

**Phil 115, May 24, 2007**  
**The threat of utilitarianism**

*Review: Alchemy v. System*

- According to the alchemy interpretation, Rawls's project is to convince everyone, on the basis of assumptions that he expects everyone to accept, that his conception of justice is correct.
- According to the system interpretation, by contrast, Rawls's project is to systematize our thinking about justice, and his conception of justice is part of that systematization.

*Why systematize?*

What moves Rawls to write *A Theory of Justice*, in brief, is his realization that political philosophy is in a state of profound crisis.

- The dominant political philosophy, Rawls notes, has been utilitarianism.
- Utilitarianism says that social institutions are just when they lead to the greatest sum of happiness.
- Utilitarianism has been dominant because it is the only *acceptably systematic* conception of justice.
- But it is a conception with *unacceptable substantive* implications.

Part of Rawls's aim in systematizing our thinking about justice, then, is to give us an alternative to utilitarianism: to give us an *acceptably systematic* theory of justice that is *substantively acceptable*. In other words, to give us a theory of justice that organizes, extends, and revises our particular judgments in certain ways, but does not overthrow them.

*Sidgwick on ordinary moral opinion:*

III:v:1–3: Begin with the commonsense idea that laws are just only if they “avoid running counter to natural and normal expectations” (p. 271).

- But this implies that established laws can never be unjust.
- Even manifestly unjust laws, such as laws protecting the property rights of slaveholders, are deemed just, so long as they have been around long enough.
- We then turn to the idea of “Natural Rights” as an independent standard by which to evaluate established laws.
- “[B]ut it is difficult to find in Common Sense any definite agreement in the enumeration of these Natural Rights, still less any clear principles from which they can be systematically deduced” (274).

II:v:4: For example, it is often suggested that the role of law is to let people lead the lives they choose, by preventing others from interfering with them and enforcing their voluntary contracts. But:

- We believe it is permissible to restrict this freedom in the case of children and the mentally ill. Why? Because it is in their interest. But then the real principle seems to be, “Laws should aim to make people as well off as possible.”
- We think that it is sometimes just to restrict freedom of action when it “annoys” others even though it does not interfere with their own freedom of action. Sometimes freedom can be traded off against goods of other kinds.

- How can this view account for the enforcement of contracts? The state's enforcement of a contract that I entered into at an earlier time may interfere with my will at a later time. Isn't this an interference with my freedom?

II:v:5: At any rate, justice is thought to involve a just distribution not only of freedom, but also of other goods. What is the relevant principle for distributing other goods? It seems to be, "that men ought to be rewarded in proportion to their deserts" (279).

II:v:6: But are we "to apportion the reward to the effort made, or to the results attained" (283)?

- The results attained may be in part the product of "favorable circumstances and fortunate accidents." Or results may be due to natural talents, which were allowed to flower only by favorable conditions and good education.
- In what sense does one deserve reward for what results from dumb luck, entirely beyond one's control?
- "Shall we say, then, that the reward should be proportionate to the amount of voluntary effort for a good end?" (284).
- Determinists will claim that even this is beyond the control of individuals.
- Whether or not we are not determinists, "it does not seem possible to separate in practice that part of a man's achievement which is due strictly to his free choice from that part which is due to the original gift of nature and to favouring circumstances" (285).

Even if we aim to requite "voluntary services in proportion to their worth" how are we to determine the worth of services provided?

- When people speak of the "fair" price of services, they often mean whatever price those services usually receive. So we are back to normal expectations.
- Should we say, then, that fair price equals market value under free competition?
  - (i) What if I undersell something out of ignorance? On the one hand, it may not be unfair for the buyer to buy it at the price I ask. On the other hand, I did not receive what it was worth. So commonsense leads to a paradox in this case.
  - (ii) Some services are valuable, but have no market price "on account of the indirectness and uncertainty of their practical utility" (287).
  - (iii) People think it unjust to profiteer during emergencies. But then "can it be fair for any class of persons to gain competitively by the unfavorable economic situation of another class with which they deal?" (288) Where are we to draw the line?
  - (iv) One's bargaining situation worsens as more people are willing to provide services of the same kind. But how can this lessen one's desert?
  - (v) One's bargaining position worsens as one is more willing. Yet people aren't less deserving simply because they are more eager to please.
  - (vi) One is apt to receive more if one caters to the tastes of the rich.

