

## Phil. 1100

### Notes #7: Utilitarianism (Smart)

#### Three Important Questions in Ethical Theory

1. What is good? Important distinction:
  - Intrinsic good*: a thing that is good for its own sake; an end in itself.
  - Instrumental good*: a thing that is good for the sake of something else; desirable as a means.
2. What should one do?
3. Whose good should one pursue?

#### Utilitarianism's Answers

1. *Hedonism*: Enjoyment (pleasure/happiness) is the sole intrinsic good.  
Note: Some utilitarians substitute preference-satisfaction for enjoyment.
  2. *Consequentialism*: One should always perform the action that produces the greatest (expected) quantity of good.
  3. *Altruism*: Weigh every person's good (incl. both self & others) equally. (Note: This is different from Smart's usage of the word.)
- In sum: *Perform that action which produces the greatest total expected enjoyment in the world.*

#### In Defense of Altruism

- The egoist-altruist spectrum:
  - *Egoism* counts only self-interest. Values others only as a means to self-benefit.
  - *Altruism* (as defined above) is the most extreme position in the other direction that anyone holds. Altruism does not say that your interests don't count.
  - Most people hold a position in between these extremes.
- Question for the egoist: What is so special about you?
- Implied argument:
  1. Each person is equally important; there is no special property of you that makes you better than (or more important than) others.
  2. Things that are equally important should be given equal weight.
  3. Therefore, you should weigh others' interests equally with your own.

#### In Defense of Consequentialism

- You have a choice between two possible worlds, world A and world B. Assume A is better than B. Which one should you pick?  
*An example*: You may murder 1 innocent person to prevent 10 innocent people from being murdered. Should you do it?
- Related: what would a benevolent third party *hope* that you pick?
- Consequentialists see every choice as a choice among possible worlds (the total states of affairs that would result from each of the available actions).
- Why do some people disagree? Some see an individual as being responsible only for ensuring that *he himself* lives up to some standard of conduct; we aren't (as) responsible for the rest of the world, or for the free choices of others, even if our actions have an effect on others' choices.

### **In Defense of Hedonism:**

- Note that 'pleasure' or 'enjoyment' may be either emotional or sensory.
- Try to think of anything else that is good. You will probably find that it is only instrumentally good. You think other things are good because they give you pleasure.

### **Miscellaneous Points about Utilitarian Doctrine**

- No moral distinction between acts & omissions (or positive & negative actions). You are not only obliged to refrain from causing harm; you are, equally, positively obligated to produce good.
- A utilitarian must consider the *long-term* future.
- To deal with uncertain outcomes: Multiply the probability of each possible outcome by the amount of pleasure that results *if* the outcome happens, and sum the results for every possible outcome. This gives the *expected* amount of pleasure for a given action. Maximize the expected pleasure.
- The *distribution* (whether equal, unequal, etc.) of happiness doesn't matter, only the *total sum*

## I. Justice

In some cases, utilitarianism requires acting *unjustly*.

### *The Trial Example*

You are on the jury in a trial for a crime that has caused great public outrage (say, a black man being beaten by Los Angeles police officers). You believe that, unless the defendant is convicted, there will be riots in which several innocent people will be killed, seriously injured, and/or robbed. However, you also believe that the defendant is in fact innocent. Should you vote to convict the defendant?

- Utilitarian answer: Yes.
- Common sense answer: No.

### *The Organ Harvesting Example*

You are a surgeon in a hospital, where five patients need transplants of five different organs. Without them, they will die. You have one healthy patient who happens to be compatible with the five. Should you kill the healthy patient to distribute his organs to the other five?

- Utilitarian answer: Yes.
- Common sense answer: Are you insane?

## II. Hedonism

- *Ethical Hedonism*: The view that pleasure is the sole intrinsic value. The readings contain two criticisms of this view.
- Not to be confused with *psychological hedonism*: The view that people are motivated only by pleasure.

### *The "experience machine" (Nozick):*

- A machine that can produce any series of experiences you want, by direct brain stimulation. Can be programmed with a variety of happy experiences. Can also erase your memory of life before the machine.
- Should you plug in?
  - Most people say 'no.'
  - But hedonism implies 'yes.' Hedonism implies this would be the best possible life.
  - This seems to show that hedonism is false; something matters in life other than pleasure, and other than one's subjective experiences. What? Nozick says: "perhaps what we desire is to live ... ourselves, in contact with reality."
- Notice how this argument works:
  - Thesis to be criticized: "pleasure is the only intrinsic good."
  - Strategy (sometimes called "*the method of isolation*"): to 'isolate pleasure' (imagine a life with pleasure & nothing else commonly considered valuable). Ask whether it would be good. If not, then pleasure isn't the sole intrinsic good. (The method of isolation can be applied to anything else that is claimed to be the sole intrinsic good.)

