian rival E. But in favoring U over E, the critics continue, utilitarianism goes astray. Because it is a more equal place, society E is morally preferable to society U, and any satisfactory normative theory should acknowledge this fact.”

For Shaw, this example does not constitute a refutation to utilitarianism because it lacks social detail, and it lacks social detail because it needs to show “for instance, how society U manages to generate so much well-being for that lucky person” plus a need of “some socially and psychologically plausible story of how and why in the imagined circumstances inequality promotes well-being better than equality does.” For me, this example raises the question of how in principle, irrespective of any comparison between the two societies, such a society as U—characterized as a happy one—can exist; how can happiness occur when only one person is actually enjoying it given the big gap between the quantity of happiness each of the four laborers is having and that of the fifth they are working for? The more plausible story to tell is that in such a society it is envy rather than happiness that spreads among those laborers towards a sole lucky person because working for him may imply that his happiness is an outcome of the laborers’ work. Moreover, this example clearly violates the greatest happiness principle on which utilitarianism rests. The principle conditions “the greatest happiness of the greatest number.” However, in this discussed example, the greatest happiness goes to only one person.
What the critics should have focused on is in showing how inequality can be morally troubling, and this is precisely what the example failed to show, because inequality is not always and in all cases a sin. One can imagine other scenarios where inequality is not morally wrong. Such scenarios show that justice does not always lie in equality. The society that gives the disabled extra resources is not treating the rest of the society members unjustly, neither is the hospital that gives the severely ill intensive care, nor is the instructor who gives the weak students extra time, nor is the university that gives the distinguished students scholarships or exempts them from paying tuition fees in order to encourage them and others to work harder and to excel. Such actions aim at achieving and promoting happiness and welfare in a morally acceptable way which can rightly, as I see it, give a justification to utilitarianism’s subordination of equality to happiness.

As for the second variant, where maximizing well-being can sometimes result in the utilitarianism’s permitting unfair, unjust, or morally repugnant social arrangements, I will look at the so-called argument from slavery that opponents of utilitarianism depend on when charging utilitarianism with the possibility of condoning or even commending slavery in certain circumstances, “given that circumstances can be envisaged in which utility would be maximized by preserving a slave-owning society and not abolishing slavery.” Though R. M. Hare, in his landmark essay “What is Wrong With Slavery,” is allegedly, thought to have “decisively rebutted the slavery argument,” I will argue first that the argument from slavery, as elaborated in Hare’s essay, does not commit utilitarianism to any consequences repugnant to universally accepted moral convictions for one important reason: the slavery system, given in Hare’s example, does not portray the hateful intolerable slavery we know from reading history. Then, I will argue that even granted that such argument could be taken against utilitarianism, Hare could have given it a stronger rebuttal (as a utilitarian) than the one he gave.

In elaborating the slavery argument, Hare imagined two adjacent Caribbean islands, Juba and Camaica. After declaring themselves independent from European rule in the nineteenth century, the first retained the institution of slavery while the second abolished it. Contrary to normal expectation, the island of Juba became very prosperous, and the slaves in it enjoyed a life far preferable in every way to that of the free inhabitants of the neighboring island of Camaica to the extent that its slave-citizens became the envy of their neighbors. The reason for that unexpected result, though I see it should be expected, lies in how Hare
portrayed the institution of slavery in Juba. Hare portrayed an imaginary, unusual slavery different from the slavery that occurs in our mind in hearing, or uttering, the word *slavery*, an intension that we have from our historical knowledge of what slavery used to be, leaving aside all detailed differences it had in different cultures and times and confining ourselves to what was common and essential to the notion of slavery. Hare portrayed slavery in Juba under state control where “the slaves were given rights to improved conditions of work; the wage … secured to them and increased; and all cruel punishments were prohibited.” For Hare, it is still right to call them slaves, because “the state retained the power to direct their labor and their place of residence and to enforce these directions by sanctions no more severe than are customary in countries without slavery, such as fines and imprisonment.”

It is clear, however, that the slavery Hare portrayed in Juba, is not the slavery we know from reading the history of slavery where slaves are deprived of every natural right, and even of expressing their desires and wants and where all sorts of cruel and severe punishments can be expected. Indeed, though the system of Juba, as portrayed, is not an ideal system where citizens enjoy all rights, it is, however, at least not a slavery system where people are deprived of every right. Therefore, it is not surprising to imagine that such a system can flourish, or at least not deteriorate, and it is also not morally wrong to conclude that such imagined system would do more good than harm without committing utilitarianism to any morally repugnant consequences.

