

ON FORMULATING THE UTILITY PRINCIPLE

I

In trying to defend utilitarianism, whether we are trying to defend some version of act-utilitarianism or rule-utilitarianism, hedonistic utilitarianism or pluralistic utilitarianism, there are certain not easily resolved conceptual difficulties about formulating the principle of utility which will be common to all these varieties of utilitarianism. Consider the following formulations of utilitarianism.

1. We should always promote the maximum net good (happiness).
2. We should always promote the maximum net good (happiness) for the *majority* of the people involved.
3. We should always promote the maximum net good (happiness) for *every* human being.
4. We should always promote the maximum net good (happiness) for all sentient life.
5. We should always promote the maximum net happiness for all sentient life—but where a person's interests and what will be good for the rest of the animal kingdom conflict, we should always give the interests of persons (human beings) precedence.

Which, if any, of these principles of utility are adequate or at least the least inadequate? As is reasonably evident in Chapter Two of his *Utilitarianism* and in VI, Xii, 7 of his *System of Logic*, J. S. Mill, in theory opted for 4, but it is also true that in actual practice he worked with something very close to 5. It is also important to recognize that all the formulations, except 1, are faced with what Nicholas Rescher has called the 'meshing problem' that is to say, they offer a two factor criterion which attaches seemingly equal importance both to total utility and to some principle of fairness of distribution, rather than, as in 1, a single factor criterion. Rescher shows in his *Distributive Justice*, as I do in my "Some Puzzles About Formulating Utilitarianism," how, in considering how we would apply these formulations of the principle of utility, it is possible for the two factors to

conflict in such a way that we do not know how to apply the principle of utility and have nothing like a principled moral decision procedure.¹ But the expectation that it would give us such a principled decision procedure is one of the very central things which makes utilitarianism attractive. However, as I have argued in my "Some Puzzles About Formulating Utilitarianism," if we opt for formulation 1 instead we get results which will plainly not square with our reflective and informed moral sensibilities.

The upshot of this is that, as far any form of utilitarianism is concerned, we are left without anything like an adequate formulation of the principle of utility. Moreover, even if somehow the meshing problem can be resolved, we still have, as I argued in my "Some Puzzles About Formulating Utilitarianism", an intractable problem in deciding between 3, 4 and 5 when we consider the moral relations between humans and the rest of the animal kingdom. Common sense morality leads us to favor—if we have any sort of a utilitarian bent at all—something like 5, but when we critically examine the moral issues raised by considering all sentient life and not just human beings, such a preference seems—our "moral intuitions" to the contrary notwithstanding—quite arbitrary. My conclusion was (and indeed still is) that in spite of its attractiveness there are crucial and perhaps crippling difficulties in utilitarianism which have little, if anything, to do with the standard difficulties of choosing between, on the one hand, some form of rule-utilitarianism or act-utilitarianism or, on the other hand, hedonistic utilitarianism or pluralistic utilitarianism.²

II

Professor D. G. Brown has perceptively criticized my account and raised numerous questions which need attention.³ I should like to return to these arguments and critically examine some of the key issues raised by Professor Brown.

The first issue I shall consider is that of the moral relations between human animals and the so-called lower animals. Whether we are utilitarians or non-utilitarians, we (or at least the overwhelming majority of us) in our common sense moral reflection

regard human beings as deserving of preferential treatment over the other animals. We may have considerable moral concern for animals but where there is a conflict between the interests of an animal and a human being generally speaking the interests of the human being takes precedent. This is not only what we do, but, as well, what we think we ought to do. What I am interested in is (1) whether there is any adequate *ground* (rationale) for such differential treatment, and (2) whether utilitarians—particularly the classical utilitarians who were also hedonists—can provide an adequate ground for such preferential treatment. I agree with Brown that it is too early to despair of the likelihood that a sound rationale can be given for such differential treatment. But, again, like Brown, I am unable to provide one. And while it is indeed unclear what is meant by 'Human beings are better than other animals', unclear as it is, this perhaps incoherent assumption seems at least to be an operative assumption in common sense moral reflection on the relations between persons and animals. Our thinking seems at least to go: there ought to be differential treatment because human beings are more deserving of consideration. A human life has greater worth than the life of an animal. Perhaps, genetically speaking, this is a carry over from our Jewish-Christian culture; but whatever the causes, we are looking for a *rationale* for that belief which will withstand critical inspection. What I want to know is whether there is a sound rationale for such a belief.

