A Companion to Bioethics

Second edition

Edited by
Helga Kuhse and Peter Singer
The main constituents of any utilitarian theory may be called consequentialism, welfarism (Sen and Williams 1982: 3) and aggregationism. Consequentialism can be defined, roughly at first, as the view that the consequences of an act are what make it right or wrong. But this by itself is unclear. There is one sense of “consequences” in which nobody who thinks carefully about the question can help being a consequentialist. That is the sense used here.

A consequentialist is somebody who thinks that what determines the moral quality of an action (that is, determines whether it is right or wrong) are its consequences. A contrast is sometimes drawn between theories which determine the moral quality of actions by their observance or non-observance of rules, and those which determine it by whether they promote valued consequences. But it is obvious that, as we shall see, it is determined by both, and that any adequate theory will take both consequences and rules into account. We normally judge the rightness or wrongness of actions by their conformity to rules or principles, and the principles themselves are judged by the consequences of observing them. If the actions are intentional, we praise or blame the agent for them.

An action is the making of some difference to what happens – to the history of the world. If I make no difference to what happens, I have done no action. In the widest sense, even if I do nothing (do not move a finger), I have done an action (what is sometimes called an act of omission).

I can of course be blamed for doing nothing: someone might say “You were to blame for not saving the life of the patient when you could have.” It made a difference to the history of the world that I did nothing. We are, in other words, responsible for what we fail to do as well as for what we actively do. Suppose, then, that my gun is pointing at somebody and I pull the trigger, and he dies. We say, “I have killed him.” Killing him was what I did – my act. If I did wrong, what made it wrong was the consequence of my pulling the trigger, namely that I killed him. In the light of this example, it is hard to see how people can deny that consequences, in this sense, are what make actions right or wrong, and make the people who do them, if the actions are intentional, good or bad. So, in this sense, consequentialism is hard to reject. The people who reject it no doubt have some other sense of “consequentialism” in mind; but it is seldom clear what sense.
The second constituent of utilitarianism is *welfarism*. Utilitarians think that the consequences that are relevant to the morality of actions are consequences that increase or diminish the welfare of all those affected. This means, for a utilitarian, the welfare of all those affected considered impartially. We may define “welfare” as “the obtaining to a high or at least reasonable degree of a quality of life which on the whole a person wants, or prefers to have.”

The word “prefer” is very important, but also ambiguous. It can be used, and normally is used by economists, to mean a pattern of behavior. In this sense, we are said to prefer one sort of thing to another if we habitually and intentionally choose the first sort of thing when we have the choice. On the other hand, it can be used to mean an introspectable mental state of liking one thing more than another. Economists tend to use the first sense, because it makes it possible to determine empirically, by observing people’s behavior, what they prefer. The ambiguity normally causes no trouble, because what we prefer in the introspectable sense we usually also prefer in the behavioral sense; but there can be exceptions where the uses diverge. For example, many people (and not only neurotics) try unsuccessfully to shake off habits which they wish they did not have; so their behavior does not tally with their introspectable preferences.

There is also a problem about whether, for a utilitarian, all preferences have to be counted, or only some. For example, suppose that some child now prefers to go on eating sweets, although it will tend to make him obese, which he will later prefer not to be. This is a fairly easy case to deal with: the utilitarian will aim at the child’s preference satisfaction as a whole: its enjoyment of the sweets will count for something, but probably its suffering later from the disadvantages that fat people cannot avoid will count for more.

But there are more difficult problems. How about so-called “external” preferences? These are preferences that states of affairs should obtain which will never enter into the experience of the preferrer (see Dworkin 1977: 234). I prefer, say, that in my country people should not indulge in homosexual acts even in private and even if I never see them doing it. Does this preference of mine count for anything against the enjoyment they get? There have been many disputes on this point, but it is simplest to say that this and other external preferences do not count (see Hajdin 1990).

The biggest problem of all about preferences is the problem of when the preferences are to be had, if they are to count. It is convenient to use the terms “now-for-now,” “then-for-then,” and “now-for-then preferences” (Hare 1981: 101ff.). A now-for-now preference is a preference now for what should happen now; a then-for-then preference is a preference at some later time for what should happen at that time; a now-for-then preference is a preference now for what should happen at some later time. Suppose that I have a preference now that I should not be kept alive if I am seriously handicapped; but that when the time comes I very much want to live. So my now-for-then preference conflicts with my then-for-then preference. Which ought utilitarians to satisfy, if they cannot satisfy both? It seems simplest to say that now-for-then preferences do not count (Hare 1981: 101ff.; Brandt 1989).

