

The Handbooks of Moral and Political Philosophy



Number 1
Basic Moral Philosophies

**The Handbooks of Moral and Political Philosophy
One - Basic Moral Philosophies
by Roger Solt**

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First Edition Printed In The United States Of America

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INTRODUCTION

This handbook addresses what is probably the central debate in modern moral philosophy -- the conflict between deontological and teleological ethical systems. The status which one assigns to lives and liberty, rights, justice and happiness largely turns on how one resolves this basic moral dilemma. It is a dichotomy which is central to most value debates, and it is increasingly the central focus of many policy debates as well. The 800+ cards which comprise this handbook are in one sense an introduction to the deontology/teleology dispute. In this introduction proper however, I want to summarize and highlight some of the themes which these quotes develop in more depth. Clearly a thorough understanding requires a return to the originals; philosophical argument suffers more than does most discourse from excision and selective quotation. But moral philosophy can be dense going (especially some moral philosophers such as Kant); this essay and evidence are intended to provide a useful starting point.

A teleological moral system is one which focuses on the ends or consequences being sought. A common synonym for teleology is consequentialism, and since this latter term seems a bit less unwieldy, it is the term I will mainly employ in this discussion. (Some authors do distinguish teleology and consequentialism, but the distinctions are sufficiently subtle that they need not concern us, at least at present.) To reiterate: a consequentialist ethic seeks to maximize good consequences however the good may be defined. An action is said to be morally right if it maximizes the good.

In contrast, a deontological ethic focuses on means. It believes that we have moral duties which cannot be violated even to achieve a greater good. Right action is said to be based on moral duty, rather than maximizing desirable ends; in this sense, deontological systems are said to be non-consequentialist.

The two major consequentialist ethics are utilitarianism and egoism. Utilitarianism takes a variety of forms, but basically it claims that moral acts are those which maximize overall happiness, that is, those which product the greatest good for the greatest number. Egoism, in contrast, says that it is moral to act so as to maximize the greatest good for oneself. (Ayn Rand's philosophy, Objectivism, is probably the leading contemporary attempt to defend egoism; it is dealt with in volume two of this handbook.)

Deontology also takes a variety of forms. One of the most familiar and influential is, of course, the Judeo-Christian ethic. One's basic duty, in this perspective, is not to maximize happiness but to obey the will of God. The major modern example of a deontological ethic was formulated in the late eighteenth century by the German philosopher, Immanuel Kant. Kant's ethic will be discussed in some detail below.

In Anglo-American political philosophy, at least, some form of utilitarianism was the dominant view until the 1970s. The 1970s, however, saw a resurgence of political philosophy expounding various sorts of "deontological liberalism." John Rawls theory of justice, Robert Nozick's libertarianism, and Ronald Dworkin's jurisprudence all rely heavily on deontological moral principles derived from Kant's categorical imperative.

Kant's is not the only deontological ethic but it is clearly the most influential secular version. It therefore merits discussion in some depth. Kant was a German academic who lived from 1724 to 1804, and in many ways his work represents the climax of the Enlightenment. Kant is best known for his three famous "critiques": THE CRITIQUE OF PURE REASON (dealing with epistemology) THE CRITIQUE OF PRACTICAL REASON (dealing with ethics), and THE CRITIQUE OF JUDGMENT (mainly about aesthetics). Kant's other major work in ethics is the GROUNDWORK OF THE METAPHYSIC OF MORALS.

Kant wrote at the apex of the "age of reason," so it is not surprising that he is a supreme moral rationalist. His moral rationalism is perhaps most easily understood in contrast to the views of another eighteenth century philosopher, David Hume. Hume argued that reason is purely instrumental; he says in a famous passage that it is and ought to be the slave of the passions. It is our passions which express and determine our values; reason is simply a means for achieving those values.

Kant, in contrast, believed that passions or inclinations such as the desire for pleasure or happiness, are essentially amoral. We possess, after all criminal and murderous passions as well as benevolent ones. Thus, for Kant, morality isn't dictated by desire but rather by reason. For him, we possess reason not in order to achieve happiness but so that we can discern our moral duty.

How does reason do this? According to Kant, an act is morally in accordance with reason if the principle (or maxim) which underlies that act could be universalized, that is if it is a principle which every rational being could agree to. Such principles are in accord with what Kant calls the categorical imperative--the unconditional law of moral duty.

This formula may be easier to understand by considering some of Kant's examples. He argues, for instance, that there is an absolute moral prohibition against lying. If one tells a lie, then s/he is acting on the principle that lying is always acceptable. But if lying were always acceptable, no one could ever have confidence in another's word. Reliable communication and social cooperation would therefore break down; hence, the permissibility of lying is not a maxim which can be universalized. Based on similar reasoning, Kant justifies absolute prohibitions against promise breaking and suicide as well as a general duty of benevolence and a personal duty of self-cultivation.

Kant formulates the categorical imperative in several different ways. In addition to the universalization formula, probably the most influential has been the principle that one should always treat others as ends in themselves, not merely as means. This idea of "respect for persons" remains at the core of most modern versions of deontological ethics.

Another important aspect of Kant's moral philosophy is his emphasis on motives rather than outcomes. An action is moral, according to Kant, if it is motivated by good will. If one is trying to save someone else's life and instead accidentally kills them, s/he has still acted morally. It is the intention which is key not the outcome.

This emphasis on good motives stands in contrast to utilitarian ethics, which generally sees an act as good depending on its outcome. Kant's non-consequentialism, however, should not be overstated. The argument is sometimes made in debate that one should not consider a certain impact because that is a consequence rather than the intent of a policy---and it is intentions which are key. This argument seems wrong because the consequences which one can foresee are part of one's motive or intent in performing an act, endorsing or enacting a policy. Kant says, remember, that we have a general duty of benevolence towards others. If we can foresee that they will be harmed, then we cannot, with good will, endorse the policy in question. That it unintentionally produces a harm does not make an act immoral, but if one can foresee the harm, then it is no longer unintentional. Kant is not, of course, a pure consequentialist; he would absolutely prohibit improper means, even to achieve a greater good. But it still seems wrong to say that consequences are totally irrelevant to Kant's (or to any other) deontological ethic.

Kant's ethic rests on several plausible ideas: that motives determine whether an action is moral, that the end doesn't justify the means, that we should respect others as moral equals, and that we should act on a consistent set of moral principles. In general, Kant's moral belief seems in accord with the principles of Judeo-Christian morality. Especially in its "respect for persons" formula, the categorical imperative can be seen as a secular restatement of the golden rule: to do to others as you would have them do to you. That Kant's views parallel many of our ordinary moral beliefs explains, in part, their popularity. It may also be an argument for their validity that they are in accord with our common sense moral intuitions. The continuing vitality and influence of Kantian views in contemporary political and moral philosophy offers another reason to view them as highly plausible.

There are, however many arguments which can be made against the Kantian ethic. First, the idea that ethics can be objectively based on universalizable principles has been strenuously criticized. The key question is how general is the principle which one is attempting to universalize. If an unqualified principle is too general, it is likely to be self-evidently unacceptable. Kant, for instance, maintained that one could never lie, even to save a life, a conclusion which few subsequent thinkers have been willing to accept. One could, of course, reformulate the lying principle to say: never tell lies except to save lives. But once one introduces that exception, why not allow others? A principle that you should never lie unless it significantly benefits the person being lied to could also probably be universalized. Ultimately, one might say that lying is acceptable for anyone in exactly the same situation which I am in at present. That too is a universalizable principle, but hardly an effective moral guide.

Or consider the example of killing. "Thou shalt not kill" is a universalizable maxim, but it seems too broad, not allowing for self-defense, retribution against murderers, deaths produced in a just war, etc. So, one might reformulate the principle, as indeed most deontologists have done, to create an absolute prohibition against the taking of innocent life. But modern warfare probably inevitably involves the taking of innocent lives. Does that mean we have to surrender to Hitler? Again, another exception seems to be required. In sum, principles which are too broad are likely to be unacceptably rigid, but principles which are too specific are likely to provide no meaningful moral guidance. Perhaps there are principles of mid-level generality which are appropriate--but apparently reasonable persons continue to disagree about just what those principles are. Pure reason, thus hardly seems to be an unequivocal guide.

Second, one can also question the respect for persons formula. The idea of moral equality and universal concern is an appealing one to most contemporary liberal sensibilities, but its logical status can still be questioned. It may appeal to our moral sentiments, but why is it objectively true? In Kant's system it is derived from the principle of logical universalizability, but we have already seen how problematic that principle can be. And it may be that we sometimes do need to treat others solely as means. Once again, it is unclear how one can fight a war while treating all of one's adversaries as ends in themselves. Or consider taxes for social welfare spending. Arguably people who object to such programs are not being treated as ends in themselves when their income is involuntarily redistributed. It may be the nature of social existence that sometimes one set of people is called upon to make a sacrifice to promote the greater good. Pushed to the ultimate extreme one faces the dilemma of whether in order to save the world one would sacrifice one innocent life. The respect for persons formula would not seem to permit such an act, but such an extreme conclusion seems clearly contrary to most of our ordinary moral intuitions.