This goes quite well with Hare’s reply to the argument; For him, “if we reflect on the features of this imagined system, we can not see anything specifically wrong about it, but rather a great deal to commend.” Nevertheless, he sees that the misery caused by the actual slavery justifies, from a utilitarian point of view, voting for its abolition. He says: “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 qualifications, because this would lead them to vote for its abolition.”

It is therefore, for him, perfectly acceptable that though we should feel a strong conviction that even the Juban slave system is wrong, applying the test of utility, we have to admit that cases could be imagined in which slavery would do more good than harm and that the imagined case is one of them.
Hare could have given a stronger reply to the argument if he made the test of utility apply equally to imaginary cases, and this is what can be found in Stephen Clark’s argument. Clark argues that retaining slavery, however imagined it is, will not achieve the utilitarian aim, i.e. preserving the greater good or maximizing welfare, because if a person (being a slave) is not to determine her own future, i.e. lacks self-determination, her interests will count for correspondingly less even than they should. Only the general interests of the slaves, such as the interests for food and shelter and sufficient clothing, may be considered, and only for a while. When times are hard it will be their interests that are sacrificed to the masters’. And if slavery becomes an obviously harder life, slaves will have less to gain by working hard, which means that the level of production will fall.

So, the utilitarian argument, the calculation of likely costs and profits, suggests that it is better to act as if there were human rights, particularly the fundamental right of self-determination. It is better not to enslave people, but to “instil motives of respect and awe in the general mass of humanity, since it is these motives which will (perhaps) preserve the greater good against biased calculations.” In this way, Clark was able to show, contrary to what non-utilitarians, and even some utilitarians, think, that the slavery argument, however imagined the slavery system could be, does not put the utilitarian in a position of having to condone or commend slavery which nearly everyone agrees is wrong.

The question that now arises is: Is refuting the objections to a moral theory enough to show its adequacy as a moral theory? Some would answer in the negative, arguing that one cannot enumerate, and thus reply to, all the objections that can be imagined against a theory. Theories remain exposed to continuous objections that may appear in the future, of which one or more may prove fatal to the theory.

I would answer in the positive, arguing that as long as a theory sustains itself in the face of seemingly fatal objections, it is enough to show its adequacy. And the longer it remains, the stronger it is shown. By rebutting the most common objections, I am not claiming that utilitarianism is an ideal ethical system. It seems that humans are not qualified to embroider an ideal moral system. What I am claiming is that so long as utilitarianism does not permit immoral actions, or demand too much, or show indifference to the distribution of welfare, as I have attempted to show, it is an adequate moral theory that does not conflict with our common ordinary morality. We can adopt utilitarianism without having to commit or accept immoral or unjust actions. It does not also require us
to act like saints who are without interests or goals in our attempt to maximize outcome for all affected parties, as Bernard Williams says. However, it can be seen as a guide to instruct us to always care for others and regard others rather than focusing on our own interests. It can also be regarded as a guide to instruct us to relinquish selfishness by relying more on judgments of overall benefit. Its “requirements of an objective assessment of everyone’s interests and of an impartial choice to maximize good outcomes for all affected parties are acceptable norms of public policy.” These requirements also reflect our normal moral convictions of what fairness is. The rights of minorities (or individuals) can be saved; or, to put it more precisely, fairness can be achieved “if we can more widely and more effectively protect almost everyone’s interests by overriding some property and autonomy rights.”

**UTILITARIANISM APPLIED**

As utilitarianism is not intended merely as a theoretical approach, but one that can be used in giving a problem a utilitarian solution, in the form of a chosen action, an enacted law, an adopted policy or a formed institution, or in evaluating such solution, I will attempt now, through two examples, to explain how the utilitarian approach can be used in evaluation. The first example will be giving, in steps, a detailed utilitarian analysis applied to what is known as “sustainable development” considered as the policy to ensure human intergenerational well-being. In choosing sustainable development policy as the example by which to explain how the utilitarian approach can be applied, I regard this example as an appropriate example because if what matters for utilitarianism is well-being, the ultimate goal of sustainable development process clearly understood by the end of the twentieth century is raising the human well-being worldwide.