*In sum, our commonsense views about justice seem to be a total mess.*

III:xi,1: Commonsense makes judgments about which acts are just, and these judgments appear to be based on some general principles, which seem, at first, not to be utilitarian. The "method of intuitionism," as Sidwick calls it, holds that such principles can be "thrown into scientific form."

III:xi:2: How do we distinguish “scientific axioms” from mere opinions?

I: “The terms of the proposition must be clear and precise.”

II: “The self-evidence of the proposition must be ascertained by careful reflection.”

III: “The propositions accepted as self-evident must be mutually consistent.” Otherwise, one must be false.

IV: The proposition must be generally affirmed. If there is no sign that the person I disagree with has made an error, then I cannot be certain of the proposition I initially affirmed.

The principles of commonsense do not meet these conditions.

- The principles are usually vague.
- If we try to make them definite, we encounter all kinds of exceptions...
- ...and disagreements, which commonsense does not help us to resolve.

*Utilitarianism:*

IV:i:1: By contrast to our commonsense thinking about justice, utilitarianism is systematic.

- Utilitarianism consists in a single, simple principle: “that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct” (411).
- When applied to the special case that interests us, namely the justice of social institutions, utilitarianism says that institutions are just when they produce the greatest sum of happiness.
- By “greatest happiness,” Sidgwick means the greatest possible surplus of pleasure over pain.

*The relationship between utilitarianism and intuitionism:*

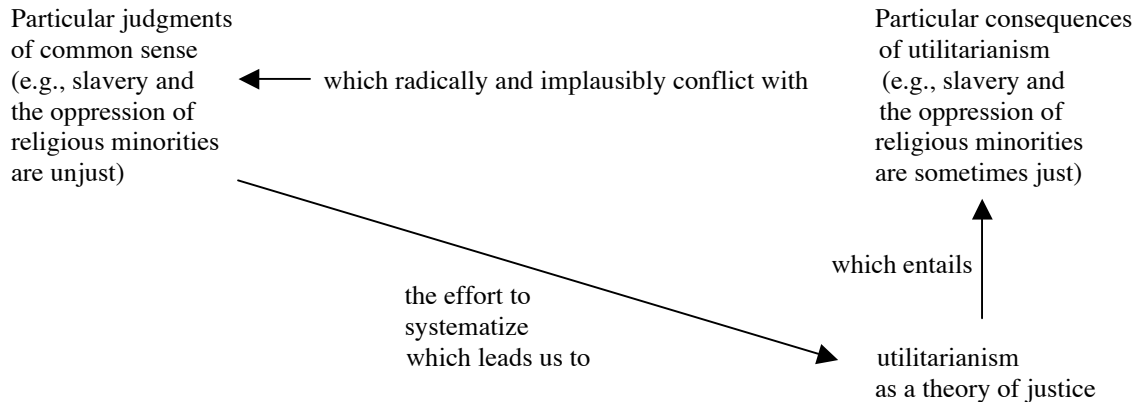
IV:i:2: Sidgwick’s strategy to convince intuitionists that they ought to be utilitarians has both a negative and a positive part.

- The negative part is to show that commonsense is a mess.
- The positive part is to show that utilitarianism naturally systematizes our thinking about justice. When we need to explain exceptions, draw definite boundaries, resolve conflict and disagreement, Sidgwick suggests, we turn instinctively to utilitarianism. Common sense may be “unconsciously Utilitarian” (424).

However, Rawls worries that the utilitarian systematization of common sense will contradict some of our most dearly held beliefs about justice.