Moral philosophers dispute about whether preferences of all sentient creatures are to count, or only the preferences of humans. A thoroughgoing utilitarian will take the former view, and defend it by just the same arguments as are used to defend utilitarianism in general (Singer 1993: ch. 3).
So far, then, we have, as constituents of utilitarianism, consequentialism – that is, the view that it is their consequences that determine the morality of actions – and welfarism – that is, the view that the consequences that we have to attend to are those that conduce to the welfare of those affected or the opposite. The remaining constituent is a view about the distribution of this welfare. It is the view that when, as usually, we have a choice between the welfare of one lot of people and the welfare of another lot, we should choose the action which maximizes the welfare (i.e., maximally promotes the interests) of all in sum, or in aggregate. We may call this constituent aggregationism.

Aggregationism implies that we should ignore the distribution of the welfare that we are bringing about, and simply maximize its total sum in aggregate. That is, if one outcome will produce more welfare, but distribute it very unequally, and another will produce less, but distribute it more equally, it is, according to aggregationism, the first outcome that we ought to choose. This often leads to objections to aggregationism, and therefore to utilitarianism itself, by people of an egalitarian bent, who think that equality of distribution matters in itself, as an independent value, and must not be sacrificed to the maximization of the total welfare.

There are also objections of a different, even opposite kind: it is often held that we have particular duties to, say, a patient or a family member, that we do not have to people in general, and that this person has rights to our attention that other people do not have.

But before we discuss these objections to aggregationism, we must point out that it certainly seems to be a simple consequence of a view that is held by many people, including many opponents of utilitarianism, namely the view that in making moral judgments we have to be impartial between the interests of the people affected by our judgments. This impartiality is what Bentham was getting at in his famous dictum “Everybody to count for one, nobody for more than one” (cited in Mill 1861: ch. 5). It is also what is implied by a requirement, which a great many anti-utilitarians (e.g. Dworkin 1977: 182) hold dear, that we should show “equal concern and respect” for all. It is hard to see what it would be to show equal concern and respect, if not to respect their interests equally. But if we respect their interests equally, we shall give the same weight to the equal interests of each of them. So, for example, if one of them wants some outcome more than the other wants to avoid it, we shall think we ought to bring that outcome about. But this leads directly to aggregationism.

It is easy to see this. If I give as much weight to the interests of person A as to those of person B, and the same weight again to those of person C, what happens when the interests of A and B, on the one hand, preponderate in sum over the interests of C on the other? Obviously, it would seem, the interests of A and B ought to weigh more with us than those of C. If we said anything but this, we should not be giving equal weight to the interests of A, B, and C, and therefore not showing equal concern and respect for A, B, and C. So, if one outcome will promote the interests of A and B, and the other will promote the interests of C, and the interests of all these individuals are equal, and we cannot produce both outcomes, it is the first outcome that we ought to produce, if we are to show all three equal concern and respect.

It is therefore surprising that so many anti-utilitarians, who profess to believe that we ought to show equal concern and respect to all those affected, object to aggregationism. The argument just given could be put by saying that if the interests of A and
B are stronger in aggregate than those of C, we should promote the former rather than the latter. Yet it was based on the requirement to give equal concern and respect to all three.

Another argument commonly used against aggregationism is also hard to understand (Rawls 1971: 27). This is the objection that utilitarianism “does not take seriously the distinction between persons.” To explain this objection: it is said that, if we claim that there is a duty to promote maximal preference satisfaction regardless of its distribution, we are treating a great interest of one as of less weight than the lesser interests of a great many, provided that the latter add up in aggregate to more than the former. For example, if I can save five patients moderate pain at the cost of not saving one patient severe pain, I should do so if the interests of the five in the relief of their pain is greater in aggregate than the interest of the one in the relief of his (or hers).

But to think in the way that utilitarians have to think about this kind of example is not to ignore the difference between persons. Why should anybody want to say this? Utilitarians are perfectly well aware that A, B, and C in my example are different people. They are not blind. All they are doing is trying to do justice between the interests of these different people. It is hard to see how else one could do this except by showing them all equal respect, and that, as we have seen, leads straight to aggregationism.

