

ACT and RULE Utilitarianism

Up to now, the version of Utilitarianism you've been dealing with is more accurately called **Act Utilitarianism** (AU). Why? Because it weighs up the consequences of particular acts and then judges whether they're right or wrong on the basis of their utility (ability to maximise general pleasure/pain or happiness/unhappiness).

Problems

We've already seen that AU has problems. **John Stuart Mill** (1806 – 1873) identified some and tried to 'fix' them whilst keeping the main ideas of utilitarianism. For example:

- He gave greater weighting to 'pleasures of the intellect' over 'pleasures of the senses'. The former should count for more in the Hedonic calculus. *Better to be a human being dissatisfied than a pig satisfied ... better to be Socrates dissatisfied than a fool satisfied ...* as he memorably put it.
- He also introduced a crucial idea that you should focus on the utility of rules rather than of single acts. For example, he argued that although a utilitarian might recommend lying in certain circumstances, it is better (i.e. more happiness-promoting) for society as a whole if *everyone* stuck to truth telling. He thus paved the way for what is now called **Rule Utilitarianism**.

WHAT IS RULE UTILITARIANISM?

It must be remembered that there are many different versions of this theory of ethics. The definition below would not be accepted by all moral philosophers.

An act is right if and only if it conforms with a learnable set of rules, the adoption of which by everyone would maximise utility (cf. Brandt, 196), NDCE).

To make this a little clearer, a person might say:

There are certain 'easy-to-grasp' rules of action that, if everyone follows them, will make for the greatest 'balance of pleasure/happiness over pain' (utility). Of course, in certain cases it may easily be seen that breaking the rule leads to greater utility, but even here the act must surrender to the rule. This is because it is better (i.e. it increases utility) if everyone keeps the rule rather than if everyone considers it breakable in certain situations.

There are a few things to note in the definition in bold print above:

An act is right if and only if it conforms with ... rules...

... learnable set of rules...

... the adoption of which by everyone

What's the difference between RU and Deontological Ethical Theory?

In RU, the rules to be followed are judged by their utility (ability to maximise general happiness/welfare). The consequences of following certain rules are weighed by long experience. In Deontological Ethical Theories, weighing up of immediate consequences plays no part in assessing morality.

Once the rules have been fixed, are they unbreakable?

Consider the rule '*drive down the left side of the road, except for the few instances when directed otherwise (e.g. overtaking, passing parked car, etc.)*'.

As a driver in the UK, one should *always* follow this rule – with no exceptions (excepted those contained already in the rule). Should the same 'always follow' approach be used for rules such as 'do not lie', 'do not steal' etc.?

So now we have to recognise at least two branches of rule utilitarianism:

strong rule utilitarianism;

Rules in RU are as exceptionless as, for example, the rule to drive on the left in the UK.

weak rule utilitarianism.

There are some RU thinkers who would like to have the best of both worlds. In other words, they would like the advantages of rules and the liberty to break them in certain circumstances.

General points about Rule Utilitarianism

Rule utilitarianism, as the name implies, recognises the importance of rules in morality. At the same time, these rules are important precisely for their (acceptance-) utility.

Rule utilitarianism gives importance to the notion of *universalizability* in moral judgements.

Positive Criticism

- Rule utilitarianism is a response to some of the major objections to act utilitarianism. For example, act utilitarianism would prescribe the execution of an innocent man if that were seen to give greatest utility. However, rule utilitarianism would forbid such an action on the grounds that the *rule forbidding execution of the innocent* is one that has higher acceptance-utility than any alternative rule, and so must be obeyed (cf. NDCE, p 641).
- AU would seem to prescribe supererogatory acts – e.g. abandoning all leisure time and money and devoting these to charities. With rule-utilitarianism a rule prohibiting leisure time is not socially beneficial; hence we are not required to abandon leisure for charity.
- Rule Utilitarianism should also make for *quicker* decisions over moral matters. Adopting an experience-proven rule to cover a number of acts rather than planning for each act.

Negative Criticism

- There is still disagreement between rule utilitarians as to whether in individual situations there might sometimes be grounds to break the rule in order to maximize utility; hence there are ‘strong rule’ and ‘weak rule’ utilitarians. There may also be disagreement about the rules that ought to be followed.
- If the ‘rules’ for RU are very specific (for example, *do not lie unless you wish to protect someone from harm, given that someone deserves protection in your view, given that person to whom you would lie deserves no help from you in your view, and given that no undeserving other would be harmed by your lie in your view ...*), then rule utilitarianism

begins to merge with act utilitarianism, and hence begins to lose any perceived superiority over the latter.