A third criticism is that Kant exaggerates the role and value of reason in ethics. Hume's view, remember was that reason exists as a means to fulfill various human interests and desires; thus it is inherently an instrument. Kant, in contrast, seems to make reason the end and is willing to sacrifice human happiness in order to uphold his concept of "reason." From the perspective of Darwinian evolution, the Humean perspective seems better grounded than the Kantian. The evolutionary explanation of a faculty such as reason is that it developed because it possesses survival value. Both rationality and the large brain which permits it are presumably the result of natural selection; they developed not as ends in themselves but because of their survival value.

In social terms, one might say that morality mainly serves an instrumental role. Humans have developed moral standards over time in order to harmonize their relations with each other. Morality, in this view is not an end in itself but rather a means to promoting the general social good. Again, to make morality an absolute end seems to invert the proper means-ends relationship. Morality should exist to serve human interests, not human interests to serve morality.

Fourth, Kant's ethic is cast into doubt by the teachings of cultural relativism. Kant's ethic seems heavily conditioned by the pious German protestantism of his upbringing. Kant's ethic may accord well with Judeo-Christianity, but that is not the only coherent ethical system which the world has developed. If, as many now believe, ethical values are mainly the product of particular cultures, then Kant's claim to universality seems suspect.

Fifth, Kant's ethic is often criticized as overly harsh and even authoritarian. Hume based his ethic on the idea of human sympathy. Kant insists that one should act not out of sympathy but out of duty. He says, of course that we have a duty of benevolence, but it still seems odd to base benevolence on a sense of obligation to behave rationally rather than on actual empathy for others. And while Kant would certainly have detested the Nazis, it is interesting to note that many of the leading Nazis defended their participation in the Holocaust on grounds of Kantian duties. (Kant does say, in fact, that one has an absolute duty to obey the dictates of the state.)

Sixth and finally, for the utilitarian, Kant's ethic is fundamentally flawed because it requires the sacrifice of attainable human welfare. If attaining the greatest good is the ultimate goal of morality, then Kant's ethic is likely to appear to be a form of misguided rule-worship.

There are many occasions in debate when it will be useful to appeal directly to Kant's moral views. At other times, however, it will be necessary to derive and apply political principles from Kant's ethic. It thus seems useful to discuss briefly the political implications which Kant himself derived from his ethic.

A first political principle on which Kant insists is that the purpose of law is to promote duty not happiness. This of course, stands in stark contrast to the utilitarian view. A practical illustration of this difference can be seen in the opposing theories of punishment which Kant and the utilitarians prefer.

For the utilitarians, punishment is at best a necessary evil. The only purpose of punishment is to prevent greater misery. In this sense, utilitarianism is forward-looking. It mainly seeks to prevent crime through deterrence, incapacitation, or rehabilitation. Kant, in contrast, is a staunch retributivist. Because crime is morally wrong there is a duty to punish and the failure to punish constitutes a moral fault. In a sense, this retributivism seems harsh. It does, however, insist that punishment can never be used solely to promote the welfare of others; criminals can only be punished to an extent which is morally proportionate to their crime. Utilitarianism, in contrast, would seem to permit extreme punishment for trivial offenses if it produced a greater social benefit. (It might even permit punishing the innocent.) Interestingly enough, after a long period in which essentially utilitarian views of punishment predominated, Kantian-style retributivism has, in recent years, become increasingly popular.

A second political principle which Kant and his followers have derived is the absolute nature of rights and justice. Ideas of justice and rights are the political expression of Kant's moral absolutism, they can never be sacrificed to promote happiness. This reasoning finds contemporary expression in Dworkin's insistence that rights are "trumps" which override utilitarian concerns, Nozick's view of rights as absolute moral side-constraints and Rawls' insistence that justice is the first virtue of social institutions. What rights, according to Kant, do we possess? His substantive theory of rights does not seem too different from the Lockean theory which Jefferson expressed in the Declaration of Independence. Kant's primary emphasis is on the right to liberty, and from that he derives a right to property. He also insists on the right to equal treatment before the law and on rights of political participation (at least for male property holders). Kant places a great deal of emphasis on what we would now call rights of free expression, and he is also a strong anti-paternalist.

Third, Kant articulates a version of social contract theory. In an interesting anticipation of Rawls, he distinguishes his view of the social contract as a hypothetical one (derived from reason). rather than as an actual historical event.

Probably of special interest to debaters are the arguments Kant makes against anarchy. He echoes Hobbes in depicting the state of nature as a state of universal war. He sees strong practical reasons for the existence of the state involving security and the ability to maintain large populations. He also sees moral reasons. Justice, he argues, can only exist within the state, and he anticipates Hegel's portrayal of the state as the embodiment of Reason.

Finally, Kant offers an interesting set of views concerning international relations. As one of the intellectual founders of the liberal view of international relations he makes a number of pointed criticisms of the Henry Kissinger-style "political realists" of the eighteenth century. Kant viewed war as the greatest of human evils, and he goes so far as to depict the attempt to abolish war as a moral imperative. One way in which he hopes that war can be eventually abolished is through commercial interdependency, making him an early advocate of free trade. He also advocates the development of international law, to the point of envisioning a global federalism (a kind of league of nations) designed to prevent war. Interestingly, however, he explicitly repudiates the idea of world government, which he argues would inevitably be despotic.

Utilitarianism, as a moral and political philosophy, also dates from the late eighteenth century. Jeremy Bentham, who is commonly regarded as the founder of utilitarianism, published his *PRINCIPLES OF MORALS AND LEGISLATION* in 1789. Bentham's greatest successor as an exponent of utilitarianism, John Stuart Mill, flourished in the mid to late 19th century. Though Bentham, Mill, and Henry Sidgwick are probably the leading utilitarian writers, and all flourished in the eighteenth and nineteenth centuries, utilitarianism has many contemporary defenders, including J.J.C. Smart, R.M. Hare, Richard Brandt, and Peter Singer. Over the past two hundred years, utilitarianism has taken a variety of forms, so any brief summary of its principles will necessarily be an oversimplification. The following description will be closer to the original versions found in Bentham and Mill than to some more recent versions.

At least in its initial formulation, utilitarianism is based on the idea of ethical hedonism.

Certainly for Bentham, and perhaps also for Mill, the good is identified with pleasure and the absence of pain. Their hedonism is both psychological and ethical. It is psychological in that they believe that pleasure and pain are in fact the ultimate motives for all behavior; it is ethical in that they draw the conclusion that people should act to maximize happiness in pleasure/pain terms.

This principle of utility, or greatest happiness principle, is at the heart of utilitarian ethics, but neither Bentham nor Mill believed that it could be formally proved. Mill probably made the most famous effort at a kind of proof in his book, *UTILITARIANISM*. He argues that the only way to determine what is desirable is to look at what people actually desire, and that what everyone ultimately desires is happiness, understood once again in terms of pleasure and pain.

This hedonistic theory of value, held by the early utilitarians, has been subject to a good deal of criticism. In response to such indictments, some contemporary utilitarians have moved to a theory of value which focuses on preference satisfaction (or even the satisfaction of rational preferences). It is admitted that pleasure and pain aren't the only things that people desire, and the principle of utility is said to be fulfilled by maximizing whatever preferences they may be said to possess.

In one sense, this revised theory of value seems to be an improvement. The good is still defined in terms of what people actually desire, but it is recognized that they desire more than pleasure and pain avoidance, at least as conventionally understood. But in another sense preference satisfaction poses even greater problems. Pleasure and pain are at least relatively tangible concepts; satisfying preferences (especially rational preferences) is a much more ambiguous idea. People have all kinds of preferences, and it is unclear how different preferences should be weighed and what tradeoffs should be made. Also, of course, the idea that some preferences are immoral still applies to this type of utilitarianism.

However utility is defined, utilitarian theory begins with a psychological insight (and definition): the good is what people desire. It then proceeds to universalize this value. If happiness is the good for each individual, overall happiness is said to constitute the collective good. This leap from a psychological theory to an ethical principle, as well as the shift from the individual to the collective viewpoint poses some problems. In making this transition, utilitarians tend to rely heavily on the idea of natural sympathy. The more we identify with others and sympathize with their pleasures and pains, the more credible the principle of utility--maximizing the greatest good for the greatest number--is likely to be.

