

## *The Utilitarian Approach*

The greatest happiness of the greatest number is the foundation of morals and legislation.

JEREMY BENTHAM, *COLLECTED WORKS* (1843)

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### **7.1. The Revolution in Ethics**

The late 18th and 19th centuries witnessed an astonishing series of upheavals: The modern nation-state emerged from the French Revolution and the wreckage of the Napoleonic empire; the revolutions of 1848 showed the transforming power of the ideas of “liberty, equality, and fraternity”; in the New World, America was born, sporting a new kind of constitution; and the American Civil War (1861–1865) would finish off slavery in Western civilization. All the while, the Industrial Revolution was bringing about a complete restructuring of society.

It is not surprising that new ideas about ethics emerged during this era. In particular, Jeremy Bentham (1748–1832) made a powerful argument for a novel conception of morality. Morality, he urged, is not about pleasing God, nor is it about being faithful to abstract rules. Rather, morality is about making the world as happy as possible. Bentham believed in one ultimate moral principle, namely, the Principle of Utility. This principle requires us, in all circumstances, to produce the most happiness that we can.

Bentham was the leader of a group of philosophical radicals whose aim was to reform the laws and institutions of England along utilitarian lines. One of his followers was James Mill, the distinguished Scottish philosopher, historian, and economist. James Mill’s son, John Stuart Mill (1806–1873), would become the leading advocate of utilitarian moral theory.

John Stuart's advocacy was even more elegant and persuasive than Bentham's. Mill's short book *Utilitarianism* (1861) is still required reading for serious students of ethics.

At first glance, the Principle of Utility may not seem like such a radical idea; in fact, it may seem too obvious to mention. Who *doesn't* believe that we should oppose suffering and promote happiness? Yet, in their own way, Bentham and Mill were as revolutionary as the other two great intellectual innovators of the 19th century, Darwin and Marx.

To understand why the Principle of Utility was so radical, consider what it *leaves out* of morality: Gone are all references to God or to abstract moral rules "written in the heavens." Morality is no longer conceived of as faithfulness to some divinely given code or some set of inflexible rules. As Peter Singer (1946–) would later put it, morality is not "a system of nasty puritanical prohibitions . . . designed to stop people [from] having fun." Rather, the point of morality is the happiness of beings in this world, and nothing more; and we are permitted—even required—to do whatever is necessary to promote that happiness. This was a revolutionary idea.

As I said, the utilitarians were social reformers as well as philosophers. They intended their doctrine to make a difference, not only in thought but in practice. To illustrate this, we will briefly examine the implications of their ideas for three practical issues: euthanasia, marijuana, and the treatment of nonhuman animals. These issues do not exhaust the practical applications of Utilitarianism; nor are they necessarily the ones that utilitarians would find most pressing. But they do give us a good sense of how utilitarians approach moral issues.

## 7.2. First Example: Euthanasia

Sigmund Freud (1856–1939), the legendary psychologist, was diagnosed with oral cancer after a lifetime of cigar smoking. During his final years, Freud's health went up and down, but in early 1939 a large swelling formed in the back of his mouth, and he would have no more good days. Freud's cancer was active and inoperable, and he was also suffering from heart failure. As his bones decayed, they cast off a foul smell, driving away his favorite dog. Mosquito netting had to be draped over his bed to keep flies away.

On September 21, at the age of 83, Freud took his friend and personal physician, Max Schur, by the hand and said, "My dear Schur, you certainly remember our first talk. You promised me then not to forsake me when my time comes. Now it's nothing but torture and makes no sense any more." Forty years earlier Freud had written, "What has the individual come to . . . if one no longer dares to disclose that it is this or that man's turn to die?" Dr. Schur said he understood Freud's request. He injected Freud with a drug in order to end his life. "He soon felt relief," Dr. Schur wrote, "and fell into a peaceful sleep."