This led the American philosopher **David Lyons** to argue, in *Forms and Limits of Utilitarianism* 1965, that a plausible formulation of RU would make it recommend the same actions as AU, so the two kinds are 'extensionally equivalent' and there is no practical difference between the two.

- It may be that RU could lead to morally repugnant rules: for example, *enslave a small minority of people if it greatly benefits the great majority*. RU creates a new problem: it is conceivable that, on balance, a rule permitting slavery actually produces more benefit for society.

- RU depends not only on the utility of a rule but also on the likelihood that it would be accepted generally. For example, the rule: *do not divorce your spouse* has, in theory, high utility. What about its acceptance?

Summary of Different Types of Utilitarianism

Hedonistic Utilitarianism

A utilitarian theory that assumes that the rightness of an action depends entirely on the amount of pleasure it tends to produce and the amount of pain it tends to prevent. Bentham's utilitarianism is hedonistic. Although he describes the good not only as pleasure, but also as happiness, benefit, advantage, etc., he treats these concepts as more or less synonymous, and seems to think of them as reducible to pleasure. John Stuart Mill's utilitarianism, also described as hedonistic, differs importantly from Bentham's in taking some pleasures to be higher than other ones, so that when considering the values of the consequences of an action, not only the quantity but also the quality of pleasure has to be considered. This complicates the summing up, or may even make it impossible.

Positive and Negative Utilitarianism

Positive utilitarianism recommends the promotion or maximising of intrinsic value, negative utilitarianism recommends the reduction or minimising of intrinsic disvalue. At first sight, the negative kind may seem reasonable and more modest in what it recommends. But one way of ending human misery is by putting all human beings out of their misery. This course of action is usually considered unacceptable. This has led to a search for reformulations of negative utilitarianism, or to its rejection.

Ideal Utilitarianism

A utilitarian theory that denies that the sole object of moral concern is the maximising of pleasure or happiness. In G.E. Moore's version of ideal utilitarianism in *Principia Ethica* 1903, it is aesthetic experiences and relations of friendship that have intrinsic value, and therefore ought to be sought and promoted, while consciousness of pain, hatred or contempt of what is good or beautiful, and the love, admiration or enjoyment of what is evil or ugly are the three things that have intrinsic disvalue and should therefore be shunned and prevented. It was Hastings Rashdall (1858-1924) in *The Theory of Good and Evil* 1907 who first used 'ideal utilitarianism' for non-hedonistic utilitarianism of this kind.

Preference Utilitarianism

Moral theory according to which the good consists in the satisfaction of people's preferences, and the rightness of an action depends directly or indirectly on its being productive of such satisfaction.

Activities

- 1 Have a look at the table listing objections to either AU or RU or both. In the spaces, write:

S for 'strong negative criticism'

W for 'weak negative criticism'

N for 'not applicable'

- CRITICISM	AU	RU
could favour some moral outcomes we find repugnant		
justice in distribution problem		
lack of time objection		
supererogatory acts not heroic but obligatory		
difficulty weighing up consequences		
problem of promise-keeping		
problem of motive		
problem of natural ties		
problem of incommensurability of different pleasures		

- 2 Explain what Bentham meant by the two quotes below:

'Everybody to count for one, nobody for more than one'

'Quantity of pleasure being equal, push-pin is as good as poetry'

- 3 How could Nozick's example be used to attack all forms of hedonistic utilitarianism?

*Suppose there were an experience machine that would give you any experience you desired. Superduper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug into this machine for life, pre-programming your life experiences? [...] Of course, while in the tank you won't know that you're there; you'll think that it's all actually happening [...] Would you plug in? (Robert Nozick, **American Philosopher, 'Anarchy, State and Utopia' 1974**)*

- 4 J. S. Mill wrote:

'in the Golden Rule of Jesus of Nazareth we read the complete spirit of the ethics of utility'.

What did he mean by this?

- 5 A German General in 1914 was trying to decide whether to kill several thousand Belgian civilians at Dinant. He believes that this would increase the probability of a German victory.

Could going ahead with the massacre be justifiable under

- i) AU?
- ii) RU?

- 6 Do the Ten Commandments make sense under RU?