

the state. He believed that the principle of utility alone provides the test of what a law ought to be and which laws ought to be obeyed.



It appears to be matter of fact, that the circumstance of utility, in all subjects, is a source of praise and approbation: that it is constantly appealed to in all moral decisions concerning the merit and demerit of actions: . . . and, in a word, that it is a foundation of the chief part of morals, which has a reference to mankind and our fellow-creatures.

—DAVID HUME, *An Enquiry Concerning the Principles of Morals* (1751), p. 231

Bentham was concerned primarily with social reform. His objective was to devise a practical moral theory that could form a secure, scientific foundation for developing social policy and legislation and for critiquing the existing legal system. Many of the moral values espoused by the philosophers of that time he found to be too abstract to have much practical application for social reform. Bentham's theory also differs from the top-down approach that was used by the English government to formulate social policy. Utilitarian theory instead adopts a practical bottom-up approach—that is, it begins with the happiness of the people rather than imposing morality and social ideals upon them from above.

Like Epicurus, Bentham was convinced that only superstition (ignorance) and tradition prevented people from behaving rationally. Bentham, was especially skeptical of the church and institutional Christianity; he regarded the Christian virtues of submissiveness, humility, and self-sacrifice—which were advocated (but rarely practiced) by those in power—as standing in the way of morality and social reform. Behaving in a certain way because of fear of “punishment at the hands of a splenetic and revengeful Deity,” Bentham argued, is the “offspring of superstitious fancy.”¹³

The Utilitarian Calculus

Bentham believed that the purpose of ethics is not only to tell us what our duties are but also to provide us with a test or criterion so that we can know these duties. To this end, he developed the **utilitarian calculus** (also known as the “calculus of pleasures” or the “hedonic calculus”) as a means of determining which action, or policy, is morally preferable. He pointed out that this process of weighing costs and benefits need not be carried out before every moral judgment or legislative decision, but it should always be kept in mind.

Bentham came up with a list of seven factors that he believed should be considered when calculating the total amount of pleasure and pain caused

Connections

What are the basic tenets of hedonism? See Chapter 7, page 203.

by any action. The weight given to each of the factors would depend on the action or policy under consideration.

1. *Intensity involves the strength of the pain or pleasure.* The greater the intensity of the pleasure, the higher the positive value we assign to it. Conversely, the greater the intensity of the pain, the greater the negative value we give it. All else being equal, the act that produces the most pleasure is morally preferable.
2. *Duration refers to the length of time that the pleasure or pain lasts.* A pleasure of long duration is preferable to one of short duration, while a pain of short duration is better than one of longer duration. For example, the hour or so of pain we get from having a cavity filled by a dentist outweighs both the intensity and duration of pain we would have to suffer if we let the cavity go untreated.
3. *Certainty refers to the probability that the pleasure or pain will occur.* Physicians might choose a time-honored treatment over a new experimental treatment for a medical condition simply because they believe it is more likely that the old treatment will relieve the symptoms.
4. *Propinquity, or nearness in time, is related to certainty.* Generally, we can be more certain of immediate pleasures. Deferred pleasures, on the other hand, may be greater, if realized, but may never actually come to fruition.
5. *Fecundity means that the pleasure is productive of more pleasure,* rather like a stone thrown in the water and producing ripples. For example, a college education is, in general, more fecund than spending four years beach-combing.
6. *Purity entails pleasure that does not cause pain at the same time.* The less pain we cause in bringing about a pleasurable consequence, the better the action. If there will be a lot of pain, the dentist ought to use painkillers when drilling our teeth, even though she could achieve the same long-term results by drilling without Novocain.
7. *Extent refers to the number of sentient beings affected by the action.* In general, the more beings that experience pleasure or the fewer that experience pain as a consequence of the action, the higher the utility of the action.

**The Utilitarian Calculus: Seven Factors to
Take into Consideration in Determining
the Most Moral Action or Decision**

1. *Intensity:* Strength of the pleasure and pain. The greater the pleasure the higher the positive value; the greater the pain the more negative the value.
2. *Duration:* Length of time the pain and pleasure will last.
3. *Certainty:* Level of probability that the pleasure or pain will occur.
4. *Propinquity:* How near in time the pleasure or happiness will occur.
5. *Fecundity:* Extent to which the pleasure will produce more pleasure.
6. *Purity:* The pleasure does not cause pain at the same time.
7. *Extent:* The number of sentient beings affected by the action.