Despite its problems of logical proof, utilitarianism does rest on one appealing ethical insight. That notion, which certainly seems plausible, is that moral action is whatever maximizes overall human welfare (or perhaps even the welfare of all sentient beings). To reject the principle of utility means substituting a principle which will not maximize attainable human happiness, and doing this seems to utilitarians extremely counter-intuitive.

It was argued in favor of Kant's moral theory that it is in accord with the ordinary moral intuitions of many individuals. The relationship between utilitarianism and ordinary moral intuitions is somewhat more complex. It is argued against utilitarianism that it in fact violates these common moral beliefs, such as justice and equality. In countering this claim, utilitarians argue that properly understood most commonplace moral ideas are in fact in accordance with utilitarianism. We tend to believe in justice, for example, because justice, over time, tends to maximize utility. Despite such arguments, it is probably not credible to think that all common beliefs are consistent with the principle of utility, and indeed some utilitarians will admit this. But this does not mean, they argue, that our ordinary moral intuitions are necessarily right and the principle of utility necessarily wrong. Ordinary morality may be based on prejudice or sloppy thinking, and reflection may reveal utility as a more rational principle.

Despite (and indeed because of) its long and influential career, the utilitarian theory has been subject to severe criticism. A first criticism, derived from the Kantian perspective, would be that morality should be understood in terms of fulfilling our rational duties rather than in terms of maximizing happiness.

A second argument is that utilitarianism rests on a flawed theory of value. To begin with, hedonism is a suspect psychological theory. Numerous types of human beings – martyrs and masochists, ascetics and explorers – seem motivated by non-hedonistic values. Biologists tend to see survival as the dominant human value. Nietzsche argued that the will to power is the fundamental motive. Humanistic psychology tends to see people as mainly motivated by the desire for meaning. The point is that people seem to possess a multiplicity of values, and to explain them all in terms of pleasure and pain distorts those concepts beyond recognition.

Harvard philosopher Robert Nozick offers a thought experiment designed to test whether or not pleasure is the only thing we value. If there were a machine which continuously transmitted intense pleasures would we choose to spend our lives attached to it? Nozick argues that in fact we would not -- that our desire for authentic experience is greater than our desire for pleasure.

The jump from psychological to ethical hedonism has also been criticized. In one of the most famous critiques of utilitarianism, Cambridge philosopher G.E. Moore argued that Mill commits "the naturalistic fallacy." That is, Mill takes a fact that supposedly is and infers from it that something ought to be the case. Even if pleasure is people's dominant motive, that doesn't mean that it should be.

Continuing this line of argument, Moore contends that at most Mill justifies ethical egoism, not utilitarianism. The happiness which people psychologically desire is their own happiness, and Mill makes a logical leap from the supposed fact that people desire personal happiness to the moral conclusion that they should desire universal happiness.

A similar argument is that utilitarianism is contrary to human nature. A true utilitarian values everyone's pleasure equally; this means that the interests of a stranger on the other side of the world should be as important to you as your own interest and that of your family and friends. This ethic of universal concern, however, seems to ignore the fair bit of selfishness which almost everyone seems to possess. Furthermore, most altruism tends to be "self-centered," meaning that it focuses on people who are closest to us rather than indiscriminately. Utilitarianism is said to fail to account for the unique duties which we have toward family and friends.

According to Bernard Williams utilitarianism undermines individual integrity. A true utilitarian would have to be almost completely absorbed in promoting the interests of others. But for better or worse, few people believe that they are morally obligated to live on a subsistence income and devote the rest of their earnings to food aid. This is because we possess our own goals and life projects. We tend to believe that our duties to others are limited, whereas utilitarianism would tend to make them all-absorbing.

Utilitarianism also raises problems concerning justice. What if one person could be killed and his organs harvested so as to save five other lives? If this could be done in secret, so as not to raise the overall level of public anxiety, utilitarianism seems to imply that it would be the moral thing to do. A similar problem arises in terms of scorned minorities. If scapegoating a few people brings enough pleasure to the majority, it would seem to maximize utility. Similarly, theft might be legitimate if the thief needs the money more than the victim.

A related criticism is that utilitarianism is not sufficiently egalitarian. While everyone's happiness matters, it is the overall sum of happiness which utilitarianism seeks to maximize. It might be the case that in order to maximize overall happiness some people would be made miserable. What utilitarianism lacks is a theory of fair distribution.

Utilitarianism is also said to threaten liberty. Though Mill was a strong libertarian, contemporary utilitarians tend to be paternalistic. If people are likely to make choices which will make them less happy, then there seems to be a *prima facie* utilitarian case for state intervention. And if a utilitarian envisioned some kind of utopian future as a realistic possibility, s/he might well be willing to tolerate short term atrocities in order to maximize the greatest long term good.

A final criticism is that utilitarian calculations are impractical. There are no common units of happiness in terms of which utilitarian judgments can be calibrated. Utilitarianism is nonetheless forced to constantly engage in probabilistic predictions based on limited data. A deontological ethic can set forth a set of consistent rules; utilitarian judgments exist in a haze of speculative uncertainty.

I have suggested that utilitarianism tends to be paternalistic; however, perhaps paradoxically, the classic defense of liberty was made by a utilitarian, John Stuart Mill. Since Mill's defense of liberty has been so influential (and is so frequently invoked in debates), I wish to briefly summarize the arguments for and against his theory.

Mill begins by distinguishing between self- and other- regarding acts. Insofar as our acts harm others, they are legitimately subject to social regulation. But in terms of those acts which affect ourselves alone, the individual, according to Mill, should be sovereign. The good of the individual alone is not a sufficient reason for limiting his or her choices.

This conclusion has seemed to many to be anti-utilitarian, but Mill has several arguments in its favor. One is that the individual is likely to be the best judge of his or her own interests. Each person has a unique familiarity with his or her own values; furthermore, each individual has a uniquely high stake in his or her own choices.

Probably a more important argument for Mill is that freedom is required in order to produce creative excellence. In Mill's view, progress is mainly the product of creative individuals. It is through their experiments and innovations that new and better forms of life are discovered. For this kind of genius to flourish, an atmosphere of freedom is required; a repressive orthodoxy stifles the creative innovations needed for human advancement.

Intellectual freedom is especially important for progress. Mill offers a classic defense of the marketplace of ideas; it is only by allowing views to freely compete that error can be discovered and truth allowed to emerge.

Mill's essay, *ON LIBERTY*, is eloquent and eminently quotable. It is also probably one of the most criticized essays ever written. A first argument against his position is that there is no real distinction between self- and other- regarding acts. Humans are social animals. To damage oneself is therefore to damage others as well, most directly perhaps one's family and friends, but indirectly society at large as well.

Second, it is commonly argued that Mill's defense of liberty is inconsistent with his belief in utilitarianism. He seems to be implicitly appealing to a concept of individual integrity which may be more consistent with a deontological rights theory than with utilitarianism.

Most of the steps in Mill's argument have been attacked. Some have argued along the lines of Dostoyevsky's *Grand Inquisitor*, that freedom does not lead to happiness. Others have criticized the link between freedom and knowledge. Even in science, it might beg the case that suppressing such obviously fallacious doctrines as astrology would enhance rather than retard the search for truth. In the moral and political sphere, it can be questioned whether there are any objective truths to be found--and if there are, how do we know when we've found them? The effectiveness of the marketplace of ideas in discovering truth may be more a matter of faith than of fact. Finally, others have criticized the link between knowledge and happiness. In the Victorian Age, knowledge may have seemed like an unequivocal good, but in the age of nuclear weapons, its benevolence seems less certain.

The twentieth century has also been more skeptical about individual rationality. It is widely perceived that individuals make lots of poor life decisions, from smoking to unsafe sex. The limits of individual decision-making are for many a strong argument for paternalistic intervention. A related argument is that some individuals are particularly poor decision-makers. Free choice, it is said, especially discriminates against this group of persons, offering an additional equity-related reason for paternalism.

Finally, Mill has been almost universally criticized for the absolutism of his position. Again, from a utilitarian viewpoint, it might be the case that individual freedom is generally desirable, but a consistent utilitarian, it is said, would not establish a blanket liberty principle and refuse to make exceptions for instances in which free choice is harmful.

In concluding this discussion of utilitarianism, I wish to discuss two final issues. The first of these is the distinction between act- and rule-utilitarianism. Act-utilitarianism believes that every action undertaken should be judged in terms of whether or not it maximizes utility. In contrast, rule-utilitarianism asserts that we should act in accordance with moral rules which maximize utility. In terms of this distinction, Bentham was clearly an act-utilitarian, whereas Mill was arguably a rule-utilitarian. In contemporary times, J.J.C. Smart is probably the leading act-utilitarian, and Richard Brandt is a prominent proponent of the rule-utilitarian view.