### *Argument in summary:*

1. If pleasure is the sole intrinsic value, then a life containing a lot of pleasure, without any of the other things in a normal life, would be a great life.

2. But (intuitively) such a life would not be great.
3. So pleasure is not the sole intrinsic value.

### III. Population Ethics

Average versus total happiness: should we aim to:

- a. Increase the *average* level of happiness in the world?  
(*Problem:* Painlessly killing each person of below-average happiness will increase the average.)
- b. Increase the *total* amount of happiness in the world?  
(*Consequence:* You have a positive obligation to produce more children, if they will be happy & won't lower others' happiness, or will lower others' happiness by less than their own total happiness.)
- c. A third possibility is to aim at increasing the happiness (only) of *actually present* people.  
(*Consequence:* This means that we lack obligations to future generations.)

## I. Three Positions in Ethical Theory

1. *Consequentialism* The right action is the action that maximizes the (expected) good. ('The ends justify the means.')
2. *Absolute deontology*: Holds that there are some *absolute constraints* on how one may pursue one's ends; that some kinds of actions are *always* wrong, regardless of the consequences. ('The ends do not justify the means.')
3. *Moderate deontology*: Holds that there are some constraints on how one may pursue one's ends that apply in normal circumstances; however, there may be some exceptions, or cases in which these constraints are overridden.

## II. Kant's Moral Theory

- *Biographical note*: Immanuel Kant (1724-1804), very famous 18<sup>th</sup>-century German philosopher. Famous works: *Critique of Pure Reason*, *Foundations of the Metaphysics of Morals* Devised the most influential form of absolute deontological ethics. Important ideas:
- *The Categorical Imperative*: "Act in such a way that you treat humanity, whether in your own person or in that of another, never merely as a means, but always also as an end."
  - *Treating a person merely as a means*: Using a person without their consent—"... to involve them in a scheme of action to which they could not consent." [*Note*: This appears to be a misstatement: should say "... to which they do not consent."] Two main forms of this:
    1. Using deception to get something from others. (a.k.a. fraud)
    2. Coercion.
  - *Treating a person as an end*: Fostering some of their (otherwise morally acceptable) plans. *Ex.*: Donating to charity to help those in need.
  - Why are human beings ends in themselves? Human beings have a 'rational life' and free will.
- Another "form" of the Categorical Imperative: Act so that you could will that the maxim of your action should be a universal law.
  - *Maxim of an action*: The policy that the agent is acting on. Closely related to the action's *intention*. For Kant, morality of actions is evaluated by reference to maxims.
- Compare Kantian vs. Utilitarian ethics:
  - Kantian ethic requires you to determine the 'maxim' of an action. Utilitarian ethic does not; utilitarians only look at probable consequences.
  - Utilitarianism is more precise *in theory*, but often much less precise in practice. Why:
    - 3 Utilitarianism requires enormous amounts of empirical evidence to make a decision. Kant's theory does not.

## III. Individual Rights (Nozick)

- Important distinction:
  - *Moral goal*: An end that it is morally good to aim at. Or: A principle that says you ought to aim at some goal.
  - *Moral (side) constraints*: A constraint on morally permissible ways of pursuing one's goals. Or: A principle that identifies such a constraint.
- Rights function as *side constraints*, not *goals*

- Implication: It is wrong to violate one person's rights to produce a greater good.
- It is wrong to violate a person's rights, even to prevent a larger number of other, similar rights-violations. (*Ex.*: Killing one innocent person to prevent someone else from killing two innocent people.)
- Why side constraints?
  - Nozick accepts the broadly Kantian principle: Individuals must be treated as ends in themselves, not as "mere means," or *tools*
  - If the use of a thing is sufficiently constrained, it ceases to be a tool. Rights are the constraints necessary for human beings not to be used as mere tools.
  - Counter-argument: People sometimes undergo some sacrifice for the sake of a larger benefit. *Similarly*, why might not *society* sacrifice some of its members for a greater 'social benefit'?
    - *Answer*: "Society" isn't a person. It doesn't have any interests of its own; only individuals do. Nor can 'society' make choices; only individual people can. The analogy is specious.
- What sort of rights/constraints does Nozick believe in?
  - a. People may not initiate coercion against others.
  - b. People may not engage in fraud.
  - c. Private property rights: people may not use or interfere with each other's property w/o the owner's consent.