The total happiness of the community is simply the sum of the interests of its several members. The higher the total pleasure, the greater the positive value. If the proposed policy has a higher positive than negative value, then it is a good policy. For example, imposing a mandatory curfew on campus may be inconvenient or cause pain to some people. But if it makes the campus more secure and increases the overall sense of well-being on campus, then it is morally justified. This type of cost-benefit analysis is also used by school districts in formulating policies for reducing school violence (pain) without unduly restricting students' freedom and autonomy (pleasure).

Although the utilitarian calculus looks relatively straightforward and works well in some cases, it can be confusing. For example, can pleasures and pains even be quantified? How do we assign a value to the pleasure of being in a relationship, or of overcoming a neurosis or phobia, or of enjoying good music? People also respond very differently to pain and pleasure. Should the pain of a hypochondriac, for example, count more than the pain of a stoic? In addition, should other factors, such as the quality of the pleasure, also be included in our calculations? Despite these problems and its lack of scientific accuracy, the utilitarian calculus is still very useful as a guideline.

Bentham was especially interested in applying his utilitarian calculus to the reform of the criminal justice system. He was opposed to the concept of retributive justice ("an eye for an eye") because punishment involves harming people without any increase in happiness as a result. As an alternative, Bentham proposed a prison system based on reform and rehabilitation.

Although his plan for a model prison was sanctioned by an act of Parliament, the failure of the English government to carry through the plan for a new prison further persuaded Bentham that the government did not have the welfare of the common people at heart. Despite this setback, Bentham's ideas have had a major impact on our current criminal justice system. Although modern prisons often fail to live up to their name as "correctional facilities," they are far more humane than the prisons of two hundred years ago.

Bentham's utilitarian theory, with its concerns for equality and impartiality, has also had a major influence on policymaking in the United States. As such, utilitarianism helps to compensate for the hierarchical definition of moral community that has plagued our Western concept of justice. For example, studies show that our criminal justice system tends to be more sympathetic and lenient toward people who are closer to the center of the moral community, as defined by our culture. Forty-two percent of death row inmates are Black, though Blacks comprised only 13 percent of the population in the United States in 2012. In addition, the odds of receiving the death penalty for murdering a White person are 3.5 times as high as those for murdering a Black person and over 4 times as high as those for murdering a Hispanic person.¹⁴ Similarly, women in the United States face harsher penalties for killing a man, even if in self-defense, than a man does for killing a woman.¹⁵

Bentham, ever true to his principle of utility and his concern for the well-being of the community, left his body for dissection to the Webb Street School

Connections

Why did Immanuel Kant support capital punishment? See Chapter 10, pages 331–333.

of Anatomy—the first person ever to do so. His stuffed remains are still on display at University College at the University of London.



Exercises

1. Discuss Bentham's claim that punishment is an evil. On what grounds can punishment, including capital punishment, be morally justified? Does punishment of criminals actually decrease the overall happiness of society, as Bentham maintains? What policy would a utilitarian most likely propose for dealing with potentially dangerous criminals?
2. Does social ethics require a different strategy than personal ethics? If so, how do the two strategies differ? On what grounds can you justify the differences?
3. Both ethical egoist Ayn Rand and utilitarian Jeremy Bentham regarded the Christian "virtue" of self-sacrifice as an obstacle to morality. However, both came to different conclusions about morality. Evaluate each of their positions and discuss how each might respond to the other's argument.
4. At one time, there were not enough kidney dialysis machines for everyone who needed them. One hospital in Seattle, Washington, used the utilitarian calculus to decide who would get dialysis. Age, health, involvement in community activities, the importance of a person's job to the community, and the number of dependents were just some of the factors taken into consideration in making a decision. Most of the patients who were denied kidney dialysis died as a consequence. Was this utilitarian solution the best way, from a moral point of view, for allocating kidney dialysis machines? Support your position.
5. Discuss the following case studies, using the utilitarian calculus:
 - a. A group of women at Brown University were frustrated because they felt that the administration and the city police were not doing enough to prevent date rape on campus, so they decided to take the matter into their own hands. They wrote the names of men who had allegedly raped them on the wall of one of the ladies' rooms in a prominent building on campus. Use the utilitarian calculus to determine whether their action was morally justified. What other action, if any, might have produced a higher value?
 - b. School-related stress among college students is a major source of unhappiness. Although a moderate level of stress can actually enhance our capacity to learn, both high and low levels of stress have been found to be damaging to the learning process and to students' general sense of well-being. Excessive stress—distress—can lead to panic, depression, and dropping out of school.¹⁶ Teenagers who are highly stressed are also more likely to smoke, drink alcohol, and use illegal drugs.¹⁷

Using the utilitarian calculus, draw up a proposal for your college or class that would address stress levels, thereby maximizing students' learning and sense of well-being.