Rule-utilitarianism may offer a solution to some of the common criticisms of utilitarianism in general. In the first place, it somewhat simplifies the choice process. Act-utilitarianism seems to require that one attempt to determine the full consequences of every choice. Rule-utilitarianism, in contrast, allows reliance on moral rules as predictive generalizations concerning the probable utility of a certain course of action. Rule-utilitarianism may also lessen some of the problems utilitarianism faces concerning justice. While unjust individual acts might maximize utility, unjust rules are unlikely to. Thus, a rule-utilitarian could clearly endorse a moral rule such as "only punish the guilty," whereas an act-utilitarian might not be able to. Some criticisms of Mill's liberty principle are also lessened from a rule-utilitarian perspective. Even if paternalism occasionally enhances happiness, a moral rule against its use might still be plausible.

But rule-utilitarianism also presents problems. Some question whether it is really different from act-utilitarianism. Since there are opportunity costs associated with decision-making, even an act-utilitarian would make use of moral rules of thumb to simplify choice. And if the rules which one adopts are flexible enough to deal with the complexity of actual situations, then one is likely to end up judging pretty much on a case by case basis anyway. If, however, act and rule-utilitarianism actually did produce different choices, it can be questioned whether adhering to the rule is actually a good thing. Doing so would arguably be at odds with the fundamental insight of utilitarianism -- that is, it would sacrifice attainable human welfare simply in order to conform to a rule.

While rule-utilitarianism is not free from problems, it may be a useful position to defend in debate since it answers many of the standard anti-utilitarian arguments. It is by the same token, however, less useful as a critique of justice or rights-based arguments.

This brings me to the final aspect of utilitarianism which I wish to discuss: the relationship between utilitarianism and rights. Act-utilitarianism is certainly an effective perspective from which to attack the importance of rights-related claims. Rather than letting abstract rights trump consequentialist outcomes, utilitarianism would insist on looking at the actual human harm associated with the right's violation. In doing so, it seems likely that a utilitarian would often agree to violate rights. Indeed, the whole notion of rights is likely to seem superfluous from an act-utilitarian standpoint; it is tangible happiness that counts, not abstract moral principles.

A rule-utilitarian, on the other hand, is likely to accept at least a limited theory of rights. If violating free speech generally lessens human happiness, then a rule-utilitarian could consistently say that people have a right to free speech. It would not probably be an absolute right -- other interests could still outweigh-but it would still carry decisive weight unless there were a compelling counter-interest.

The dispute between deontology and consequentialism has been the central issue in moral philosophy for over two hundred years. And it continues-into the present. The revival of political philosophy in the 1970s by Rawls, Nozick, Dworkin and others was mainly based on a deontological liberalism heavily influenced by Kant. That deontological position, however, has continued to receive strenuous attack not only from utilitarians but also from communitarians, Marxists, critical legal scholars, feminists, etc. Much of that debate will be treated in volume two of this handbook, CONTEMPORARY POLITICAL PHILOSOPHIES.

At this point, however, what can one say to summarize the deontology/consequentialism debate? One not unlikely reaction is that the arguments against each of these moral theories, especially in their Kantian and utilitarian variants, seem stronger than the arguments for them. Of course, Kant's is not the only form of deontology, nor is utilitarianism the only form of consequentialism. (A consequentialist ethic could be constructed around the maximization of any conceivable version of the good. One could for example have a teleological ethic which attempted to maximize freedom or rights.) Still, Kantianism and utilitarianism have been by far the most influential forms of their respective genres.

Another reaction to this discussion might be to wonder just how one can ever resolve such a fundamental dispute. The whole deontology/teleology issue seems at times like an irresolvable moral quandry. The major philosophical attempt in this century to sort out the problems of moral reasoning has been the development of meta-ethics. Meta-ethics involves the consideration of standards for evaluating different moral perspectives. It attempts to establish criteria according to which different ethical theories can be assessed. In contrast to substantive ethics, such as the theories of Bentham or Kant, metaethics offers theories about theory. I wish to conclude this essay with a brief discussion of the major meta-ethical theories and what each has to say about the deontology/teleology debate.

A first meta-ethical position is naturalism. Naturalism says essentially that ethical views should be assessed in terms of whether or not they are in accord with human nature. If one sees rationality as the central element of human nature (as Kant did), then this will tend to produce one kind of moral theory; if one agrees with the utilitarians that sentience, allowing us to experience pleasure and pain, is central, then a very different ethic is likely to emerge.

Naturalism as a meta-ethical perspective has at least two major problems. First, it may make an unacceptable logical leap from facts to values. Moore called this type of inference the naturalistic fallacy. What we are may not tell us what we should do. A second problem can be inferred from the above discussion. Human nature is pluralistic: that is, it possesses multiple elements. Humans are rational beings, sentient beings and social beings. They are also economic beings, sexual beings, and religious beings. They possess natural sympathies towards others, but they may also be naturally aggressive and self-seeking. Any naturalistic theory, it seems, is going to take one element from the ensemble of human characteristics, but another theory could focus on a different aspect and produce a very different ethic. And any such theory is likely to be partial and one-sided.

Having criticized naturalism, Moore proceeded to develop an alternative meta-ethical theory, which he termed intuitionism. In this view, the good is seen as a simple primary quality which we know by direct intuition. If we are morally sensitive, then we will know intuitively what is right in a given situation, just as, if we are color sensitive, we know blue when we see it. (The fact that some people are morally insensitive doesn't disprove intuitionism; after all, some people are also color blind.) Although Moore offered the most influential theory of intuitionism, the use of intuitions in moral reasoning goes beyond his theory. Even today a common argument against a certain theory is that it is in conflict with our ordinary moral intuitions. It was noted earlier, for example, that utilitarianism may violate our intuitive concept of justice.

Though we do often make reference of our intuitions in moral argument, this process is also problematic. The main problem is that intuitions are not uniform. They differ among people, certainly, and even the same person may have different intuitions about what is moral at different times. Furthermore, we can't really argue very well about conflicting intuitions; you either have them or you don't. And while you can always call your opponent morally insensitive, that is unlikely to be a persuasive argument.

A third major meta-ethical view is subjectivism. This position argues that all values and all moral views are essentially subjective, a matter of personal preference or taste. If there has been a prevailing meta-ethical view in this century, it has probably been subjectivism. The German philosopher Friedrich Nietzsche (1844-1900) may have been the most influential exponent of this view, but many other prominent philosophers, including Bertrand Russell, Jean-Paul Sartre, and J.L. Mackie, have also been subjectivists. (Even the prominent contemporary utilitarian Peter Singer accepts an essentially subjectivist meta-ethic.)

One influential form of subjectivism, developed by the American philosopher C.L. Stevenson, is called emotivism. According to Stevenson, when one makes a moral statement, one is not stating a purported fact, but rather is making an emotional statement about one's attitude. For the emotivist, ethical statements are neither true nor false; they are simply expressive. The philosophy of logical positivism, whose most prominent exponent has been A.J. Ayer, comes to a similar conclusion. Logical positivism believes that a statement is either true or false only if it can in theory be empirically tested. According to this "verification principle," moral statements become factually meaningless.

Subjectivism is a radical but in many ways persuasive viewpoint. It creates, however, a huge problem from the standpoint of substantive moral philosophy. If moral views are simply subjective, simply a matter of taste, then it may be no more meaningful to argue about ethics than it is to argue about taste in food or clothes. But while it's probably good for people to have different tastes in food (it certainly helps ethnic restaurants), ethical "taste" is literally a matter of life and death. Few people are probably comfortable with the notion that Hitler's ethics were simply a personal preference. (For that matter, the Marquis de Sade defended torture as an individual taste towards which others should be more tolerant.)

Neither emotivism nor logical positivism is totally persuasive. For thousands of years, people have believed that they were engaging in meaningful discourse when they made moral arguments; it seems odd to think they can all have been so deceived. And most people certainly would think that it means something different to say that "Hitler was an evil man," rather than "I hate Hitler." Kant may have exaggerated the role of reason in ethics, but surely it has at least some role. And it may be that upon reflection our subjective moral beliefs will come to display a fair degree of intersubjective agreement.

A fourth meta-ethical view, which seems related to subjectivism, is relativism. Sometimes relativism is interpreted in cultural terms. Different societies are said to possess different standards, and there is said to be no objective, trans-cultural standpoint from which to evaluate these differences. Sometimes relativism is understood in historical terms, different standards being said to be conditioned by different historical traditions. In contemporary political theory, communitarianism has been associated with the rejection of liberal universalism in favor of the view that the good can only be determined in accordance with a particular cultural tradition.