Did Max Schur do anything wrong? On the one hand, he was motivated by noble sentiments—he loved his friend and wanted to relieve his misery. Moreover, Freud had asked to die. All this argues for a lenient judgment. On the other hand, what Schur did was morally wrong, according to the dominant moral tradition in our culture.

That tradition is Christianity. Christianity holds that human life is a gift from God, and only God may decide to end it. The early church prohibited all killing, believing that Jesus's teachings permitted no exceptions to the rule. Later, the church recognized some exceptions, such as capital punishment and killing in war. But suicide and euthanasia remained forbidden. To summarize the church's doctrine, theologians formulated the rule: *the intentional killing of innocent people is always wrong*. This idea, more than any other, has shaped Western attitudes about the morality of killing. Thus we may be reluctant to excuse Max Schur, even though he acted from noble motives. He intentionally killed an innocent person; therefore, according to our tradition, what he did was wrong.

Utilitarianism takes a very different approach. It asks: which action available to Max Schur would have produced the greatest balance of happiness over unhappiness? The person whose happiness was most at stake was Sigmund Freud. If Schur had not killed him, Freud would have lived on, in wretched pain. How much unhappiness would this have involved? It is hard to say precisely; but Freud's condition was so bad that he preferred death. Killing him ended his agony. Therefore, utilitarians have concluded that euthanasia, in such a case, is morally right.

Although this argument is very different from arguments in the Christian tradition, the classical utilitarians did not think they were advocating an atheistic or antireligious philosophy.

Bentham thought that the faithful would endorse the utilitarian standpoint if only they viewed God as *benevolent*. He writes:

The dictates of religion would coincide, in all cases, with those of utility, were the Being, who is the object of religion, universally supposed to be as benevolent as he is supposed to be wise and powerful. . . . But among the [advocates] of religion . . . there seem to be but few . . . who are real believers in his benevolence. They call him benevolent in words, but they do not mean that he is so in reality.

The morality of mercy killing might be a case in point. How, Bentham might ask, could a benevolent God forbid the killing of Sigmund Freud? If someone were to say, “God is caring and loving—but He forbids us from putting Freud out of his misery,” this would be exactly what Bentham means by “calling him benevolent in words, but not meaning that he is so in reality.”

The majority of religious people disagree with Bentham, and not only our moral tradition but our legal tradition has evolved under the influence of Christianity. Among Western nations, euthanasia is legal in only a handful of countries. In the United States, it is simply murder, and a doctor who intentionally kills her patient could spend the rest of her life in prison. What would Utilitarianism say about this? If euthanasia is moral, on the utilitarian view, should it also be legal?

In general, we don’t want to outlaw morally acceptable behavior. Bentham was trained in the law, and he thought of the Principle of Utility as a guide for both legislators and ordinary people. The purpose of the law, he thought, is to promote the welfare of all citizens. In order to serve this purpose, the law should restrict people’s freedom as little as possible. In particular, no activity should be outlawed unless that activity is harmful or dangerous to others. Bentham opposed, for example, laws regulating the sexual conduct of consenting adults. But it was Mill who gave this principle its most eloquent expression, in his book *On Liberty* (1859):

The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. . . . Over himself, over his own body and mind, the individual is sovereign.

Thus, for the classical utilitarians, laws against euthanasia are unjustified restrictions on people's ability to control their own lives. When Max Schur killed Sigmund Freud, he was helping Freud end his life in the manner that Freud had chosen. No harm was caused to anyone else, and so it was no one else's business. Bentham himself is said to have requested euthanasia in his final days. However, we do not know whether his request was granted.

### 7.3. Second Example: Marijuana

William Bennett was America's first "drug czar." From 1989 to 1991, as President George H. W. Bush's top advisor on drug policy, he advocated the aggressive enforcement of U.S. drug laws. Bennett, who holds a Ph.D. in philosophy, said, "The simple fact is that drug use is wrong. And the moral argument, in the end, is the most compelling argument." Bennett's "moral argument," it seems, is just the assertion that drug use is wrong, by its very nature. What would utilitarians think about this? For them, there is no "simple fact" as to whether drug use is immoral. Rather, the moral argument must address the complex question of whether drug use increases or decreases happiness. Let's think about one drug in particular: marijuana. What would a utilitarian say about the ethics of pot?

