

Phil 114, April 12, 2007
Bentham: The principle of utility as ultimate standard

“Pure” utilitarianism

1. *Hedonism*: The only thing that makes outcomes better is the presence of pleasure and the absence of pain, where both are viewed as sensations.
2. *Aggregation*: An outcome is better to the extent that the total sum of pleasure minus pain is greater.
3. *Act-consequentialism*: One is morally required to perform whichever action would have the best outcome.

Problems with “pure” utilitarianism

1. Is *happiness* the only intrinsic good?
Does happiness consist only in having *pleasurable sensations*?
Does it matter what a person takes pleasure *in*? Should the sadist’s pleasures count?
Does it matter whether pleasures are based on *false* beliefs?
What is the appeal of hedonism? (i) Pleasures and pains seem quantifiable. (ii) Avoids controversies about which activities are objectively worthwhile.
2. Pure utilitarianism claims that what matters is merely the *sum* of happiness. But doesn’t it matter how that sum is *distributed* among people?
 - A. *Equality*: Sacrificing one person for others.
Utilitarians do appeal to certain senses of equality:
 - i. *Formal equality*: Pure utilitarianism insists that everyone is to count for one and no one for more than one.
 - ii. *Diminishing marginal utility*: The same amount of a material good produces more happiness when given to someone who has less of it than when given to someone who has more of it.
 - B. *Desert*: Framing an innocent person.
3. Sometimes it seems permissible to refrain from doing what would produce the best outcome. Moreover, sometimes it seems impermissible to do what would produce the best outcome. Killing one person, to save two others from being killed.

One response to this problem is to replace *act-consequentialism* with *rule-consequentialism*. According to rule-consequentialism, one is morally required to comply with the system of rules the general observance of which would produce the best outcome. We begin by figuring out which system of rules, if followed, would produce the best outcome. We then say that people are morally required to follow that system. It might be argued that the best system of rules would not permit killing others—even though in special cases, doing so might produce a better outcome. Why? Because people are liable to make mistakes about when killing produces a better outcome. Better that they should stick to a rule of thumb.

Was Bentham a “pure” utilitarian?

1. Bentham certainly was a hedonist. The title alone of Chapter IV gives you the flavor of Bentham’s hardheaded, sleeves-rolled-up approach: “Value of a Lot of Pleasure or Pain, How to be Measured.” Viewing a person and a pleasure or pain in isolation, we measure its:
 - (i) intensity;
 - (ii) duration: the length of time that person will experience it;
 - (iii) certainty or uncertainty: the probability that that person will experience it (It’s somewhat odd to view this as a property of a pleasure or pain); and
 - (iv) propinquity or remoteness: the amount of time before the person experiences it, if she does. (Why should this matter?)
2. Bentham identifies the principle of utility with “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” (I, 2). He then defines the interest of the community as “the sum of the interests of the several members who compose it” (I, 4). See, finally, IV, 6.
3. At first, Bentham seems an act-utilitarian. The principle of utility regards “every action whatsoever.” Nevertheless, Bentham then turns his attention to a special case: “a measure of government (which is but a particular kind of action, performed by a particular person or persons)” (I, 7). Bentham’s focus on laws and social institutions gives his work a kind of rule-utilitarian tendency. His main question is: What kind of laws should a legislator make? He argues that the legislator should choose the laws whose implementation would have the best outcome. This is comparable to the rule-utilitarian selecting the system of rules whose general observance would have the best outcome.

We might expect act-utilitarianism to reappear when we turn to the question of why an individual should obey the law. But, in fact, Bentham doesn’t directly address this question. He thinks that people will, for the most part, be motivated by the prospect of pleasure and pain, rather than by considerations of general utility. So the legislator’s job is to design laws so that these motivations lead people to comply with them. People will obey the law because they fear sanction. The sanctions, or penalties, are: physical, political, moral, and religious. Note that “moral” sanctions are not the wrongdoer’s pangs of conscience. Instead, they are the uncoordinated punishments inflicted by others.

Bentham’s debt to Hume

Bentham recalled that reading Hume’s “Of the Original Contract” was a revelation. The “scales fell” from his eyes. How so?

1. The only justification for any feature of a moral outlook is that it promotes utility. Hume’s concern is which such features as promises, property, political obligations. Bentham’s concern is which such features as punishments and rights.
- But:
2. Hume gives no precise definition of “utility.” Bentham understands it as happiness, which in turn consists in pleasure and the absence of pain.