- c. Bruce, a senior accounting major and university basketball star, injured his knee in a game a few weeks before the end of the season. Bruce can play the last few games of the season if he is given a painkiller. If Bruce doesn't play, however, it is almost certain that the team will not win the final playoffs. On the other hand, if Bruce does play, he will probably cause permanent injury to his knee and walk with a limp for the rest of his life. Losing the playoffs may be costly to the university, which is already in serious financial trouble because of the state budget deficit; the opposing team's school is not in financial trouble. Bruce says he would rather not take the chance of permanently injuring his knee. Using the utilitarian calculus, decide whether Bruce has a moral obligation to play basketball.
- d. Referring back to the opening scenario, use the utilitarian calculus to come up with a policy regarding the use of torture on suspected terrorists.
- 6. If you are still undecided about a major or future career path, carry out a utilitarian calculus to determine which major or career has the highest utility for you and others who will be affected by your choice. Are you satisfied with the results of the calculus? Discuss why or why not. If not, what other factors do you think should be included in making your decision?
- *7. Using the utilitarian calculus, discuss whether community service should be mandated, either as part of the school curriculum or as part of a compulsory national service program.

John Stuart Mill: Reformulation of Utilitarianism

It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others.

—JOHN STUART MILL, *Utilitarianism* (1863), Ch. 2

The influence of Bentham on the philosophy of John Stuart Mill (1806–1873) can hardly be overestimated. Bentham's close friendship with the Mill family was a source of both intellectual inspiration and companionship. Mill was born in London in 1806, the eldest child of Harriet Burrow Mill and philosopher and journalist James Mill. Mill was educated at home, where he began learning Greek at age three. Bentham, who never married nor had any children of his own, became absorbed in the education of John Stuart. Before the age of fourteen, Mill rarely associated with children his own age—only with his family and his father's utilitarian friends, including Jeremy Bentham, who helped educate him to carry on the utilitarian tradition.

At the age of twenty, Mill had an emotional breakdown and sank into a deep depression that lasted for two years. He blamed the depression partially on the habit of analysis, which, he said, had a tendency to wear away at one's feelings. This depression helped free him from the hold that his father had on him.

Around 1830, Mill met and became a lifelong friend of Harriet Taylor, a liberal and highly educated woman. Although she was married, they became very close friends. They married in 1851 after the death of her husband. Although

Taylor never published under her own name, she had a tremendous influence on Mill's thinking and on his radical reformulation of Bentham's utilitarian theory. Mill wrote that he consulted her opinion on all of his works; he claimed that his well-known book *On Liberty* (1859) was a joint production.

When the East India Company went out of business in 1858, Mill accepted an invitation to run for Parliament. He served in Parliament until 1868.

Where Mill and Bentham Concurred

Although Mill held Bentham in great esteem, he came to recognize the inadequacies of Bentham's theory. Mill was also aware that Bentham's contributions to social ethics and legal reform were enormous. These contributions, Mill wrote in his biography of Bentham, should not be overlooked in our zeal to point out the deficiencies in his theory:

[T]here is hardly anything positive in Bentham's philosophy which is not true . . . when his practical conclusions are erroneous, which in our opinion they are very often, it is not because the considerations which he urges are not rational and valid in themselves, but because some more important principle, which he did not perceive, supersedes those considerations, and turns the scales.¹⁸

Like Bentham, Mill was interested in political matters and social reform. Mill was an advocate of freedom of thought and expression, free trade, parliamentary reform, secret voting, equality for women and universal suffrage, annual elections, trade unions, and reform of land tenure.