Again, relativism possesses a good deal of plausibility. Few if any values seem constant across all cultures, and it can seem chauvinistic to insist that the values of one's own culture are necessarily correct. But again, relativism poses problems. A true cultural relativism would have to accept that there is a time and a place for almost everything, that under certain cultural circumstances slavery, cannibalism, and human sacrifice were all perfectly acceptable. At this point one is tempted to evoke Moore's naturalistic fallacy: just because a culture engages in a practice doesn't mean that it morally should.

Pushed to an extreme, cultural relativism would seem to vitiate every form of social criticism. Since segregation was the standard in Southern society in the 1950s, does that imply that Martin Luther King, Jr. was wrong to protest against it? Probably both relativism and communitarianism exaggerate the degree of moral consensus which exist within cultures. Very traditional and very isolated cultures may have possessed something close to moral unanimity. But today cultures are far more complex, more diverse, and far more likely to embody conflicting moral beliefs. We need to find some way to talk about those disagreements, and simply appealing to cultural traditions does not seem very effective.

All four of these meta-ethical views carry a certain force, but each presents difficulties as well. But the question now at hand is what does each of these perspectives imply about the consequentialism/deontology debate?

Deontology seems to suffer considerably from most of these meta-ethical "critiques." Kant's ethic seems consistent with moral naturalism. He agreed with Aristotle and many others in stressing the centrality of reason in defining human nature. One can argue, of course, that reason isn't as important as Kant believed, but his ethic is at least consistent with one form of naturalistic argument.

Intuitionism seems less congenial from a Kantian perspective. Kant believed that his ethic was a product of pure reason (or, to be more consistent with Kantian terminology, of pure practical reason). If, instead, ethics are understood to be a matter of intuition, then Kant's moral rationalism seems misguided. Not all deontological ethics would be incompatible with intuitionism, however. While Rawls is not a pure intuitionist, he does rely heavily on moral intuitions to buttress his theory of justice.

If moral subjectivism is the correct meta-ethical theory, then deontology is unlikely to seem very compelling. Of course, one might still possess a subjective preference for an ethics of duty, but there would be few grounds for arguing against someone who didn't share that subjective value judgment.

Similarly, one could be a deontological relativist if s/he believed deontology to be the prevailing ethic of our culture. But while our prevailing social ethic has definite deontological elements, it is certainly not completely deontological. And to rest claims about moral absoluteness on social custom doesn't seem too compelling.

What about consequentialism? Again, it seems relatively easy to construct a naturalistic case for utilitarianism or some other form of consequentialism. Bentham and Mill in fact do make essentially naturalistic arguments in favor of the principle of utility. Happiness is, by nature, what humans ultimately value; thus, it should be regarded as the ultimate good.

Moore thought that while the reasoning behind the utilitarian ethic was wrong, utilitarianism usually led to morally proper choices. There are some intuitionistic arguments which can be made in favor of utilitarianism—it seems intuitively plausible, for instance, that we should seek the maximum attainable human welfare. But especially in terms of justice there are also quite a few intuitionistic arguments to be made against utilitarianism as well.

If all values are subjective then so is the value of utility. Utilitarians do sometimes argue that happiness is what in fact everyone subjectively values, but the desire to produce the greatest good for the greatest number certainly doesn't seem to be everyone's subjective preference. Still, the subjective preference for attaining happiness and avoiding misery is probably more universal than the subjective preference for performing one's duty in a Kantian sense. And the subjective value of human life also seems pretty universal.

Mill in fact made an argument grounded in cultural relativism against Kant, arguing that theories of justice vary with culture. But cultural relativism may also cut against utilitarianism. It has been argued that utilitarianism was indeed the ethic of the educated, nineteenth century Englishman, the point being that it too was culturally and historically conditioned (just as Kant's ethic was conditioned by the Enlightenment and by the traditions of German protestantism). Again, utilitarianism seems to be part of the contemporary cultural ethic, but it is far from the whole of it.

The meta-ethical arguments are useful for debaters because they offer a means to cut through the debate over different moral theories. Subjectivism in its various forms and relativism seem especially useful perspectives from which to attack deontological arguments. There is, however, a danger with these arguments about which one needs to be aware: they also cut, at least to some extent, against utilitarian values and arguments.

Perhaps the greatest problem with the deontology/consequentialism debate is the absoluteness in terms of which the dichotomy is posed. A truly satisfying ethic, it seems, should give some weight both to good outcomes and to proper means, should place some moral weight on the welfare of others but should also allow moral space for us to pursue our own lives and projects. Having said this, it should be noted that it has proven notoriously difficult to devise such a "mixed" ethical system. W.D. Ross, a British philosopher who flourished during the first half of the twentieth century, made one such attempt. There are, he argued, certain *prima facie* moral duties which carry deontological weight. These duties, however, will often conflict, and when they do, it is proper to appeal to consequentialist considerations. (For that matter, any deontologist would presumably favor good outcomes, so long as they didn't require immoral means to achieve.) But Ross's theory remains predominantly deontological and it has never achieved the influence of Kant's.

Debate may not lend itself very well to recognizing a plurality of values; each side, after all, has an incentive to stress the primacy of its own value premise. There are probably instances, however, when debaters might want to argue for the plurality of values. Pushed to their extremes, neither pure deontology (unwilling to tell a lie to save a life) nor pure consequentialism (tempted to consider involuntary organ donation) seem acceptable. If both right means and good outcomes are important, and if neither is absolute, then conflicts between the two must probably be resolved on a situational basis. At this point it would become important to discuss what is really at stake in the particular case, rather than just appealing to some abstract value such as justice or utility. In any common sensical balancing, preventing a nuclear war is more important than protecting one due process right, at the margin, for a limited number of people. On the other hand, some extremely speculative risk of catastrophe would probably not justify violating a fundamental moral value such as freedom or justice in an important area of application.

For value debate, the conflict between deontological and teleological perspectives is ubiquitous; few debates can occur where it is not a relevant concern. Moral and political questions can be approached from different conceptual frameworks. For example, classical philosophy tended to emphasize the idea of virtue, and early modern political philosophy made extensive use of social contract arguments. Still, in contemporary philosophy, broadly deontological and broadly consequentialist positions dominate the field. To master the deontological/consequentialist debate means to master a good deal of contemporary moral and political philosophy.

Of course, not every debate will turn on the dichotomy of moral duties and good outcomes. On most disputed issues, there are consequentialist arguments to be made for both sides, and often both sides can muster a deontological argument as well. The paternalism debate offers a good example. Mill, a leading utilitarian, was strongly against paternalism, but most contemporary utilitarians probably disagree with him on this issue. A deontological "respect for persons" perspective would probably be anti-paternalistic, but a deontological argument could certainly be made that we are not treating others as ends in themselves if we don't offer at least some protection for them against pathologically poor choices. So, resolving the higher level issue of duties versus outcomes may not entirely resolve the more specific issue at hand. But it may. The paternalist would almost certainly rather see the debate conducted on utilitarian grounds, whereas the anti-paternalist will almost certainly be favored by assuming a rights perspective.

For a long time academic policy debate was almost totally dominated by utilitarian arguments. The most extreme violations of liberty were given next to no impact in comparison to human lives. Over time, that tendency has changed dramatically. Debaters will often encounter deontological rights and justice based arguments. Those who can make such arguments effectively have a very potent argumentative tool, but almost every debater at least needs to be able to answer such arguments in a coherent way. Abstract moral arguments can be difficult and for many they are unappealing. But no one can come to a sophisticated understanding of public policy without coming to grips with its normative underpinnings. This essay and this handbook are intended to help you do that.

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MPP1-1 DEONTOLOGY DEFINED

Tom Regan, Professor of Philosophy, North Carolina State,
MATTERS OF LIFE AND DEATH, 1980, p.20

'Nonconsequentialism' is a name frequently given to normative ethical theories that are not forms of consequentialism. In other words, any theory that states that moral right and wrong are NOT determined solely by the relative balance of intrinsic good over intrinsic evil commonly is called a nonconsequentialist theory. Theories of this type are also called DEONTOLOGICAL theories, from the Greek DEON, meaning 'duty.'

MPP1-2 DEONTOLOGY DEFINED

William Frankena, Professor of Philosophy, University of Michigan, ETHICS, 1973, p.15

Deontological theories deny what teleological theories affirm. They deny that the right, the obligatory, and the morally good are wholly, whether directly or indirectly, a function of what is nonmorally good or of what promotes the greatest balance of good over evil for self, one's society, or the world as a whole. They assert that there are other considerations that may make an action or rule right or obligatory besides the goodness or badness of its consequences--certain features of the act itself other than the VALUE it brings into existence, for example, the fact that it keeps a promise, is just, or is commanded by God or by the state.