In evaluating an action, a law or a policy, the first step to be taken is to specify, clearly, the action, the law or the policy one wishes to consider. In our example, what I claim can be assessed is the development process recently argued to be better achieved by leading “a poverty-eliminating growth path that integrates social and environmental concerns.” Development to be assessed, then, is the one defined by the World Commission on Environment and Development (Brundtland Commission 1987), as it is the most commonly used definition: “development that meets the
needs of the present without compromising the ability of future generations to meet their own needs.\textsuperscript{59}

The second step is to identify all those who are directly and indirectly affected. It is argued that the whole global community and the future generations are all affected. Sustainable development is transnational and intergenerational. Social and environmental problems often spill over national boundaries. Inequality in access to resources is just one challenge that can explain the global nature of sustainable development. Inequality confines large numbers of people to poverty, thus leaving them with no other choice but to degrade and destroy the resource base on which their future livelihood depends. It also allows a minority of people globally, within each nation and even at the community level, to use resources in a wasteful manner or in ways which cause environmental damage. The call for sustainable development, therefore, stems from the fact that such inequality threatens the environmental basis for livelihood and development aspirations across the globe.\textsuperscript{60} Other clearer examples that can reflect the supranational character of the contemporary environmental issues are the protection of the ozone layer in the stratosphere, for which globally collective measures were taken and success in tackling it can be recorded,\textsuperscript{61} and the yet unresolved problem of global warming. As for the intergenerational characteristic of sustainable development, the Brandtland definition, already referred to, “highlights the need to balance the interests of current and future generations.”\textsuperscript{62} Also, most later definitions have “retained the core ethic of intergenerational equity, emphasizing the current generation’s moral obligation to ensure that future generations enjoy at least as good a quality of life as the current generation has now.”\textsuperscript{63}

Having decided all those who would be affected, (in our example, the whole existing global community and also the future generations), we can proceed to the third step, which is to formulate carefully and objectively all the pertinent good and bad consequences of the action or process under consideration, unless it is very clear that there is a dominant aspect of the case; that does an overwhelming amount of harm, or an overwhelming amount of good. In some cases, there is only one action, or policy, to be evaluated. In such case, after determining the good and the bad results to all affected, we should go to the fourth step, which is to weigh the good against the bad results. Then, to the fifth step which is deciding whether the good or the bad is overwhelming, or deciding whether it produces more good than bad, or more bad than good. Here, we will be in a position to decide the morality or immorality of the action:
it is moral if it produces more good than harm, immoral if it produces more harm than good. Frequently, we are faced with a number of alternatives to choose between. In our example, we are faced with two alternatives, the proponents of each claim it achieves more realistically the requirements of sustainable development. In such case, we should start analyzing one of the two alternatives, applying all the steps in the way explained, then, carry out a similar analysis for the other alternative. A further step, then, will be to compare the results of the various actions. The action that produces the most good is the morally proper action to perform.

Therefore, in applying the third step to our example, though features of sustainable development policy in general render it moral because “the ultimate grounding for the call of sustainability are all moral obligations: poverty alleviation, using social democracy in the economic decision-making process, concern for future generation, regard for human dignity,”64 we should subject sustainable development policy to a detailed examination, because, as mentioned above, there are two versions of sustainability. We should start either with examining the consequences of adopting what is dubbed as “strong sustainability” or with examining those of “weak sustainability”—a distinction made in the environmental economic literature.65 According to this distinction, strong sustainability proponents “argue that there are certain elements of the natural world which should not be harmed or destroyed by economic growth. These are irreplaceable natural resources and services argued to be crucial to the well-being and integrity of the planet’s biosphere; such as biodiversity and ecosystem stability.”66 Proponents of “weak sustainability” “deny that there are any genuinely irreplaceable elements of the biosphere. Provided human beings have accumulated enough capital to employ in new technological ventures, and provided that human ingenuity, an infinite resource, is allowed its full sway, then any inroads we make into natural capital can be compensated for by equivalent amounts of human capital.”67 In examining the good and bad consequences of “strong sustainability,” if we start with it, questions such as the following should be considered: What facts lead us to assume that there are irre- placeable or unsubstitutable elements in the natural world, for which we have to proceed with great caution in maintaining environmental and social assets? Assuming that they exist, what are the facts or arguments that can warrant the claim that losing such natural elements will have a negative impact on the well-being of future generations? To what extent can the accelerating development in the technological innovations be
thought of to provide future potential solutions to such natural losses, either in the form of restoration processes or assets substitution? Will not strong constraints on growth, as required by strong sustainability, negatively affect the promotion of economic growth? Answers to such questions require thinking, analysis and impartial consideration of facts and consequences to help us weigh the total good results against the total bad results—which is the fourth step. Talk of weighing the good against the bad does not mean expecting mathematical precision. We can make approximations. Here we will be in a position—and this is the fifth step, as explained above—to decide whether the good or the bad is overwhelming, or whether such policy can produce more good than harm or more harm than good. In discussing the other alternative—weak sustainability—questions such as the following can be considered: What facts lead us to assume that there are no genuinely irreplaceable elements of the biosphere? What are the facts or arguments that can warrant the claim that any loss in the natural capital can be compensated for by equivalent amounts of human capital, and “thus we will hand on to our descendants a bundle of resources at least as good as what we have inherited”? Are there known alternatives for essential environmental services such as global life support systems? To what extent can we guarantee the availability of future technological solutions to large losses of ecological and economic resources? Having arrived to answers of such questions and weighed the good against the bad results in the same way we did with the first alternative, the final step is to compare the results of both and to decide which of both policies, if adopted, can produce the most good.

