

Utilitarianism: acts, rules and pleasures

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1. Mill on Bentham

In his essay 'Bentham', Mill says a moralist needs to survey human nature, which takes two qualifications – one's own rounded experience, and an ability to learn from others. Bentham failed on both counts. He had a dogmatic attitude toward other ideas of morality, measuring the ethics of other ages only by their appreciation of the principle of utility. And he was cut off from many of the strongest natural feelings and most powerful experiences we have, and lacked imagination – he didn't know prosperity, adversity, passion, satiety, ill-health, or dejection. He recognises only pleasure and pain, self-interest and sympathy, and thereby overlooks or misunderstands self-respect, conscience, love of honour, beauty, order, power, and action, ideas that relate to the pursuit of spiritual or moral perfection for its own sake. "No one, probably, who, in a highly instructed age, ever attempted to give a rule to all human conduct, set out with a more limited conception either of the agencies by which human conduct *is*, or of those by which it *should* be, influenced... If he thought at all of any of the deeper feelings of human nature, it was but as idiosyncrasies of taste, with which the moralist no more than the legislator had any concern" ('Bentham', 97, 101). Indeed, he thought ideas of taste were simply dogmatic, as if we can't or shouldn't say, from someone's tastes, that they are cultivated or ignorant, sensitive or callous, benevolent or selfish: "quantity of pleasure being equal, push-pin is as good as poetry".

Benthamism cannot answer the question of what welfare might consist in beyond removing the ills of human life. What values are there for us to pursue once we no longer suffer pain and deprivation? What are the perennial sources of happiness? It was to this question that Mill addressed his distinction between higher and lower pleasures. Mill's utilitarianism is not one of Benthamite calculation, taking in all minor pleasures and pains; it is one of a grander scope: "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being" (*On Liberty*). And these permanent interests include freedom, truth, the development of character and individuality, and qualities of mind and spirit.

2. Mill's distinction

As a utilitarian, Mill still accepts that happiness is pleasure, and the absence of pain; but he complicates this immediately by situating this idea in that of a *life* of happiness, which is not a life of constant rapture, "but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing" (*Utilitarianism*, 264). A much higher value is to be assigned to the pleasures of *thought, feeling, and imagination*. This is not because, on the Benthamite calculus, such pleasures have greater quantity, though often they do. They have a permanence (Bentham's duration and fecundity), a safety (certainty), an uncostliness (purity), that can recommend them. It is rather that they are of a different quality than other pleasures: "some kinds of pleasure are more desirable and valuable than others" (258). This seems a strange claim to make: how can happiness be the only value, and pleasure the only factor in happiness, yet there be a distinction in value between pleasures? Mill's test for establishing his claim that some kinds of pleasure are more valuable than others does not betray his utilitarian commitments:

Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far out-weighting quantity as to render it, in comparison, of small account. (259)

This test, applied to *types* of pleasures, establishes whether one type is more desirable than another type. To be more desirable is to be more valuable, for on the plausible assumption that people desire happiness, the judgments given here are judgments about how a pleasure contributes to happiness, the only value there is. And the test makes it clear that happiness is distinct from contentment or satisfaction. Whether Mill is correct in asserting that the pleasures of thought, feeling and imagination are higher pleasures depends entirely on the empirical outcome of the test.

Of course, the usual objections to the utilitarian's hedonism can be raised. Desirability is not a test of how something contributes to happiness if we desire things other than happiness. And the only way Mill can defend the claim that happiness is all we desire is by stretching it to contain all values – freedom, authenticity, moral development, etc. But this empties 'happiness' of any substantive meaning; for it now seems that realizing what is of value *independently* is what makes us happy, rather than that what makes us happy being of value for this reason. But none of these objections touch Mill's distinction, within happiness, of higher and lower pleasures.

3. Acts and rules

The simplest form of act utilitarianism claims that an action is right only if it leads to the greatest happiness of all those it affects, i.e. if it *maximises* happiness. The notions of 'greatest' and 'maximise' are comparative; so an action is right only if, out of all the actions you could have done at the time, this action leads to more (or equal) happiness than any other. Developments of act utilitarianism have taken two directions.