Mill agreed with Bentham that superstition and tradition were serious impediments to the smooth, rational operation of society. In Mill's book *The Subjection of Women* (1869), he argued that traditional attitudes that oppress women prevent them from being as happy as they might otherwise be and also get in the way of women fully using their talents. "If there is anything vitally important to the happiness of human beings," Mill wrote, "it is that they should relish their habitual pursuit. This requisite of an enjoyable life is very imperfectly granted, or altogether denied to a large part of mankind."¹⁹

Like Bentham, Mill believed that education is an important tool for overcoming ignorance, one of the main causes of unhappiness. The primary role of education is to help men and women become more rational and autonomous. Mill was, however, opposed to compulsory state schooling as a means of educating the public. On the other hand, he believed that the state should enforce universal education, whether it be carried out at home, in a school, or in the workplace.

Where Mill and Bentham Diverged

Despite Mill's admiration for Bentham, they disagreed on several counts. According to Bentham, equality is a moral ideal or prescription of how we ought to treat sentient beings. The happiness of any one individual is no more or less important than that of another. What is important, according to Bentham, is the

quantity of pleasure, not its quality. The pleasure of playing darts is no different from the pleasure derived from writing a poem or listening to Beethoven. The pleasures of a pig should count no more or less than those of a human.

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.

—JOHN STUART MILL, *Utilitarianism*, Ch.2

Mill disagreed. He argued that some pleasures are more desirable than others. Mill maintained that human life is *qualitatively* better than the life of non-human animals. Like Aristotle, he believed that the intellectual pleasures are superior to those of the body. The rational pleasures, even though they are less intense at times, are morally preferable to the simple pleasures of a pig, or those of the uneducated person or the fool. The pleasure of drinking beer or watching television for example, is of a lower quality than that of spending the evening listening to a Beethoven concert or reading the poems of Elizabeth Barrett Browning. Mill supported this hierarchy of pleasures by claiming that people who had an opportunity to experience both the higher and the lower pleasures would prefer the higher (rational) pleasures. People persist in engaging in lower pleasures, he argued, only because of ignorance and superstition. (See the selection by Mill for his explanation of different kinds of pleasures.)

Mill also argued that to pursue happiness as our only goal is self-defeating. Pleasure is not the only criterion for judging the morality of an action. Instead, human dignity or integrity is morally good independent of the quantity of pleasure. By introducing the concept of the quality of pleasure and criteria other than pleasure, Mill moved away from being a strict utilitarian like Bentham.

Mill believed that the primary means of ensuring happiness is to respect the dignity and personal autonomy of others. The freedom to make our own decisions, he argued, is basic to human happiness. A society that protects people's liberty and autonomy provides the best conditions for happiness to flourish. Mill rejected Bentham's concept of justice as impartiality being a first-order good. Impartiality demands that no one's happiness counts any more than the happiness of anyone else. Justice as impartiality can be used to defend the use of one person or a group of beings to maximize happiness for others. For example, justice as impartiality might permit the execution of an innocent person to restore harmony to a community disrupted by a particularly heinous crime. Instead of justice as impartiality, Mill advocated a concept of justice that focuses primarily on autonomy or self-determination. Justice as impartiality is good only if it first satisfies the needs of autonomy. The justice system in the United States, with its concern for protecting the rights of the accused, is closer to Mill's concept of justice.

Connections

According to Aristotle how do we cultivate the intellectual virtues? See Chapter 12, page 384.



A University of Georgia police officer asks a group of protestors to move their protest over the execution of Troy Davis to a free speech zone.

Discussion Questions

1. Discuss how Mill would most likely respond to free speech zones and other restrictions on freedom of speech on college campuses.
2. Should any restrictions be placed on freedom of speech on college campuses and, if so, what should they be? Discuss how Mill might respond to these restrictions.

Connections

Why does W.D. Ross say the duty of nonmaleficence is a *prima facie* duty? See Chapter 10, pages 321–322.

The *principle of nonmaleficence*, or the “no harm” principle, was more important to Mill than the duty to directly maximize the overall happiness of the community. The “no harm” principle prohibits individuals or the government from interfering with another’s actions except to prevent actions that will have harmful consequences. By “harm,” Mill did not simply mean feeling offended or inconvenienced by someone else’s actions. What he meant by “harm” was causing physical injury to others, unjustly encroaching on someone else’s legitimate rights, the use of duplicity in dealing with others, taking unfair advantage of others, or selfishly failing to protect others from injury. Condemning or placing legal obstacles in the way of someone’s pursuit of a particular lifestyle cannot be justified solely on the grounds that most people find the lifestyle offensive. Mill’s