People have strong feelings on this topic. Younger people who use drugs might be defensive and deny that pot causes any harm at all; older people who don't use drugs might be judgmental while failing to distinguish marijuana from harder drugs like cocaine and methamphetamine. A good utilitarian will ignore such feelings. What are the pros and cons of marijuana, according to Utilitarianism?

The main benefit of pot is the pleasure it brings. Not only is marijuana enormously relaxing, but marijuana can greatly enhance the pleasure of sensory activities, such as eating, listening to music, and having sex. This fact is almost never mentioned in public discussion; people seem to assume that enjoyment is irrelevant to morality. Utilitarians, however, disagree. For them, the whole issue is whether pot increases or decreases happiness. And utilitarians do not believe in "bad pleasures." If something feels good, then it is good, at least to that extent.

How pleasurable is marijuana? Some people love it; some people don't like it; and a lot depends on whether it is used in a comfortable setting. Thus, it is hard to generalize. But the facts suggest that many people enjoy getting high. Marijuana is the most popular illicit drug in America: One-third of Americans have tried it; 6% have used it in the past month; and Americans spend more than \$10 billion per year on it, despite the threat of prison.

What unhappiness does marijuana cause? Some of the charges made against it are unfounded. First, marijuana does not cause violence; pot tends to make people passive, not aggressive. Second, marijuana is not a "gateway drug" that causes people to crave and use harder drugs. Often, people do use pot before using harder drugs, but that is because pot is so widely available. In neighborhoods where crack cocaine is easier to get, people usually try crack first. Third, marijuana is not highly addictive. According to the experts, it is less addictive than caffeine. Utilitarians do not want to base their assessment on false information.

Marijuana, however, does have some real disadvantages, which the utilitarian must weigh against the benefits. First, some people do get addicted to pot. Although marijuana withdrawal is not as traumatic as, say, heroin withdrawal, quitting is unpleasant for the addict. Second, long-term heavy use can cause mild cognitive damage, which may decrease happiness. Third, getting high all the time would make a person unproductive. Fourth, *smoking* pot is bad for your respiratory system; one joint may be as bad for your lungs as about six cigarettes. However, ingesting marijuana in other ways—for example, by baking it into brownies—should not be bad for your lungs at all.

What do utilitarians conclude from all this? When we look at the harms and benefits, the occasional use of pot hardly seems to be a moral issue at all; there are no known disadvantages to it. Thus, utilitarians consider casual use to be a matter of personal preference. Heavy marijuana use raises more complex issues. Does the pleasure one gets from long-term, heavy use outweigh the disadvantages? It probably depends on the person. Anyway, the question is so difficult that utilitarians may disagree on the answer.

So far we've been discussing the individual's decision of whether to use marijuana. What about the law—should pot be

illegal, according to Utilitarianism? The fact that many people enjoy getting high is a strong reason to legalize the drug, according to Utilitarianism. What other factors are relevant?

If marijuana were legal, more people would use it, and several worries arise from that fact: society as a whole might become less productive; taxpayers might get stuck with the medical bills of heavy users; and more people might drive while high. It should be noted, however, that marijuana impairs driving ability only slightly, because people who are stoned drive cautiously and defensively.

On the other hand, society would be better off insofar as marijuana replaced alcohol as a drug of abuse: stoned citizens are unproductive, but alcoholics miss even more work because of the bad morning-after hangover; alcoholism is especially expensive in terms of health care; alcohol impairs driving ability much more than pot does; and, finally, drunks are far more violent than potheads. Thus, one benefit of legalizing pot would be fewer alcoholics, even if there would be more potheads.