#### IV. Objections to Absolute Deontology

##### *The Rifle Example*

A madman is about to shoot several people. You can stop him by taking a rifle and shooting him first. But the rifle is not yours, and the rifle owner does not consent to the use of his rifle. May you take the rifle?

- This action violates the owner's property right.
- Also seems to treat the rifle owner merely as a means.

##### *The Continuum Argument*

- There is a continuum between things that clearly violate rights and things that clearly don't.
  - The light-in-your neighbor's yard example:
    - a) Beaming a 1000-megawatt laser at neighbor's house: Clear rights-violation.
    - b) Shining flashlight at neighbor's house: Probably not.
    - c) Turning on a light in your house, that is visible from neighbor's house: Clearly not.
  - The pollution example:
    - a) Dumping a ton of plutonium above the groundwater that supplies the city: Clear rights-violation.
    - b) Exhaling: Clearly not.
- What is Friedman trying to show here? Maybe:
  - That formulations of rights are not so simple.
  - The correct formulations will take into account consequences.
  - Given the continuous variation, it's implausible that there's a point at which an action suddenly becomes absolutely impermissible.

##### *The Problem of Risk*

Is it permissible to impose a *risk* of harm on others? How great a risk? Three answers:

##### *1. No risk is acceptable*

Problem: This makes life impossible.

2. *Any risk less than 100% is acceptable*

Problem: Defeats the point of absolutism.

3. *There is a threshold probability, T. Risks above T are always unacceptable. Risks below T are acceptable if the consequences are sufficiently good.*

Problem: This view violates the following principle:

*Two Rights Don't Make a Wrong* If it is correct to do A (independent of whether you do B), and it is correct to do B (independent of whether you do A), then it is correct to do both A and B.

Example: Let  $T = .5$ .

Action	Probability of harm	Benefit
A	.4	+100
B	.4	+100
A&B	.64	+200

*Example*

- Assume it is wrong to knowingly punish the innocent, regardless of the benefits.
- Assume the probability of guilt required for a just conviction = 99%.
- Finally, assume we have 1000 trials, in each of which the probability of guilt is 99%.
- So: Each defendant should be convicted.
- Yet the system is unjust:
  - Total probability of convicting at least one innocent person > .9999.
  - Benefit: punishment of many guilty people.

## I. Ross' Prima Facie Duties

- *Prima facie duty*: Something that is normally a duty, other things being equal, or: assuming it does not conflict with another prima facie duty.
  - *Duty*: What one ought to do, all things considered. A prima facie duty may not be a duty, because it may be overridden by another prima facie duty that is more important in the circumstances.
- Should one break a promise in order to help someone in distress?
  - Absolute deontological answer (Kant): No, not ever.
  - Consequentialist answer (Smart & others): Yes, if and only if better overall consequences are produced.
  - Moderate deontological answer (Ross): There are two prima facie duties, (i) the duty to keep a promise, (ii) the duty to alleviate suffering. Sometimes the first is the 'greater duty' and sometimes the second is. If the suffering is comparatively minor, then you should keep the promise. If the suffering is great, then you should alleviate the suffering.
- List of prima facie duties:
  1. Duty to keep a promise.
  2. Duties of reparation.
  3. Duties of gratitude.
  4. Duties of justice.
  5. Duties of beneficence.
  6. Duties of self-improvement.
  7. The duty of not harming others ('non-maleficence').

## II. How We Know about Moral Duties

- Prima facie duties are "not self-evident from the beginning of our lives", but *becomes* self-evident after some experience and reflection.
- They are similar to mathematical principles, e.g., " $2+2=4$ ."
- Why believe the moderate deontological answer? Because it "corresponds better with what we really think" (p. 19): i.e. it fits better with our moral intuitions. Note: Ross is an ethical intuitionist.

### *Examples*

1. Suppose I have promised to do something for A, which will produce 1000 units of good for A. Suppose I can, instead, do something which will produce 1001 units of good for B (to whom I have made no promise), but 0 for A. Should I do the latter?
  - Consequentialist answer: Yes.
  - Common sense (intuitive) answer: No.
2. Suppose that A is a saint, while B is an axe-murderer. Suppose I can produce 1000 units of good for A, or 1001 units for B. Which should I do?
  - Consequentialist answer: The second.
  - Common sense (intuitive) answer: The first. Why: the prima facie duty of justice (bringing about a proportion between virtue and rewards).