As for the second example, which I will give now, it is intended not merely to explain how to use the utilitarian approach in assessing laws, but also to argue that the utilitarian standard is a good, if not the best, standard by which to assess laws.

In the same way and by following the same steps explained above, laws can be assessed. From a utilitarian point of view, no law is better than that which will produce the greatest amount of happiness on the whole, that is, taking into account all whose happiness is affected. In assessing a law to come to such judgment, what should be considered, if we sum the already explained utilitarian steps, are all the law’s possible consequences, not only its positive results; its even possible long term consequences and any indirect repercussions it may have, not only its immediate results; its consequences on all, not on some, people affected by it. And if such ideal procedure sums up the utilitarian standard, what
do we aim better than that for the law to be regarded, as was once suggested, “as an ordinance or precept devised in the service of justice.”

The two examples that I gave as applications of the utilitarian approach can explain what Shaw meant when he said that the utilitarian standard can be used to assess not only actions or laws, but also “rules, policies and institutions as well as people’s motivations and character traits,” and can also show clearly that utilitarianism is not only an adequate moral theory, but is also consistently applicable in our practical life.

NOTES


3 Ibid.


7 Beauchamp & Childress, p. 53.


13 See: Bentham, p. 3; Mill, p. 283, 284, 286.

14 Bentham, p. 3.
Sidgwick, op. cit.

Brad Hooker expresses these contemporary utilitarians’ stance by saying “Most utilitarians now think that pleasure, even if construed as widely as possible, is not the only thing desirable in itself. Utilitarians can think that things that are desirable for their own sake include not only pleasure but also important knowledge, friendship, autonomy, achievement, and so on.” See: Brad Hooker, “Rule-Utilitarianism and Euthanasia,” in H. LaFollette (ed.), Ethics in Practice (Blackwell Publishers, 1997) p. 43.


Hooker, op. cit.

Moore, p. 90

Ibid, p. 188 (my italics).

Hooker, op. cit.

Ibid

Ibid

Ibid

Bentham, p. 1.

Mill, p. 283.

Beauchamp & Childress, p. 53.

Moore, p. 209.

Shaw, p. 39.

Ibid, p. 38, 39. Shaw thinks that Bentham was willing to include in the utilitarian calculus such sadistic pleasures. Shaw says “Bentham staunchly states that he is willing to include in the utilitarian calculus ‘the most abominable pleasure which the vilest of malefactors ever reaped from his crime.’” I think this is a misinterpretation of Bentham’s statement. Bentham said that “it is only upon that principle [by which he means the principle of asceticism], and not from the principle of utility; that the most abominable pleasure which the vilest of malefactors ever reaped from his crime would be to be reprobated.” By the principle of asceticism he means a principle adverse to that of utility, approving of actions in as far as they tend to diminish the happiness of those whose interest is in question; disapproving of them in as far as they tend to augment it. Such a principle, he claims, like all other principles than that of utility, must be wrong. See Bentham, pp. 13-15.


Beauchamp & Childress, p. 53.


Mill, p. 283 (my italics).
36 Beauchamp & Childress, p. 53.
37 Shaw, p. 13.
38 Beauchamp & Childress, p. 53.
39 See, for example, Alison Davis, “Right to Life of Handicapped,” in Kuhse & Singer, p. 283.
40 Shaw, pp. 117, 118.
41 Ibid, p. 119.
43 Ibid
44 Ibid
46 Shaw, p. 122.
47 Hare, pp. 112, 113.
48 Ibid.
50 Ibid, p. 115.
52 Ibid, p. 117.
54 Beauchamp & Childress, p. 54.
56 Ibid.
57 In elaborating how to carry out in steps a utilitarian analysis, I have benefited from the steps well explained in Richard De George, Business Ethics 3rd edition, New York: Macmillan Publishing Company, 1990, pp. 55-58.
60 Ibid, p. 42.
61 World Bank, pp. 157-158.
63 Ibid.


67 Ibid.

68 Ibid.


70 Shaw, p. 10.