Also, there are two big costs to maintaining the current laws. The first is the lost revenue for society. With marijuana illegal, society spends money on criminal enforcement; with marijuana legal, society collects money from taxing pot. Legalizing marijuana in the United States would save about \$7.7 billion per year in enforcement costs, and it would generate between \$2.4 and \$6.2 billion in tax revenue, depending on whether pot was taxed normally or at the higher rate at which alcohol and tobacco are now taxed.

But the greatest cost is the harm done to the offenders. In the United States, over 700,000 people are arrested each year for possession of marijuana, and more than 44,000 people are currently in prison for marijuana offenses. Not only is being arrested and incarcerated horrible, but ex-cons have trouble finding decent jobs. Utilitarians care about these harms, even though the harms are inflicted on lawbreakers who knew they might be punished.

Thus, almost all utilitarians favor the legalization of marijuana. On the whole, marijuana is less harmful than alcohol or cigarettes, which Western societies already tolerate. However, utilitarians must be flexible; if new evidence emerges, showing marijuana to be more harmful than was previously thought, then the utilitarian view might change.

### 7.4. Third Example: Nonhuman Animals

The treatment of animals has traditionally been regarded as a trivial matter. Christians believe that man alone is made in God's image and that animals do not have souls. Thus, by the natural order of things, we can treat animals in any way we like. Saint Thomas Aquinas (1225–1274) summed up the traditional view when he wrote:

Hereby is refuted the error of those who said it is sinful for a man to kill brute animals; for by the divine providence they are intended for man's use in the natural order. Hence it is not wrong for man to make use of them, either by killing them or in any other way whatever.

But isn't it wrong to be *cruel* to animals? Aquinas concedes that it is, but he says the reason has to do with human welfare, not the welfare of the animals:

And if any passages of Holy Scripture seem to forbid us to be cruel to brute animals, for instance to kill a bird with its young, this is either to remove man's thoughts from being cruel to other men, lest through being cruel to animals one becomes cruel to human beings; or because injury to an animal leads to the temporal hurt of man, either of the doer of the deed, or of another.

Thus, people and animals are in separate moral categories. Animals have no moral standing of their own; we are free to treat them in any way we please.

Put so bluntly, the traditional doctrine might make us a little nervous: It seems extreme in its lack of concern for non-human animals, many of which are, after all, intelligent and sensitive creatures. Yet only a little reflection is needed to see how much of our conduct is actually guided by this doctrine. We eat animals; we use them as experimental subjects in our laboratories; we use their skins for clothing and their heads as wall ornaments; we make them the objects of our amusement in circuses and rodeos; and we track them down and kill them for sport.

If one is uncomfortable with the theological "justification" of these practices, Western philosophers have offered plenty of secular ones. Philosophers have said that animals are not *rational*, that they lack the ability to *speak*, or that they are simply not



*human*—and all these are given as reasons why their interests lie outside the sphere of moral concern.

The utilitarians, however, would have none of this. On their view, what matters is not whether an animal has a soul, is rational, or any of the rest. All that matters is whether it can experience happiness and unhappiness. If an animal can suffer, then we have a duty to take that into account when deciding what to do. In fact, Bentham argues that whether an animal is human or nonhuman is just as irrelevant as whether the animal is black or white. He writes:

The day *may* come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*?

If a human is tormented, why is it wrong? Because that person suffers. Similarly, if a nonhuman is tormented, it also suffers. Whether it is a *human* or an *animal* that suffers is simply irrelevant. To Bentham and Mill, this line of reasoning was conclusive. Humans and nonhumans are equally entitled to moral concern.