There is the pervasively accepted common sense moral belief that while we should be humane to animals it is wrong to give them equal consideration with human beings. Whewell, in a remark to which Mill took strong exception, indeed makes an accurate claim in descriptive ethics: "It is to most persons not a tolerable doctrine, that we may sacrifice the happiness of men provided we can in that way produce an overplus of pleasure to cats, dogs, and hogs, not to say lice and fleas".⁴ Lice and fleas we can perhaps ignore on the grounds, that they neither reason nor suffer, but we cannot reasonably say that of many other animals. But Whewell is right about our common sense moral convictions. We do perfectly unequivocally give pride of place to humans.

What then are the grounds, if any, for such a common sense conviction? (I am no more prepared than was Mill simply to say with Whewell that if a philosopher's account of morality conflicts with common sense morality, then it must for that very reason be mistaken.) Religious answers apart, a very familiar ground which is typically given is that since human beings can reason in a way or to a degree that animals cannot, human beings are deserving of this special consideration. Brown says that we should not dismiss this answer too quickly and I, of course, agree. But what exactly is its relevance? I can see it being used in an argument to prove that man with his intelligence is a more useful animal than any other to all sentient life. (But even this provokes the retort 'Useful for what?' Humans are not as useful as cattle for producing milk.) But while this seems intelligible enough, it also seems patently false. Man has been more of a devastator than a boon to sentient life. Moreover, do we have good grounds for believing that rationality or intelligence has *intrinsic* worth? Perhaps, but I for one do not see that we have, and until and unless this is shown, we have no good grounds for believing that persons are deserving of special consideration because of their greater rationality.

The other rationale for affording special treatment to people—a rationale more in accord with utilitarianism—is the claim that they have a greater capacity to experience happiness than do the other animals; and thus a world where concern with them is given such pride of place will be a world with more happiness in it than a world in which they, vis-a-vis the other animals, are not given special consideration. But such a defence has at least two crippling defects. (1) It simply concerns itself with maximizing happiness without concern for justice—the needs of the other animals are not given due weight. (2) While the amount and variety of pleasure experienced by human beings is no doubt greater than that of the other animals, it is also true that human beings have a greater capacity for suffering and the forms of suffering available to them are more extensive and varied. In addition, people are great creators of suffering. If we balance out pleasure and pain, it is not unlikely that a world without any humans in it at all would have more pleasure in it than a world with humans.

So it seems to me that major grounds given for such a special consideration of human beings will not stand critical inspection and I, for one, know of no other rationale that does. I do not despair of finding such a rationale and I am not suggesting that we simply abandon our common sense convictions in these matters until we find such a rationale, but I am suggesting that we are *perhaps* simply falling back on our sense of group solidarity here. We are in effect saying to ourselves: I am a human and I will put things human first. But this is a humanocentric point of view and it is importantly analogous to ethnocentrism. To justify giving preference to human beings we need to find a *relevant differentiating* feature between human beings and the other animals. There are indeed all sorts of differences, but we have not been able to come up with any differences which are *morally* relevant; we seem to rely simply on our fellow feeling and on our at least seemingly incoherent conviction that we are somehow better than the other animals. This is very like the tribalism of a tribe which remains convinced without any good grounds that they are superior to the rest of mankind.

III

Brown also argued that any formulation of the principle of utility which is strong enough to tell men that they *should* maximize utility even with an additional commitment to fair distribution is absurd because it makes excessive demands on a moral agent. It gives a moral agent to understand, that except when he had utterly exhausted his energy and resources, he should, rather than relaxing and enjoying life, *always* be doing whatever it was that he could be doing to increase the relevant utility total. But such a puritanical demand is plainly so demanding as to be inhuman and any normative ethical theory which commits moral agents to such a programme must be mistaken.

Again I agree with Brown that if this were a commitment of any of my formulations of the principle of utility, then they would be absurd. But I doubt that these principles have such implications.

J. J. C. Smart in responding to a similar criticism by Kurt Baier has denied that such principles have such implications.⁶

And it seems to me that his central argument here is well taken. In thinking about the consequences of our actions we need, if we are thoughtful utilitarians, to consider as fully as it is reasonable to expect the consequences, direct and indirect, of our actions. If we are such utilitarian work addicts that we can only relax and do what we enjoy doing when it is absolutely necessary, then indeed much intrinsic good, e. g., pleasure, will be lost in the world (that is, the utility total will be considerably diminished). There is, moreover, a considerable instrumental value of a perfectly utilitarian sort in having a social structure where there are periods in which people can and will relax. Such practices are, whatever else we would want to say about them, also of considerable instrumental value in enhancing the amount and quality of work that people can do later. Generalizing these two considerations, as we must for moral agents, it is clear that to increase the maximum utility-total we should not be so puritanically driving ourselves. Even to try to make sure for every individual act of ours that this act would have the greatest utility would be counter-productive on utilitarian grounds. What we should seek to do is to develop social strategies and social policies which will maximize utility under some fair principle of distribution. Individually what we would do in each individual case is to act in accordance with those social policies which we have the best reason to believe will maximize utility in this way. Where no such policy obtains we should act in a way such that the way we propose to act were to become a social policy in such situations, we would have better reasons for believing it would have those effects, i.e., maximize utility, that we would have for believing that it would have any other effects.

