

**An outline of a system of
utilitarian ethics**

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or perhaps of direct tampering with the human genetic material, or of a spectacular discovery which would enable the life span of man to be prolonged indefinitely. (For example, would the realization of the last possibility imply the rightness of universal euthanasia?) Again, suppose that it became possible to design an ultra-intelligent machine¹ (superior in intelligence to any human) which could then design a yet more intelligent machine which could ... (and so on).

Consider positive eugenics first. Suppose that it did one day turn out that by methods of positive eugenics, it became possible markedly to increase the intelligence of the whole human race, without using tyrannical or unpleasant means and without reducing the genetic diversity of the species. (There are important biological advantages in diversity.) Ought a utilitarian to approve of such a measure? Clearly something will depend on whether he is a hedonistic or an ideal utilitarian. The ideal utilitarian may have an intrinsic preference for more intelligent states of mind. However the hedonistic utilitarian might agree with the ideal one if he thought that intelligence was extrinsically valuable, for example if he thought that wars and poverty were due mainly to stupidity, and perhaps if he thought that more avenues for obtaining pleasure were open to intelligent people.

Even more interesting ethical issues arise if we imagine that biological engineering went so far as to enable the production of a higher species of man altogether. Similar issues arise also if we imagine that it becomes possible to produce an ultra-intelligent artefact which possesses consciousness. (This is not the place to enter into the deep metaphysical issues which arise out of the question of whether a

¹ See, for example, I. J. Good, 'Speculations concerning the first ultra-intelligent machine', *Advances in Computers*, vol. 6, Academic Press, New York, 1965.

conscious artefact is possible or not.) Let an entity which is either a member of the envisaged superior species or is an ultra-intelligent conscious artefact be conveniently referred to as 'a superman'. What might a utilitarian's attitude be towards possible actions which would lead to the production of a superman? It is quite possible that there should be a kind of utilitarian who valued only the happiness of his own species and was perfectly indifferent to that of higher and lower species. He might even envisage the superman with fear and hatred. Such a man's ethics would be analogous to the ethics of the tribe. Suppose alternatively that he were an ideal or quasi-ideal utilitarian, who thought that it was better to be Socrates dissatisfied than a fool satisfied. Should he similarly yield ethical precedence to the superman?

At present there is much less possibility of practical disagreement between those who concern themselves with the happiness of all sentient beings. As regards inferior beings, there is indeed a possibility of serious disagreement over the morality of such things as 'factory farming'. But if it became possible to control our evolution in such a way as to develop a superior species, then the difference between a species morality and a morality of all sentient beings would become very much more of a live issue.

10. *Utilitarianism and justice*

So far, I have done my best to state utilitarianism in a way which is conceptually clear and to rebut many common objections to it. At the time I wrote the earlier edition of this monograph I did so as a pretty single-minded utilitarian myself. It seemed to me then that since the utilitarian principle expressed the attitude of generalized benevolence, anyone who rejected utilitarianism would have to be hard hearted, i.e. to some extent non-benevolent, or else would have to be the prey of conceptual confusion or an unthinking

adherent of traditional ways of thought, or perhaps be an adherent of some religious system of ethics, which could be undermined by metaphysical criticism. Admittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but I tended to take the view "so much the worse for the common moral consciousness". That is, I was inclined to reject the common methodology of testing general ethical principles by seeing how they square with our feelings in particular instances.

After all, one may feel somewhat as follows. What is the purpose of morality? (Answering this question is to make a moral judgement. To think that one could answer the question "What is the purpose of morality?" without making a moral judgement would be to condone the naturalistic fallacy, the fallacy of deducing an 'ought' from an 'is'.) Suppose that we say, as it is surely at least tempting to do, that the purpose of morality is to subserve the general happiness. Then it immediately seems to follow that we ought to reject any putative moral rule, or any particular moral feeling, which conflicts with the utilitarian principle. It is undeniable that we do have anti-utilitarian moral feelings in particular cases, but perhaps they should be discounted as far as possible, as due to our moral conditioning in childhood. (The weakness of this line of thought is that approval of the general principle of utilitarianism may be due to moral conditioning too. And even if benevolence were in some way a 'natural', not an 'artificial', attitude, this consideration could at best have persuasive force, without any clear rationale. To argue from the naturalness to the correctness of a moral attitude would be to commit the naturalistic fallacy.) Nevertheless in some moods the general principle of utilitarianism may recommend itself to us so much the more than do particular moral precepts, precisely because it is so general. We may therefore feel inclined to reject an ethical methodology which implies that we should test our