It must be admitted that often utilitarians argue that we should treat other people’s interests as if they were all our own interests. This is a way of securing impartiality. It is implied both by the Christian doctrine of agape and by the Kantian categorical imperative, as Kant explicitly says (Kant 1785: BA69 = 430). But this is not to ignore the difference between persons. It is merely to give equal weight to the interests of all persons, as we would do if we gave to all of them the same weight as we give to our own interests; and this is what agape, and treating everybody as ends as Kant says we should, require.

This objection belongs to a class of objections to utilitarianism that rest on appeal to common moral convictions or intuitions. In the case we have just been considering, it seems counterintuitive to say that an enormous harm to one person can be outweighed in moral thinking by a larger number of small gains to other people. There is also a tedious number of other objections to utilitarianism based on appeals to intuition. They are to be answered by recognizing that moral thinking occurs at two levels, the critical and the intuitive, and that intuition operates at the latter level, but utilitarianism at the former level, so that the two do not conflict.

We have already mentioned some examples of this kind of objection, such as the objection that we sometimes think we ought to attach an independent value to equality in distribution, or that we ought to favor those near to us, even when utility is not thereby maximized. Other well-worn examples are the alleged requirement of utilitarianism that the sheriff should execute the innocent man to prevent a riot; that one should save an important person from an air crash rather than one’s own son if one cannot save both; that one should break promises when even the slightest advantage in preference satisfaction is produced thereby; and that one should kidnap one person, kill him, and extract his organs for transplants in order to save the lives of many. (On such objections, see Hare 1981: chs. 8–9.)

They are all easily answered once we realize the importance for moral practice of having firm principles or rules that we do not readily depart from. We cannot often
predict the future well enough to be sure what act would maximize utility; and even if we have the information, we do not often have time to consider it fully, and without bias in our own favor. These sound general rules form the basis of our general moral convictions and intuitions, and it is unwise to depart from them lightly. If we do, we shall often be in danger of not acting for the best.

These rules have to be general or unspecific enough to be manageable. For one thing, if they are too complicated we shall not be able to teach them to our children or even learn them ourselves. Also, if they are too specific they may not be of much use. The point – or one of the points – of having moral rules is to cover a lot of cases which, though different in detail, resemble one another in important features.

So there is a good case for having simple general rules. We need therefore some way of putting a limit to the specificity that our rules can have. By “specificity,” I mean the opposite of “generality.” It is important to notice that generality, in the sense in which it is the opposite of specificity, is not the same as universality (Hare 1972). Principles can be highly specific but still universal, in the sense of containing no references to individuals. But this is not yet a sufficient answer to the objections we have been considering – the objections from counterintuitiveness. What shall we do in unusual cases, where we find ourselves wanting to make exceptions to the rules for good moral reasons, as they seem to us?

The way to get over this difficulty is to allow two levels of moral thinking. At the intuitive level we have the general rules, which are simple enough to master. But there will be conflicts between these simple rules. These conflicts are really the source of the objections from counterintuitiveness. For example, there is a simple rule which bids doctors to do the best they can to cure their patients, and another which forbids them to murder people in order to extract their organs. The rules may conflict in unusual cases. If they do, we need a higher level of thinking, which can be much more specific and deal in detail with these cases.

It will be found that real cases, such as we might encounter in practice, are not so difficult to handle as the cases in philosophers’ examples. The former will generally be much more complex than the latter, and the additional information available will enable us to reconcile our intuitions with utilitarianism. For example, the abandonment of the rule forbidding murder will inevitably have such serious evil consequences that no saving of patients’ lives by giving them murdered people’s organs will compensate for the harm done. These murders will not long remain secret; and there can be better ways of securing organs for transplant. And the sheriff will do well to think what will happen in real life if sheriffs do not maintain the rule of law and justice, and so preserve people’s rights. Rights certainly have a place in moral thinking, but it is a place easily preserved for them by consequentialism and utilitarianism (Hare 1981: ch. 9; Sumner 1987). Similarly, there are utilitarian reasons why a substantial degree of equality in society is good for everybody (Hare 1981: ch. 9), and why doctors and parents should look after their own patients and children respectively (Hare 1981: ch. 8). These partial and egalitarian principles at the intuitive level can be justified by impartial reasoning at the higher or critical level.

It is good enough if utilitarianism tallies with our intuitions in real cases; they do not have to fit cases which are unlikely ever to arise. If such cases do arise in unusual circumstances, most people on reflection will decide that they ought to act for the best.
(that is, as utilitarianism bids), even if this involves breaking one of the conflicting intu-
itive rules in order to observe the other.

References

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