MPP1-3 ACT VERSUS RULE DEONTOLOGY

William Frankena, Professor of Philosophy, University of Michigan, ETHICS, 1973, p.16

Extreme act-deontologists maintain that we can and must see or somehow decide separately in each particular situation what is the right or obligatory thing to do, without appealing to any rules and also without looking to see what will promote the greatest balance of good over evil for oneself or the world. Such a view was held by E. F. Carrith (in THEORY OF MORALS) and possibly by H. A. Prichard; and was at least suggested by Aristotle when he said that in determining what the golden mean is 'the decision rests with perception,' and by Butler when he wrote that if: '...any plain honest man, before he engages in any course of action, ask himself, Is what I am going about right, or is it wrong?... I do not in the least doubt but that this question would be answered agreeably to truth and virtue, by almost any fair man in almost any circumstance [without any general rule].' Today, an emphasis on 'decision' rather than 'intuition' and with an admission of difficulty and anxiety, this is the view of most existentialists.

MPP1-4 CONSEQUENTIALISM DEFINED

William Frankena, Professor of Philosophy, University of Michigan, ETHICS, 1973, p.14

Having agreed on one ground or another that the standard of right and wrong cannot be simply the prevailing set of moral rules, moral philosophers have offered us a variety of alternative standards. In general, their views have been of two sorts: (1) DEONTOLOGICAL theories and (2) TELEOLOGICAL ones. A teleological theory says that the basic or ultimate criterion or standard of what is morally right, wrong, obligatory, etc., is that nonmoral value that is brought into being. The final appeal, directly or indirectly, must be to the comparative amount of good produced, or that to the comparative balance of good over evil produced. Thus, an act is RIGHT if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce AT LEAST AS GREAT A BALANCE OF GOOD OVER EVIL as any available alternative; an act is WRONG if and only if it does not do so. An act OUGHT TO BE DONE if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce a GREATER BALANCE OF GOOD OVER EVIL than any available alternative.

MPP1-5 TYPES OF CONSEQUENTIALISM

W. D. Ross, Philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.4

Teleological theories may be divided into two main groups depending upon whose good is to be promoted. These groups are egoism and utilitarianism. Egoistic theories claim that the good to be sought is the good of the actor.

MPP1-6 CONSEQUENTIALISM IS UNJUST

Tom Regan, Professor of Philosophy, North Carolina State,
MATTERS OF LIFE AND DEATH, 1980, p.20

A central argument advanced against all forms of consequentialism by many nonconsequentialists is that no consequentialist theory (no form of ethical egoism, ethical altruism, or utilitarianism) can account for basic convictions about justice and injustice--for example, that it is unjust to deny Bill his liberty just because he is black. The point these deontologists make is that to treat Bill unjustly not only is wrong; to treat him unjustly is to wrong or harm HIM. Fundamentally, according to these thinkers, it is because people are wronged or harmed when treated unjustly, quite apart from the value of the consequences this may have for everyone else involved, that all consequentialist theories ultimately prove to be deficient.

MPP1-7 CONSEQUENTIALISM UNDERMINES RIGHTS

Ronald Dworkin, Professor of Law, New York University,
TAKING RIGHTS SERIOUSLY, 1978, p.104

If only consequences count, there are no categorical wrongs. And if there are no wrongs, then there are no rights either. For what distinguishes a right from an interest is its insistent quality, and that quality is best captured by saying that to violate a right is not only bad (to be avoided), but it is wrong.

MPP1-8 CONSEQUENTIALISM NEGLECTS CHARACTER
 William Lillie, Professor of Philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.218

In our list of moral goods, which are intrinsically good and worthy objects of admiration, we have deliberately left out one which is by many moralists regarded as the most important of all--the enjoyment of a good character; its importance justifies a separate section dealing with it. Some moralists confine the term 'moral good' to good character and the actions leading to it. It certainly seems in accordance with our common intuitions to hold that a perfect character or a virtuous human personality is the highest among moral goods, but it is exceedingly difficult to give any satisfactory meaning to these terms on a purely teleological theory of ethics.

MPP1-9 CONSEQUENTIALISM LACKS ABSOLUTE RULES

William Lillie, Professor of Philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.214

Pleasantness itself has long been recognized as depending on other conditions as well as the will of the agent, such as good health and outward circumstances. This indicates one of the great practical difficulties of a teleological theory of ethics. There is never any complete certainty that the end sought will be attained by our human strivings to attain it, so varied are the outside conditions concerned. The most we can say is that in the light of human experience such and such an action is likely to or has a tendency to produce a certain good. There are no absolutely universal rules in a teleological ethics; our rules must take the form, 'This action is probably right because in many cases in our experience it has produced a certain result.'

MPP1-10 CONSEQUENTIALISM DOES NOT ACCOUNT FOR ALTRUISTIC SENTIMENTS.

William Lillie, Professor of Philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.179

It has been said more than once that common sense gives no moral approval to actions which bring pleasure merely to their doer, but it does give moral approval to actions which bring pleasure to other people, particularly when these are done at the cost of some unpleasantness to the doer of the action. To the ordinary man the giving of pleasure to others simply with a view to one's own indirect enjoyment would certainly have a suggestion of insincerity about it. On the other hand a teleological theory of ethics has, strictly speaking, to admit that the location of the end to be aimed at does not matter, and so it could never justify the distinction made by the ordinary man between other people's pleasure and his own. Yet of all moral intuitions the preferring of the happiness of others to our own seems among the clearest.

MPP1-11 CONSEQUENTIALISM ALLOWS INVALID MEANS

William Lillie, Professor of Philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.221

One difficulty of teleological view is that because of it there may be a temptation to think that the end justifies the means. If right actions are merely right because of the consequences to which they lead, it is difficult to explain the common experience of actions being wrong, although the agent has admittedly some good end in view. The teleologist can only explain their wrongness by pointing out that as a matter of fact the action in question leads to some other bad end. Even in the case of an action done as a means to an end, we must judge its rightness not merely in terms of its conduciveness to the end but in its fittingness to our whole situation at the time.

MPP1-12 CONSEQUENTIALISM ALLOWS INVALID MEANS

Charles Fried, Professor of Law, Harvard, RIGHT AND WRONG, 1978, p.8

If a happy state of the world existed that had been brought about through wrong and violation of right, and if those wrongs could no longer be righted, there is nothing that says that this happiness would not count as real happiness and should not be enjoyed; still, if this happiness had been ours to choose only by wrongful means, we would have had to wave it away. We would have to wave it away because right and wrong are the foundations of our moral personality.

MPP1-13 CONSEQUENTIALISM ALLOWS KILLING THE INNOCENT.

Charles Fried, Professor of Law, Harvard, RIGHT AND WRONG, 1978, p.14-15

If, for instance, we looked at the norm about killing as a consequentialist might, we would see it as describing a bad state of affairs: the death of an innocent person. How would the consequentialist go on to give it absolute or categorical force? He might say that death was bad in itself, which means that its badness is not just a function of some further states (fear, grief, lost opportunities) to which it tended to conduce, but that standing alone it was bad. This, however, would hardly capture the force of the judgment that the killing was categorically wrong. For to say that the death of an innocent person is bad in itself commits you to no more than concluding that, other things equal, it should be avoided, that as a moral negative it must be outweighed to be permissible. But this says nothing at all about how easily it may be outweighed, what good can justify this bad. It may be, for instance, that almost any good at all might justify killing an innocent person, and still we can say the death is bad in itself.

MPP1-14 CONSEQUENTIALISM UNDERMINES PERSONAL INTEGRITY

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.10

Thus although the objection as I am construing it cannot be directed against all non-egoistic theories, it is nevertheless in this respect more general than Williams's formulation suggests. And it applies not only to utilitarianism but to every consequentialist theory. For every consequentialist theory incorporates the same conception of the right. Thus every such theory must answer the charge of alienating the agent from his actions and the source of his action in his own convictions, and hence of undermining his integrity.

MPP1-15 CONSEQUENTIALISM UNDERMINES PERSONAL INTEGRITY

Charles Fried, Professor of law, Harvard, *RIGHT AND WRONG*, 1978, p.34-35

If, as consequentialism holds, we were indeed equally morally responsible for an infinite radiation of concentric circles originating at the center point of some action, then while it might look as if we were enlarging the scope of human responsibility and thus the significance of personality, the enlargement would be greater than we could support. For to be responsible equally for everything is to have the moral possibility of choice, of discretion, of creative concretization of one's free self wholly preempted by the potential radiation of all the infinite alternatives for choice.

MPP1-16 CONSEQUENTIALISM PRODUCES DISINTEGRATING UNIVERSALITY

Charles Fried, Professor of law, Harvard, *RIGHT AND WRONG*, 1978, p.3

We must avoid what I shall call disintegrating universality. The concept of personality, of individuality, is after all, a precarious one. Why is the particular embodied unit of the individual the primitive, the primary unit? Why are not larger or smaller units the significant ones? Why not the species, for instance? Why not some abstract idea, some conception, the universe as a whole? The more abstract our notions of value become, the more universal they are, the more the significance of the individual person is threatened.