general principles by our reactions in particular cases. Rather, we may come to feel, we should test our reactions in particular cases by reference to the most general principles. The analogy with science is not a good one, since it is not far off the truth to say that observation statements are more firmly based than the theories they test.¹ But why should our more particular moral feelings be more worthy of notice than our more generalized ones? That there should be a disanalogy between ethics and science is quite plausible if we accept a non-cognitivist theory of meta-ethics.

The utilitarian, then, will test his particular feelings by reference to his general principle, and not the general principle by reference to his particular feelings. Now while I have some tendency to take this point of view (and if I had not I would not have been impelled to state and defend utilitarianism as a system of normative ethics) I have also some tendency to feel the opposite, that we should sometimes test our general principles by how we feel about particular applications of them. (I am a bit like G. E. Moore in his reply to C. L. Stevenson,² where he feels both that he is right and Stevenson wrong and that he is wrong and Stevenson right. My own indecisiveness may be harder to resolve, since in my case it is a matter of feeling, rather than intellect, which is involved.)

It is not difficult to show that utilitarianism could, in certain exceptional circumstances, have some very horrible consequences. In a very lucid and concise discussion note,³ H. J. McCloskey has considered such a case. Suppose that the sheriff of a small town can prevent serious riots (in

¹ I say, 'not far off the truth' because observation statements are to some extent theory laden, and if they are laden with a bad theory we may have to reject them.

² See P. A. Schilpp (ed.), *The Philosophy of G. E. Moore* (Northwestern University Press, Evanston, Illinois, 1942), p. 554.

³ H. J. McCloskey, 'A note on utilitarian punishment', *Mind* 72 (1963) 599.

which hundreds of people will be killed) only by 'framing' and executing (as a scapegoat) an innocent man. In actual cases of this sort the utilitarian will usually be able to agree with our normal moral feelings about such matters. He will be able to point out that there would be some possibility of the sheriff's dishonesty being found out, with consequent weakening of confidence and respect for law and order in the community, the consequences of which would be far worse even than the painful deaths of hundreds of citizens. But as McCloskey is ready to point out, the case can be presented in such a way that these objections do not apply. For example, it can be imagined that the sheriff could have first-rate empirical evidence that he will not be found out. So the objection that the sheriff *knows* that the man he 'frames' will be killed, whereas he has only probable belief that the riot will occur unless he frames the man, is not a sound one. Someone like McCloskey can always strengthen his story to the point that we would just have to admit that if utilitarianism is correct, then the sheriff must frame the innocent man. (McCloskey also has cogently argued that similar objectionable consequences are also implied by rule-utilitarianism. That is, an unjust *system* of punishment might be more *useful* than a just one. Hence even if rule-utilitarianism can clearly be distinguished from act-utilitarianism, a utilitarian will not be able to avoid offensive consequences of his theory by retreating from the 'act' form to the 'rule' form.) Now though a utilitarian might argue that it is empirically unlikely that some such situation as McCloskey envisages would ever occur, McCloskey will point out that it is *logically* possible that such a situation will arise. If the utilitarian rejects the unjust act (or system) he is clearly giving up his utilitarianism. McCloskey then remarks: "But as far as I know, only J. J. C. Smart among the contemporary utilitarians, is happy to adopt this 'solution'." Here I must lodge a mild protest. McCloskey's use of the word 'happy'

surely makes me look a most reprehensible person. Even in my most utilitarian moods I am not *happy* about this consequence of utilitarianism. Nevertheless, however unhappy about it he may be, the utilitarian must admit that he draws the consequence that he might find himself in circumstances where he ought to be unjust. Let us hope that this is a logical possibility and not a factual one. In hoping thus I am not being inconsistent with utilitarianism, since any injustice causes misery and so can be justified only as the lesser of two evils. The fewer the situations in which the utilitarian is forced to choose the lesser of two evils, the better he will be pleased. One must not think of the utilitarian as the sort of person who you would not trust further than you could kick him. As a matter of untutored sociological observation, I should say that in general utilitarians are more than usually trustworthy people, and that the sort of people who might do you down are rarely utilitarians.