3. Hume's perspective is that of a student of human nature. He wants to explain where our moral ideas come from. He isn't trying to justify those ideas to people, to convince them to do anything. Given human nature, nothing he might say will change what people do. Bentham's perspective is that of a critic of and advisor to legislators. He wants to distinguish those parts of the law that are pointless or pernicious from those parts of the law that are beneficial. Contrast both with the social contract theorists: Their arguments are primarily addressed to individual citizens, who want to know whether or not a particular government is legitimate, whether or not they have a duty to obey it.
4. Relatedly, Hume is conservative, whereas Bentham is a reformer.
5. For Hume, the principal objects of appraisal are personal virtues, individual traits of character. For Bentham, the principal objects of appraisal are laws and social institutions. Contrast both with contemporary utilitarians, for whom the principal objects of appraisal are individual actions.

Bentham's theory of punishment

Bentham notes that punishment itself is bad, in utilitarian terms. The person punished feels pain, or at least forgoes a possible pleasure. Therefore, punishment is justified only if it prevents acts that would produce even more pains, or foreclose even more pleasures. The point of punishment is in deterring acts that are more harmful than the punishment itself.

It follows, Bentham argues, that we should not punish where punishment is:

1. Groundless: where the act to be punished does not produce pain or foreclose pleasure. This explains why consensual acts should not be punished; the consent shows that the action did not produce pain or foreclose pleasure.
2. Inefficacious: where the punishment will not prevent the act. This explains why people are not to be punished under *ex post facto* or unannounced laws; why children and the insane are not to be punished; why unintentional actions (in which the perpetrator did not know that his action fell under the prohibited type), involuntary movements, and actions taken under duress are not to be punished.
3. Unprofitable: where the punishment has worse effects than the acts it aims to prevent.
4. Needless: where the punishment has worse effects than some other means of preventing the same acts.

Bentham does not appeal to the popular idea that people *deserve* punishment. A desert theorist will offer different explanations of why many of the same actions are not "meet" for punishment. For example, the reason why children should not be punished, according to the desert theorist, is that they are not responsible, and so do not deserve to be punished.

Can Bentham explain why we should not punish an innocent, if that will deter others?

The appeal of utilitarianism

1. It provides an independent test of the truth or falsity of received moral ideas. The test is, moreover, largely empirical. (Can it be completely empirical?)
2. It explains, in a simple, unified way, why the moral ideas that pass the test are true and those that fail the test are false. (Mustn't it leave something unexplained?)

3. It promises, at least in principle, a determinate method for answering any moral question that might arise.
4. It appeals only to the plausible idea that happiness is intrinsically good. By contrast, it can seem mysterious what is good about rights, justice, fairness, fidelity, when one abstracts from their effects on happiness. It can seem an empty fetishism.

Bentham and, as we will see, Mill argue for utilitarianism with a one-two punch.

Methodological (1–3): “You have no independent test, no explanation, no way to resolve conflicts. Your whole theory is simply a ratification of what you already believe.”

Substantive (4): “What’s so good about the things you believe in—justice, rights, liberty, fidelity—if *not* that they promote utility?”

Bentham’s defense of the principle of utility

The closest that Bentham comes to an explicit defense of the principle of utility is an argument by elimination.

“A principle may be different from that of utility in two ways: 1. By being constantly opposed to it: this is the case with a principle which may be termed the principle of *asceticism*. 2. By being sometimes opposed to it, and sometimes not, as it may happen: this is the case with another, which may be termed the principle of *sympathy* and *antipathy*” (II, 2).

The principle of asceticism, Bentham argues, is insane, and indeed, it is not clear that anyone has ever consistently held it.

If we subscribe to the principle of sympathy and antipathy, then we approve of actions simply because we, personally, like them. We don’t offer a reason for our approval at all.

The argument, as it stands, trades on an equivocation. When Bentham claims that the only alternatives to the principle of utility are the principle of asceticism and the principle of sympathy and antipathy, he defines the latter simply as a principle that sometimes agrees with the principle of utility and sometimes doesn’t. But when Bentham argues against the principle of sympathy and antipathy, he gives a far narrower definition of it: namely, as the principle that approves of whatever actions the evaluator takes a shining to. The difficulty is that there are other alternatives to the principle of utility and the principle of asceticism besides the principle of sympathy and antipathy defined in this narrow way. (Indeed, Bentham’s footnote on the principle of caprice in effect concedes that there are other alternatives!)

Underlying Bentham’s argument, it seems, is the unargued premise that to offer a reason for approving of an action is to appeal to the action’s utility. There is no other alternative. The principle of utility is the only principle that offers reasons for its judgments.