This view may seem as extreme, in the opposite direction, as the traditional view that grants animals no moral standing at all. Are animals really to be regarded as the equals of humans? In some sense, Bentham and Mill thought so, but they did not believe that animals and humans must always be treated in the same way. There are factual differences between them that will often justify differences in treatment. For example, because of

their intellectual capacities, humans can take pleasure in things that nonhumans cannot enjoy—mathematics, literature, strategy games, and so on. And, similarly, humans' superior capacities make them capable of frustrations and disappointments that other animals cannot experience. Thus, our duty to promote happiness entails a duty to promote those special enjoyments for humans, as well as to prevent any special harms they might suffer. At the same time, however, we have a moral duty to take into account the suffering of animals, and their suffering counts equally with any similar suffering experienced by a human.

In 1970 the British psychologist Richard D. Ryder coined the term "speciesism" to refer to the idea that animal interests matter less than human interests. Utilitarians believe that speciesism is discrimination against other species, just as racism is discrimination against other races. Ryder wonders how we can possibly justify allowing experiments such as these:

- In Maryland in 1996, scientists used beagle dogs to study septic shock. They cut holes in the dogs' throats and placed *E. coli*-infected clots into their stomachs. Within three weeks, most of the dogs had died.
- In Taiwan in 1997, scientists dropped weights onto rats' spines in order to study spinal injury. The researchers found that greater injuries were caused by dropping the weights from greater heights.
- Since the 1990s, chimpanzees, monkeys, dogs, cats, and rodents have been used to study alcoholism. After addicting the animals to alcohol, scientists have observed such symptoms as vomiting, tremor, anxiety, and seizures. When the animals are in alcoholic withdrawal, scientists have induced convulsions by lifting them by their tails, by giving them electric shocks, and by injecting chemicals into their brains.

The utilitarian argument is simple enough. We should judge actions right or wrong depending on whether they cause more happiness or unhappiness. The animals in these experiments were obviously caused terrible suffering. Was there any compensating gain in happiness that justified it? Was greater unhappiness being prevented, for other animals or for humans? If not, the experiments were morally unacceptable.

This style of argument does not imply that all animal experiments are immoral. Rather, it suggests judging each one on its own merits. The utilitarian principle does, however, imply that experiments that cause a lot of pain require significant justification. We cannot simply assume that, in dealing with nonhumans, anything goes.

But criticizing animal experiments is too easy for most of us. We may feel self-righteous or superior because we do not do such research ourselves. All of us, however, are involved in cruelty when we eat meat. The facts about meat production are more disturbing than any facts about animal experimentation.

Most people believe, in a vague way, that slaughterhouses are unpleasant, but that animals raised for food are otherwise treated humanely. In fact, farm animals live in abhorrent conditions before being taken off to slaughter. Veal calves, for example, spend 24 hours per day in pens so small that they cannot turn around, lie down comfortably, or even twist their heads around to get rid of parasites. The producers put them in tiny pens to save money and to keep their meat tender. The cows clearly miss their mothers, and like human infants, they want something to suck, so they try in vain to suck the sides of their wooden stalls. The calves are also fed a diet deficient in iron and roughage, in order to keep their meat pale and tasty. Their craving for iron becomes so strong that they will lick at their own urine, if they're allowed to turn around—which normally they would never do. Without roughage, the calves cannot form a cud to chew. For this reason, they cannot be given straw bedding, because they would eat it, in an attempt to consume roughage. So, for these animals, the slaughterhouse is not an unpleasant end to an otherwise contented existence.

The veal calf is just one example. Chickens, turkeys, pigs, and adult cows all live in horrible conditions before being slaughtered. The utilitarian argument on these matters is simple enough. The system of meat production causes enormous suffering for the animals with no compensating benefits. Therefore, we should abandon that system. We should either become vegetarians or else treat our animals humanely before killing them.

What is most revolutionary in all this is simply the idea that the interests of nonhuman animals *count*. We normally assume that human beings alone are worthy of moral consideration.

Utilitarianism challenges that assumption and insists that the moral community must be expanded to include all creatures whose interests can be affected by what we do. Human beings are in many ways special, and an adequate morality must acknowledge that. But we are not the only animals on this planet, and an adequate morality must acknowledge that fact as well.