It is also true that we should probably dislike and fear a man who could bring himself to do the right utilitarian act in a case of the sort envisaged by McCloskey. Though the man in this case might have done the right utilitarian act, his act would betoken a toughness and lack of squeamishness which would make him a dangerous person. We must remember that people have egoistic tendencies as well as beneficent ones, and should such a person be tempted to act wrongly he could act very wrongly indeed. A utilitarian who remembers the possible moral weakness of men might quite consistently prefer to be the sort of person who would not always be able to bring himself to do the right utilitarian act and to surround himself by people who would be too squeamish to act in a utilitarian manner in such extreme cases.

No, I am not happy to draw the conclusion that McCloskey quite rightly says that the utilitarian must draw. But neither am I happy with the anti-utilitarian conclusion. For

if a case really *did* arise in which injustice was the lesser of two evils (in terms of human happiness and misery), then the anti-utilitarian conclusion is a very unpalatable one too, namely that in some circumstances one must choose the greater misery, perhaps the *very much* greater misery, such as that of hundreds of people suffering painful deaths.

Still, to be consistent, the utilitarian must accept McCloskey's challenge. Let us hope that the sort of possibility which he envisages will always be no more than a logical possibility and will never become an actuality. At any rate, even though I have suggested that in ethics we should test particular feelings by general attitudes, McCloskey's example makes me somewhat sympathetic to the opposite point of view. Perhaps indeed it is too much to hope that there is *any* possible ethical system which will appeal to all sides of our nature and to all our moods.¹ It is perfectly possible to have conflicting attitudes within oneself. It is quite conceivable that there is *no* possible ethical theory which will be conformable with all our attitudes. If the theory is utilitarian, then the possibility that sometimes it would be right to commit injustice will be felt to be acutely unsatisfactory by someone with a normal civilized upbringing. If on the other hand it is not utilitarian but has deontological elements, then it will have the unsatisfactory implication that sometimes avoidable misery (perhaps very great avoidable misery) ought not to be avoided. It might be thought that some compromise theory, on the lines of Sir David Ross's, in which there is some 'balancing up' between considerations of utility and those of deontology, might provide an acceptable compro-

¹ J. W. N. Watkins considers this matter in his 'Negative utilitarianism', *Aristotelian Society Supp. Vol.* 67 (1963) 95-114. It is now apparent to me that my paper 'The methods of ethics and the methods of science', *Journal of Philosophy* 62 (1965) 344-9, on which the present section of this monograph is based, gives a misleading impression of Watkins's position in this respect.

mise. The trouble with this, however, is that such a 'balancing' may not be possible: one can easily feel pulled sometimes one way and sometimes the other. How can one 'balance' a serious injustice, on the one hand, and hundreds of painful deaths, on the other hand? Even if we disregard our purely self-interested attitudes, for the sake of interpersonal discussions, so as to treat ourselves neither more nor less favourably than other people, it is still possible that there is no ethical system which would be satisfactory to all men, or even to one man at different times. It is possible that something similar is the case with science, that no scientific theory (known or unknown) is correct. If so, the world is more chaotic than we believe and hope that it is. But even though the world is not chaotic, men's moral feelings may be. On anthropological grounds it is only too likely that these feelings are to some extent chaotic. Both as children and as adults, we have probably had many different moral conditionings, which can easily be incompatible with one another.

Meanwhile, among possible options, utilitarianism does have its appeal. With its empirical attitude to questions of means and ends it is congenial to the scientific temper and it has flexibility to deal with a changing world. This last consideration is, however, more self-recommendation than justification. For if flexibility is a recommendation, this is because of the utility of flexibility.

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