### III. Objections to Moderate Deontology

#### *Lack of Systematicity*

- The list of duties is unsystematic & follows no clear overall principle.

#### *The arbitrariness objection*

- When is it permissible to violate a deontological duty (e.g., violate someone's rights), to produce a greater good (or avoid a greater evil)?
- Consequentialist answer: Whenever a greater good is produced.
- Absolutist answer: Never.
- Moderate deontological answer: Only when *a much* greater good is produced, so that there is a "greater" prima facie duty to produce the good.
  - How much greater?
  - *Objection:* The answer to this appears to be arbitrary, i.e., nothing makes one answer to this question any more natural than another.

### I. Weak Deontology

**WD** It is wrong to harm a person in the proscribed way, even to produce a greater but comparable benefit to others.

- Proscribed way: This is defined by the specific deontological theory in question--rights-violating, treating victim as mere means, etc.
  - Illustration: Trolley car.
  - Illustration: Organ Harvesting.
- Comparable: Not vastly greater, not of a qualitatively different kind.
- This is not absolutist, but it is compatible with absolutism.
- Almost everyone endorses WD, except consequentialists.

### II. Individuation Independence

#### *An Example: Galileo on Aristotelian Physics*

- A heavy cannon ball and a light musket ball are dropped at the same time. Which falls faster?
  - Aristotle: Cannon ball.
  - Galileo: Same speed.
- Thought experiment: The two balls are tied together with a (very light) string. What happens? Two answers:
  - The musket ball acts as a drag on the cannon ball, slowing it down.
  - The musket-ball-plus-cannon-ball is heavier than a cannon ball, so it falls faster.
- A plausible general principle: The speed at which something falls cannot depend upon whether we consider it as one object or two.

#### *A Similar Principle of Ethics*

- Whether some behavior is wrongful cannot depend upon whether it counts as one action or two.
- Related: if it is wrong to do A, and it is wrong to do B given that one does A, then it is wrong to do (A&B).
  - Why “given that one does A” is included: Bomb Squad example.

### III. A Paradox

- Assume there are two actions, A1 and A2, and two people, P1 and P2, such that:
  - A1 harms P1 while producing a slightly greater benefit for P2.
  - A2 harms P2 while producing a slightly greater benefit for P1.
  - Each of A1, A2, by itself, would be considered wrong by the moderate deontologist.
  - However, (A1+A2) benefits both P1 and P2, so it seems to be right.

<u>Action</u>	<u>Effect on P1</u>	<u>Effect on P2</u>
A1	-1	+2
A2	+2	-1
(A1+A2)	+1	+1

### *The Torture Transfer Case*

- P1 and P2 are being tortured.
- (A1), turning dial #1, increases P1's torture but lowers P2's torture by twice as much.
- (A2), turning dial #2, increases P2's torture but lowers P1's torture by twice as much.
- (A1 & A2) lowers both people's torture.

### *The Bank Transfer Case*

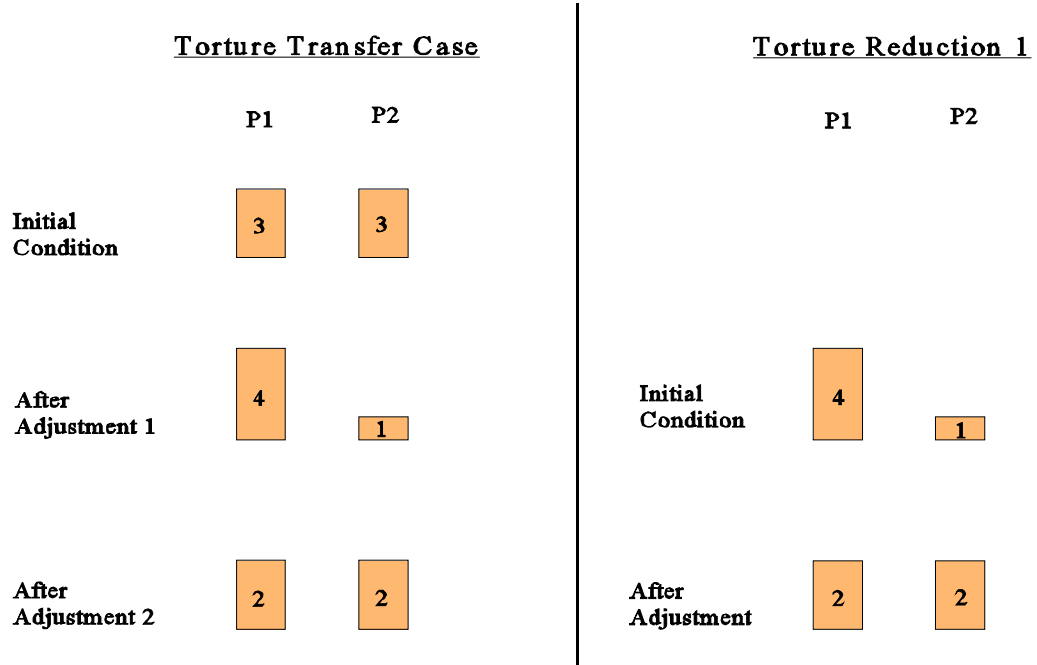
- P1 and P2 have bank accounts.
- A1 steals \$1 from P1, but gives \$2 to P2.
- A2 steals \$1 from P2, but gives \$2 to P1.
- (A1&A2) gives \$1 to both P1 and P2.