IV

Let us now turn to what has been called by Rescher "the meshing problem." I, along with Rescher and Brown, agree with Sidgwick that "there are many different ways of distributing the same quantum of happiness among the same number of persons..."⁶ And we all further agree with Sidgwick that a simple principle of maximizing satisfactions or maximizing happiness will not do and that we need in addition, as Sidgwick put it, "to supplement the principle of seeking the greatest happiness

on the whole by some principle of Just or Right distribution of this happiness.”⁷ Whatever else may be said about my third, fourth and fifth formulations of the principle of utility, they are a considerable departure from a one-track utilitarianism which would offer a single principle providing the framework for a single decision procedure in ethics. They all in effect are dual principles such that there can be a conflict between their requirements of just distribution and their requirements to maximize good. The conflicts here are comparable to the conflicts that might arise in certain circumstances between what makes for the *greatest good* and what makes for the greatest good for the *greatest number*.

V

Brown claims that my counter-examples to maximizing total utility or majority utility are not convincing. Yet—perhaps only through obtuseness—I am at a loss to see why. Against a hedonistic form of utilitarianism—a form which is after all the classical form—my old-man case stands. That is to say, if an old unloved man is tortured in something like a Roman circus and the audience gets intense satisfaction from this, then this, given the first two formulations of the utilitarian principle, would be a desirable thing to do. But it plainly is incompatible with anything reflective and informed moral agents could morally tolerate. Thus, if the principle of utility is given these formulations it must be rejected as being incompatible with the very ultimate grounds we must appeal to in testing any moral theory. Moreover, even for a pluralistic form of utilitarianism, pleasure would be one of the key intrinsic goods and if it were of considerable magnitude, as *ex hypothesi* it is in my counter-example, it would outweigh on such utility calculations the evil of the suffering of the old-man. And it is surely possible for the case to be such that the effects on the character of such a weird audience are not carried over into other areas of their lives. Like many people we actually meet, they live compartmentalized lives.

Similar considerations obtain for the majoritarian cases of murdering Jews and Indians. We would indeed need to counter-balance the suffering caused against the pleasure that accrues.

But indeed we must balance them and where the satisfaction of desire is very great for an overwhelming majority and the number of Jews or Indians not considerable, such genocidal killing would be justified on the second form of the principle of utility. And it is this that gives my counter-example force.

Brown complains about the unrealistic desert-island quality of these examples. I agree they are artificial and it is important that this should be noted and taken into consideration. But do they still not have the considerable force of showing that if the situations described were to obtain, such formulations of the principle of utility would require us to do things we can see on reflection that we ought not to do? It seems to me that they show this and that showing this is of considerable value in spite of the fact that they make an appeal to our *reflective* common sense moral convictions. Why can we not use them in ascertaining what we would say and indeed believe if such extra-ordinary circumstances were to obtain? I see no reason at all for saying that working with our common sense moral convictions we could not have some rather good understanding of how we would feel in such circumstances. By drawing out the implications of the moral theory in question, they show us what we are committed to if we adopt it. And I do not see (pace Smart) how in the last analysis such an appeal can or indeed (if this were possible) should be avoided.

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NOTES

1. Nicholas Rescher, *Distributive Justice* (the Bobbs-Merrill Co. Inc. : Indianapolis, Indiana, 1966), pp. 38-41 and Kai Nielsen "Some Puzzles About Formulating Utilitarianism", *Ratio*, (October, 1973), pp. 34-36.
2. *Ibid.*
3. D. G. Brown "Comments on Nielsen's 'Some Puzzles About Formulating Utilitarianism'," *Canadian Philosophical*

Association, (Montreal, June, 1972). See for his own account of the principle of utility, D. G. Brown, "What is Mill's Principle of Utility ?" *Canadian Journal of Philosophy*, Vol. III, No. 1, (September, 1973), pp. 1-12.

4. William Whewell, *Lectures on the History of Moral Philosophy* (London : 1852). For an intelligent discussion of some of the issues between Bentham and Mill, on the one hand, and Whewell on the other, see H. B. Acton, "Animal Pleasures", *the Massachusetts Review*, Vol. II, No. 1, (Spring, 1961), pp. 541-48.
5. J. J. C. Smart, *An Outline of a System of Utilitarian Ethics*, (Cambridge University Press : Cambridge, 1967), p. 40.
6. Henry Sidgwick, *Methods of Ethics*, (MacMillan Company : London, 1907, Seventh Edition), Book IV, Chapter I, Section 2.
7. *Ibid.*