First, we may wish to say not that an action is right if it *actually* maximises happiness, but if it is most likely to (objective probability), or appears to the agent to be most likely to (subjective probability), or some other such formulation. Bentham himself doesn't hold the simplest form given above, as he says an action is right according to 'the tendency which it appears to have' to maximise happiness. This introduces an ambiguity in the word 'action' – does this mean 'action token' (a particular action that is performed at a moment in time) or an 'action type'? For it is difficult to see how an action token could have a *tendency* to maximise happiness, tendencies usually being something that require a number of instances to establish. However, if 'action' means 'action type', then we have rule utilitarianism, a rule being given for each type of action. It is possible, therefore, that Bentham (and Mill after him) meant something like 'probability' by 'tendency'.

Second, the definition of right action is a criterion of justification – it tells us when an act is right; it is not necessarily a criterion for deliberation, i.e. attempting to work out whether an act is right by examining its consequences may be disastrous in actually producing the right action. Mill certainly thought so, and advised us to be guided by the rules of morality that humankind had developed over time. Consequentialist theories which separate criteria of deliberation from that of justification are known as 'indirect' theories, for one pursues the right indirectly.

Rule utilitarianism provides a different criterion of rightness: An act is right only if it is in accordance with a rule (or set of rules) that if generally accepted, would maximise happiness. An individual action may well, then, be right without its individual consequences maximising happiness. This criterion tends to be interpreted as deliberative as well as justificatory, i.e. we should consider what to do on the basis of following rules. Both rule utilitarianism and Bentham's act utilitarianism are forms of 'direct' utilitarianism.

The traditional objection to rule utilitarianism takes the form of a dilemma: if I know that the action that accords with the rule will not maximise happiness, but another action will, it would be 'rule-fetishism' to follow the rule; if we amend the rule to take account of this exception, and this happens repeatedly, the rule dissolves in qualifications. In either case, we are back with act utilitarianism, at least as a criterion for justification, even if rule utilitarianism remains a better guide to deliberation.

4. Acts, rules and psychology

Utilitarianism singles out happiness as the only value. Its concern, then, should be the design of a moral code which does not itself, paradoxically, undermine happiness. Yet just this charge has been repeatedly levelled against act utilitarianism. Here are three forms of the charge:

- a. Act utilitarianism implies that the best world is one in which right action is maximized. And yet this may be false, for a person who doesn't always do the 'right' action, according to act utilitarianism, may be happier and produce more happiness. Utilitarianism should be concerned with the happiness in life (or the world) as a whole, and its criterion of rightness (not just of deliberation) should reflect this.
- b. If the gap between justification and deliberation becomes too large, we will become psychologically 'split'. The good moral life is one in which we are motivated by what we value, i.e. that our reasons (justification) and motives (deliberations) form a harmony. But according to indirect act utilitarianism, in many cases, to do the right thing I must not consider what would make it the right thing to do.
- c. Act utilitarianism requires us not to consider our own special relation to our actions and our lives. It is too demanding – I could not be happy constantly promoting the happiness of others, and so others' promotion of my happiness would fail. And it is alienating – I am not more concerned with my own life than with others, except as an impersonal means of generating the greatest overall happiness.

Rule utilitarianism offers solutions to each of these problems, by allowing deliberation and justification to be unified, and by considering the costs of living according to the rules in designing the rules themselves. Brad Hooker suggests the following criterion: "An act is wrong if and only if it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum expected value in terms of well-being... The calculation of a code's expected value includes all costs of getting the code internalized." This formulation also avoids the collapse of rule utilitarianism into act utilitarianism, or the repeated qualification of rules; for both would lead to a break down in trust.

Further reading

Mill, *Utilitarianism*, Ch. 2; 'Bentham'

Smart & Williams, *Utilitarianism: For and Against*

R Crisp, *Mill on Utilitarianism*, Ch. 2, 3, 5

B Hooker, "Rule-consequentialism", *Mind* 1990