## IV. The Consent Issue

- Maybe harms are proscribed when inflicted without consent.
- Maybe P1 and P2 would both consent to (A1&A2).
- Problems:
  - Maybe they *wouldn't* consent.
  - Consent theory just creates a more straightforward problem: P1 might consent to A1, consent to A2, but refuse to consent to A1&A2, etc.

## V. Response: Are the Harms Proscribed?

- To respond to the argument, the deontologist should deny that it is wrong to do A2, given that one does A1. Why might this fail to be wrong?
- Maybe because A2 does not increase P2's torture level *if* A1 is also performed.
  - Reply: Sadistic Torturer case.
- Maybe because A2 compensates P1 for the harm imposed by A1.
  - Reply: Not permissible to torture a person, even to provide someone else with compensation for being tortured.
  - In general: Not permissible to wrong someone to compensate someone else for a similar, past wrong.
- Maybe because A2 is a member of a set of actions that on net benefits everyone.
  - Torture Reduction 1 (Fig. 1). P1 and P2 *start out* in the same state they were in after Adjustment 1 in Torture Transfer. Mary decides whether to perform an adjustment that has the same effect as A2 in Torture Transfer.
  - Torture Reduction 2: As in TR1, except Mary doesn't know whether the initial condition is partly the result of a previous act of hers.
  - TR 3: As in TR2, except that Mary knows the initial condition resulted from a dial-turning like Adjustment 1, but she doesn't know whether it was she or someone else who turned the dial.
    - N It is implausible that the permissibility of the action depends on whether Mary turned the dial, or someone else did, or it resulted from a machine malfunction.
  - Finally, Delayed Torture Transfer: Like Torture Transfer, except for 10-year time gap between adjustments.
    - N Deontologist will probably judge Adjustment 2 as wrong in this case.
    - N But it shouldn't matter how long the time delay is.
    - N So Adjustment 2 is wrong in the original case.



**Fig. 1:** The boxes represent levels of pain to which each prisoner is subjected. In Torture Reduction 1, if Mary performs the one adjustment available, she changes A's and B's pain levels from 4 and 1, respectively, to 2 and 2, just as she does when she performs Adjustment 2 in Torture Transfer.

**Phil. 1100**  
**Overview of Unit 2**

By the end of unit 2, students should:

Know what these things are:

Instrumental/intrinsic values

Utilitarianism

Consequentialism

Hedonism

Altruism

Egoism

Moderate deontology

Absolute deontology

The “categorical imperative”, incl.

How to treat people “merely as means”

Side constraints vs. goals

Prima facie duty

Be able to apply these theories to particular cases:

Utilitarianism

Moderate deontology

Absolute deontology

Know these examples & what they support:

Experience machine

Convicting the innocent person

Organ harvesting

The Rifle/madman example

Laser beam vs. normal light

Pollution & exhaling

Ross’ promise example

Saint/axe murderer example

Torture transfer

Understand these arguments/explanations:

Argument for altruism

Argument against hedonism

Experience machine example

Nozick’s explanation for rights

Nozick on: why society can’t trade harm to one of its members for greater social benefit

Arguments against consequentialism

The trial example

Organ harvesting

Ross’ promise-keeping example

Ross’ example of helping the evil person

Arguments against absolutism

Continuum argument

Risk problem

Argument against moderate deontology

Arbitrariness objection

Two wrongs don’t make a right arg.

Know these authors’ basic positions:

J. J. C. Smart

Robert Nozick

Immanuel Kant

W. D. Ross

David Friedman

Huemer