

Philosophy 104, Ethics, Queens College, Spring 2006  
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## I. Continuing with criticism of utilitarianism #2: Happiness is not our ultimate goal in life

We considered an example of a situation which appears to be an undesirable outcome, the pianist's loss of the use of her hands, but which, because of the happy pill, the utilitarian can not evaluate as undesirable.

There are two utilitarian responses to this criticism.

One dismisses the objection as an implausible scenario, there is no such thing as a happiness pill.

But still, it is logically possible, and it would be nice if the utilitarian could account for it.

The utilitarian can also claim that our intuitions in this case are wrong.

If we really had a happy pill, then even if the pianist lost the use of her hands, as long as she were happy, we shouldn't see this as a problem.

We are misled by our intuitions, here.

This response also dismisses the criticism.

## II. A different kind of response to Criticism #2

If we are convinced that the utilitarian inappropriately emphasizes happiness, we can drop the happiness clause (hedonism) from utilitarianism.

As Brandt says, there is no logical connection between utilitarianism and hedonism, p 85.

We still maintain the consequentialism and the egalitarianism.

But we are left without a guideline for evaluating consequences.

We need to replace hedonism with something.

Consider replacing hedonism with appeal to personal preferences or desires.

This would capture what is wrong with the scenario above.

The pianist may be happy, but not in the way she prefers.

This proposal generates preference utilitarianism:

The right act is the one that creates the greatest fulfillment of personal preferences for the greatest number.

Brandt calls this 'the desire theory'.

He points out that it also solves the problems of reliance on intuitions about what is good.

Notice that the utilitarian theory is saved, though amended.

Unfortunately, there are serious problems with preference utilitarianism.

We really do not want to fulfill unacceptable preferences.

Brandt mentions that people can have crazy, and even self-destructive desires, p 87.

More severely, we do not want to fulfill certain kinds of preferences, like those of Nazis.

The classical (i.e. hedonistic) utilitarian can oppose genocide, even if the vast majority prefer it, by appeal to the various measures of happiness, quantity, quality, long-term, etc.

This seems more difficult to do in terms of preferences.

III. Criticism #3: Utilitarianism has difficulty accounting for our notions of justice.

Consider a situation in which better consequences arise from performing an injustice.

For example, sacrificing an innocent to quell an angry mob.

In general, utilitarianism, which is forward-looking, seems to conflict with justice, which is backward-looking. Justice is a complicated issue.

Mill's discusses five concepts of injustice, and argues that utilitarianism can account for them all, in terms of social utility.

- 1) Breaking the law, e.g. driving uptown on Lexington Avenue.
- 2) Breaking the moral law, e.g. stealing.
- 3) Not giving some one what he/she deserves, e.g. paying back a loan.
- 4) Promise-breaking
- 5) Unfairness, e.g. unequal distribution of wealth or other social goods.

Much of the utilitarian account depends on emphasizing the precedent effect.

If you break a promise, you encourage others to break their promises.

Similarly for other infringements of justice.

Mill sees injustice as an infringement of rights.

For each instance of any kind of justice, there is a wrong done and a specific person who is wronged.

That is, some one's rights are violated.

And rights are defended by utility, p 71.

So, Mill is arguing that utilitarians generally seek justice.

And if there are odd cases in which an apparent injustice is licensed, we might have to give up our intuitions about what is the right thing to do.

That is, maybe sometimes sacrificing an innocent is morally acceptable.

Another aspect of the utilitarian account would entail emphasizing long-term benefits of seeking justice.

Consider: Who should we pay better, the harder worker or the needier worker?

The surface utilitarian answer is to pay the needier one.

But long-term considerations may push us to pay the harder worker better.

It may be better to provide incentives to workers, and not alienate the harder workers.

That is, utilitarianism may be able to account for notions of justice by appeal to long-term benefits.

One of these benefits is the precedent effect: How will my actions encourage others to behave?

Justice and utilitarianism are sometimes incompatible.

Utilitarianism requires we look forward, justice that we look backward.

In these cases, either we give up our notions of justice or we give up utilitarianism.

The borderline cases are difficult, and perhaps irrelevant.

IV. Criticism #4: Utilitarianism has difficulty accounting for our notions of rights.

This relates, in an obvious way, to criticism #3.

For example, consider the peeping tom, who secretly adds his own happiness.

It looks like the utilitarian defends the peeper.

One response to criticisms #3 and #4 is to adjust the theory.

If our intuitions about justice and rights are so strong, we can just add rules to insure that rights are protected and that justice is served.

This leads to Rule Utilitarianism:

The right act is the act that conforms to the general rule that creates the greatest happiness for the greatest number.

Brandt defends rule utilitarianism instead of act utilitarianism, which he thinks suffers from exactly the kinds of criticisms we have been discussing. (Criticisms #3 and #4.)

#### V. An aside on preference rule utilitarianism

The above theory is Hedonistic Rule Utilitarianism.

We could alternatively adopt Preference Rule Utilitarianism:

The right act is the act that conforms to the general rule that creates the greatest fulfillment of personal preferences for the greatest number.

Note that utilitarianism is a family of theories, not just one theory.

#### VI. How rule utilitarianism avoids act utilitarianism's problems of rights and justice

Should you peep?

In this instance, you might gain more pleasure than anyone loses.

But which rule should we follow:

Rule #0: Do not peep.

Rule #1: Peep if you want.

If we adopt Rule #1, some people would get caught.

Then, the overall unhappiness of those whose rights are violated outweighs the titillation of the peepers.

So, I shouldn't peep.