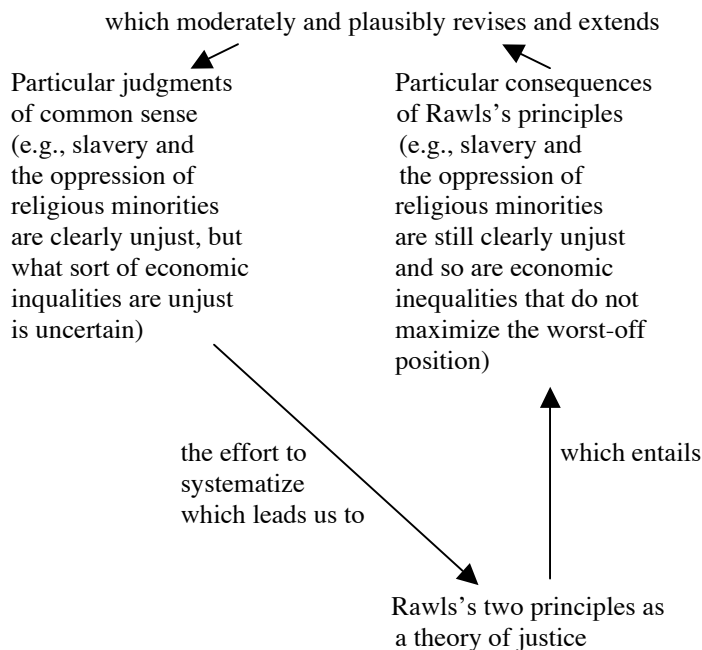
- For example, utilitarianism implies that it can be just to curtail the liberty of a minority for the benefit of the majority.

Sidgwick leaves us with the following picture:



Rawls does not think that the choice of utilitarianism is a foregone conclusion, even in the absence of a viable systematic alternative. He thinks that it might be reasonable to stick with intuitionism, as unsystematic as it is.

But Rawls thinks that we are not saddled with this choice between utilitarianism and intuitionism. There is a third alternative. There is a way of systematizing our thinking about justice that does not do such violence to our particular judgments.



*Rawls's diagnosis of the problem with utilitarianism:*

A line of thought that leads to utilitarianism:

- Think about what it is rational for me, as an individual to do.
- A natural thought is that it is rational for me to maximize the satisfaction of my desires over the course of my life.

- This explains why, within my life, I may balance losses at one time against gains at another time.
- Thus, it is rational for me to endure the pain and inconvenience of the visit to the dentist today, to avoid the greater pain and inconvenience of losing my teeth in the future.
- If this principle is rational for a single person, then why shouldn't it be right for a society of several people?
- Why treat satisfactions in the lives of different people as any different from satisfactions at different times in the life of a single individual?

My choice	Me today	Me for the rest of society	Total
Go to the dentist	<i>Serious pain</i> of dental treatment <i>today</i> .	<i>Mild pleasure</i> from eating crunchy food <i>for all the rest of my days</i> .	Net benefit
Don't go	Avoid this serious pain today.	Miss this mild pleasure for all the rest of my days.	Net loss

Society's choice	Minority	The rest of society	Total
Ban minority religion	<i>A few</i> have their <i>deepest desires</i> frustrated	<i>Many</i> avoid <i>mild discomfort</i> .	Net benefit
Permit all religions	<i>A few</i> have their deepest desires satisfied	<i>Many</i> feel mild discomfort.	Net loss

What underlies utilitarianism, then, is no less than a certain conception of persons and society. "This view of social cooperation is the consequence of extending to society the principle of choice for one man, and then, to make this extension work, conflating all persons into one through the imaginative acts of the impartial sympathetic spectator. Utilitarianism does not take seriously the distinction between persons" (24).

How do we take seriously this distinction between persons?

- We imagine a situation in which separate, independent persons, each with his own goals and aspirations, are to decide on principles of justice that will govern the distribution of the benefits and burdens of their cooperation.
- It is plausible to suppose that principles that were acceptable to each and every one of these individuals would be principles that took seriously the distinction between persons.
- This is what the original position is supposed to model.

### *Utilitarianism as a teleological theory*

In teleological theories, "the good is defined independently from the right, and then the right is defined as that which maximizes the good" (21-22).

- Utilitarianism is what Rawls calls a "teleological" theory.
- Rawls's justice as fairness is not teleological. (So it is, by definition, deontological.)
- Justice as fairness is not teleological on the second count. It does not call for us to maximize the satisfaction of rational desire.
- Justice as fairness is also not teleological on the first count. It defines the good in terms of the right. The principles of justice "put limits on which satisfactions have value; they impose restrictions on what are reasonable conceptions of one's good" (27).
- Thus, if I desire to subject others to lesser liberty, which violates the first principle of justice, then the satisfaction of my desire carries no weight at all.

- By contrast, for utilitarianism, the satisfaction of my desire that others have lesser liberty counts like any other satisfaction in utilitarian calculations (although, of course, it must be weighed against desires that others may have for greater liberty).