MPP1-17 CONSEQUENTIALISM IS MORALLY OPPRESSIVE

Charles Fried, Professor of law, Harvard, *RIGHT AND WRONG*, 1978, p.13-14

It is consequentialist systems like utilitarianism which are oppressive in the totality of the claim they make on moral agents. For utilitarians there is always only one right thing to do, and that is to promote in all possible ways at every moment the greatest happiness of the greatest number. To stop even for a moment or to rest content with a second best is a failure of duty. And if we seek to excuse ourselves by saying that everyone needs a rest from time to time, or as Bernard Williams put it, everyone needs to knock off doing good works occasionally, the utilitarian will allow that too, if this is how we best maintain our efficiency in the pursuit of overall utility. In contrast to this oppressive, obsessive regime the limited absolutism of deontology is a positive relief.

MPP1-18 INCOMMENSURABILITY OF VALUES UNDERMINES CONSEQUENTIALISM

C.E. Harris, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.72

Natural-law theorists also make this point by saying that basic values are INCOMMENSURABLE. Because we cannot measure values, we cannot calculate which consequences of an action are more important. Therefore consequences cannot be used to determine the moral status of actions.

MPP1-19 UNCERTAINTY OF CONSEQUENCES UNDERMINES CONSEQUENTIALISM

Alasdair MacIntyre, Professor of social philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.164

The objection of Butler's really falls into two parts. He believes that we cannot in fact be sufficiently certain of what the consequences of our action will be for us to justify present action by future consequences; and he believes that the moral character of actions is and must be independent of their consequences.

MPP1-20 UNCERTAINTY OF CONSEQUENCES UNDERMINES CONSEQUENTIALISM

C.E. Harris, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.41

A moral philosophy can require information for resolving moral problems that is difficult to obtain. This problem is especially acute in the two consequentialist moral philosophies--egoism and utilitarianism. Critics of consequentialism may argue that the egoist often does not have enough factual knowledge to know what actions will lead to his long-range self-interest and the utilitarian does not have enough actual knowledge to know what actions will lead to the general welfare

MPP1-21 CONSEQUENCES ARE INCALCULABLE IN TOUGH CASES.

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.175

It is certain that the practical calculation as to which of the two courses of action will lead to the greater balance of pleasantness is often impossible from lack of knowledge of these consequences. The argument that we do actually make this calculation in some cases is not sufficient to prove that we can make it in every case. In simple cases we often can make a direct intuitive judgment about consequences, but in these cases there is no difficulty in making a decision. It is in difficult cases that we need to make a calculation of consequences, and in these the complications are often so great that the calculation cannot be made.

MPP1-22 DEONTOLOGY UPHOLDS JUSTICE

William Frankena, professor of philosophy, University of Michigan, ETHICS, 1973, p.41

The point is that an action, practice, or rule may maximize the sum of good in the world, and yet be unjust in the way in which it distributes this sum, so that a less beneficent one that is more just may be preferable. For instance, it might be for the greatest general good to follow the rule of primogeniture, and yet it might be unjust to do so. If this is so, then the criterion for determining right and wrong is not mere utility but also justice. Consequently, some deontological theory is the true one, for what is just is independent of the principle of utility. If justice may overrule utility on occasion then the question of what is right cannot be answered by appeal to the principle of utility and the deontologists are correct after all, at least in part.

MPP1-23 DEONTOLOGY RECOGNIZES THE IMPORTANCE OF MEANS

Charles Fried, Professor of law, Harvard, RIGHT AND WRONG, 1978, p.8

Yet the opposing conception (the deontological) holds that how one achieves one's goals has a moral significance which is not subsumed in the importance and magnitude of the goals. Whether we get to the desired end state by deliberately hurting innocent people, by violating their rights, by lies and violence, is intensely important.

MPP1-24 DEONTOLOGY UPHOLDS INDIVIDUAL MORAL INTEGRITY

Charles Fried, professor of Law, Harvard, RIGHT AND WRONG, 1978, p.2

Standing behind this emphasis on right and wrong and on personal efficacy is a commitment to the moral situation of the individual. Individualism is often seen as a selfish doctrine allowing individuals to ignore the interests of others. Right and wrong, however, emphasize not the individual's selfish concerns but his moral integrity, and in this we come closer to the historic heart of individualism. If deontology, the theory of right and wrong, is solicitous of the individual, it is primarily solicitous of his claim to preserve his moral integrity, to refrain from being the agent of wrong, even if such fastidiousness means forgoing the opportunity to promote great good or to prevent great harm.

MPP1-25 DEONTOLOGY ACCOUNTS FOR THE IMPORTANCE OF CHARACTER

William Lillie, professor of philosophy, King's college, AN INTRODUCTION TO ETHICS, 1957, p.218

The easiest way of giving good character its place, perhaps its unique place, among moral goods is to bring deontological view of ethics, which holds that right actions or morally good actions are themselves intrinsically good; they are not right merely because they are means to some end.

MPP1-26 DEONTOLOGY ACCOUNTS FOR BACKWARD LOOKING DUTIES

J.L. Mackie, Philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.158

Deontology similarly leaves room for duties arising from the agent's own previous actions, or from the actions of others that have affected him, such as the duty to fulfill a contract or promise or to show gratitude, or to repay benefits, or to compensate for harm done.

MPP1-27 DEONTOLOGY ACCOUNTS FOR SPECIAL RELATIONSHIPS

J.L. Mackie, Philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.158

Deontology leaves room also for the self-referential altruism that builds, sensibly, on widespread tendencies in human nature: one may have the right, or the duty, to look after ONE'S OWN children (or other relatives) in preference to persons who, apart from this relationship to oneself, would have equal claims. But if all that mattered was consequences, then, in so far as these counted morally, all similar cases would count alike, regardless of any special relationships.

MPP1-28 THE WESTERN MORAL TRADITION SUPPORTS DEONTOLOGY

C.E. Harris, Texas A&M, APPLYING MORAL THEORIES, 1986, p.12

Hebrew-Christian morality is basically non-consequentialist, so that consequentialism is contrary to the most influential Western tradition in morality.

MPP1-29 DEONTOLOGY ACCORDS WITH OUR COMMON MORAL SENSE

William Lillie, Professor of Philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.221

The strict deontological view holds that it is the action itself and not its consequences which are intrinsically right or wrong. Common opinion holds with assurance that an action like speaking the truth is right, and demands that justice be done, even though the heavens may fall in consequence.

MPP1-30 THE RIGHT IS SYSTEMATICALLY DIFFERENT FROM THE GOOD

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.8

Now it has often been pointed out against hedonism, and by no one more clearly than by Professor Moore, that the claim that 'good' just means 'pleasant' cannot seriously be maintained; that while it may or may not be true that the only things that are good are pleasant, the statement that the good is just the pleasant is a synthetic, not an analytic proposition; that the words 'good' and 'pleasant' stand for distinct qualities, even if the things that possess the one are precisely the things that possess the other. If this were not so, it would not be intelligible that the proposition that 'the good is just the pleasant' should have been maintained on the one hand, and denied on the other, with so much fervor; for we do not fight for or against analytic propositions; we take them for granted.

MPP1-31 'RIGHTNESS' CAN BE DIRECTLY INTUITED

William Lillie, professor of philosophy, King's college, AN INTRODUCTION TO ETHICS, 1957, p.223

In deontology, the judgment on the rightness of an action is a matter of direct intuition, just as in teleology the judgment on the intrinsic goodness of an end is a matter of direct intuition. An action like speaking the truth, apart from its remoter consequences, is seen intuitively to be good, just as the enjoyment of beauty is seen to be an intrinsically good experience. Indeed for many people this is the characteristically moral intuition for it includes in itself the elements of fittingness and obligatoriness which seem essential elements in our ethical judgments in a way that no intuition of an intrinsically good END does.

MPP1-32 'RIGHTNESS' CAN BE DIRECTLY INTUITED

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.12

And if human consciousness is continuous, by descent, with a lower consciousness which had no notion of right at all, that need not make us doubt that the notion is an ultimate and irreducible one, or that the rightness (PRIMA FACIE) of certain types of act is self-evident; for the nature of the self-evident is not to be evident to every mind however undeveloped, but to be apprehended directly by minds which have reached a certain degree of maturity, and for minds to reach the necessary degree of maturity the development that takes place from generation to generation is as much needed as that which takes place from infancy to adult life.

MPP1-33 DUTIES BECOME EVIDENT THROUGH EXPERIENCE

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.32-33

The general principles of duty are obviously not self-evident from the beginning of our lives. How do they come to be so? The answer is, that they come to be self-evident to us just as mathematical axioms do. We find by experience that this couple of matches and that couple make four matches, that this couple of balls on a wire and that couple make four balls: and by reflection on these and similar discoveries we come to see that it is of the nature of two and two to make four. In a precisely similar way, we see the PRIMA FACIE rightness of an act which would be the fulfillment of a particular promise, and of another which would be the fulfillment of another promise, and when we have reached sufficient maturity to think in general terms, we apprehend PRIMA FACIE rightness to belong to the nature of any fulfillment of promise.

MPP1-34 MORAL AXIOMS ARE SELF-EVIDENT

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.29-30

That an act, *QUA* fulfilling a promise, or *QUA* effecting a just distribution of a good, or *QUA* returning services rendered, or *QUA* promoting the good of others, or *QUA* promoting the virtue of insight of the agent, is PRIMA FACIE right, is self-evident; not in the sense that it is evident from the beginning of our lives, in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof, or of evidence beyond itself. It is self-evident just as a mathematical axiom, or the validity of a form of inference, is evident. The moral order expressed in these propositions is just as much part of the fundamental nature of the universe (and, we may add, of any possible universe in which there were moral agents at all) as is the spatial or numerical structure expressed in the axioms of geometry or arithmetic. In our confidence that these propositions are true there is involved the same trust in our reason that is involved in our confidence in mathematics; and we should have no justification for trusting it in the latter sphere and distrusting it in the former. In both cases we are dealing with propositions that cannot be proved, but that just as certainly need no proof.

MPP1-35 MAXIMIZING GOOD IS NOT THE ONLY MORAL CRITERION

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.40

In fact it seems, on reflection, self-evident that a promise, simply as such, is something that *PRIMA FACIE* ought to be kept, and it does not, on reflection, seem self-evident that production of a maximum good is the only thing that makes an act obligatory. And to ask us to give up at the bidding of a theory our actual apprehension of what is right and what is wrong seems like asking people to repudiate their actual experiences of beauty, at the bidding of a theory which says 'only that which satisfies such and such conditions can be beautiful' If what I have called our actual apprehension is (as I would maintain that it is) truly an apprehension, i.e. an instance of knowledge, the request is nothing less than absurd.

MPP1-36 MORAL CONVICTIONS PROVIDE BASIC ETHIC DATA

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.40-41

We have no more direct way of access to the facts about rightness and goodness and about what things are right or good, than by thinking about them; the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a natural science. Just as some of the latter have to be rejected as illusory, so have some of the former; but as the latter are rejected only when they are in conflict with other more accurate sense-perceptions, the former are rejected only when they are in conflict with other convictions which stand better the test of reflection.

MPP1-37 MORAL LAW CAN BE DISCERNED BY REASON

William Lillie, Professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.145

On one point most upholders of the moral standard as a law of nature have been agreed. From the Stoics down to Clarke, they have held that the law of nature has been known by reason, and that the life according to nature is also the life according to reason. Some have held explicitly that it is the fact of the moral law of nature being reasonable that makes it worthy of our obedience. In other words, the moral law is not a scientific law like the law of gravitation, but a logical law like the law of contradiction.

MPP1-38 NATURAL LAW THEORY SUPPORTS DEONTOLOGY

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.45

In the history of Christian thought, the dominant theory of ethics is not the Divine Command Theory. The dominant theory is the *THEORY OF NATURAL LAW*. The Theory of Natural Law holds that moral judgments are the 'dictates of reason.' The best thing to do, in any circumstance, is whatever course of conduct has the best reasons on its side. Thus the believer and the nonbeliever are in exactly the same position when it comes to making moral judgments. Both are endowed with powers of conscience and reason. For both, making a responsible moral judgment is a matter of listening to reason and being true to one's conscience.

MPP1-39 THE WEIGHT OF REASON DETERMINES OBJECTIVE MORAL TRUTH

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.35-36

A truth of ethics is a conclusion that is backed by reasons: the 'correct' answer to a moral question is simply the answer that has the light of reason on its side. Such truths are objective in the sense that they are true independently of what we might want or think. We cannot make something good or bad just by wishing it to be so, because we cannot merely will that the weight of reason be on its side or against it. And we can be wrong about what is good or bad, because we can be wrong about what reason commends. Reason says what it says, regardless of our opinions or desires.

MPP1-40 COMPARABILITY OF MORAL CODES PROVES A UNIVERSAL LAW

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.143-44

The objective nature of morality is proved a little more scientifically by the fact that we can and do compare differing codes of morality as better or worse. To quote Mr. C. S. Lewis again: 'If no set of moral ideas were truer or better than any other, there would be no sense in preferring civilized morality to savage morality, or Christian morality to Nazi morality'; there would be indeed no sense in supposing that such a thing as moral progress is possible. We may take it that there is such a thing as an absolute universal law, however, inadequately it is known by us, underlying our moral judgments.

MPP1-41 SUBJECTIVISM FAILS BY FOCUSING ON FEELINGS, NOT REASON

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.38

The main point is this: in considering a question of morality, one must ask WHY a moral judgment should, or should not, be accepted. One might have strong feelings, of course, and one might choose to ignore reason and go with those feelings. But in doing so, one would be opting out of moral thinking. Moral thinking and moral conduct are a matter of weighting reasons and being guided by them. That is why, in focusing on attitudes and feelings, Ethical Subjectivism seems to be going in the wrong direction.

MPP1-42 SUBJECTIVISM IMPLIES THAT ATROCITIES AREN'T OBJECTIVELY WRONG

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.26

It is a fact that Hitler and his henchmen exterminated millions of innocent people; but according to Ethical Subjectivism, it is not a fact that what they did was evil. When we say that their actions were evil, we are not stating a fact about those actions; rather, we are saying that we have negative feelings toward them. Exactly the same applies to any moral judgment whatever.

MPP1-43 SUBJECTIVISM DOESN'T ACCOUNT FOR MORAL DISAGREEMENT

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.6-7

If those who say that ethics is subjective mean by this that when I say that cruelty to animals is wrong I am really only saying that I disapprove of cruelty to animals, they are faced with an aggravated form of one of the difficulties of relativism: the inability to account for ethical disagreement. What was true for the relativist of disagreement between people from different societies is for the subjectivist true of disagreement between any two people. I say cruelty to animals is wrong; someone else says it is not wrong. If this means that I disapprove of cruelty to animals and someone else does not, both statements may be true and so there is nothing to argue about.

MPP1-44 SUBJECTIVISM DOESN'T ACCOUNT FOR MORAL MISTAKES

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.28

Simple Subjectivism is open to several rather obvious objections, because it has implications that are contrary to what we know to be the case (or at least, contrary to what we THINK we know to be the case) about the nature of moral evaluation. Let me mention three of the most prominent objections. 1. We are sometimes wrong in our evaluations. None of us is infallible, we can make mistakes; and when we discover that we are mistaken, we may want to change our judgments. But if Simple Subjectivism were correct, this would be impossible--because Simple Subjectivism implies that each of us is infallible.

MPP1-45 MOST PHILOSOPHERS REJECT SUBJECTIVISM
C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.28

Most moral philosophers have rejected the radical moral skeptic's account of morality as nothing more than an expression of feeling, in which rational arguments have no place. When we say that Hitler was an evil man, most of us think we are expressing more than personal tastes, such as when we say 'I don't like oysters.' Furthermore, ethical argument is more than just trying to manipulate people's feelings, for we recognize certain standards in determining what counts as legitimate reason in an ethical argument.

MPP1-46 EXISTENCE OF DIFFERENT OPINIONS DOES NOT PROVE RELATIVISM

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.16

To make the point clearer, consider a very different matter. In some societies, people believe that the earth is flat. In other societies, such as our own, people believe that the earth is (roughly) spherical. Does it follow, FROM THE MERE FACT THAT THEY DISAGREE, that there is no 'objective truth' in geography? Of course not; we would never draw such a conclusion because we realize that, in their beliefs about the world, the members of some societies might simply be wrong. There is no reason to think that if the world is round everyone must know it. Similarly, there is no reason to think that if there is a moral truth everyone must know it. The fundamental mistake in the Cultural Differences Argument is that it attempts to derive a substantive conclusion about a subject (morality) from the mere fact that people disagree about it.

MPP1-47 DIFFERENCES AMONG MORAL CODES LIMITED

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.24

There is a general theoretical point here, namely, that THERE ARE SOME MORAL TRUTHS THAT ALL SOCIETIES WILL HAVE IN COMMON, BECAUSE THOSE RULES ARE NECESSARY FOR SOCIETY TO EXIST. The rules against lying and murder are two examples. And in fact, we do find these rules in force in all viable cultures. Cultures may differ in what they regard as legitimate exceptions to the rules, but this disagreement exists against a background of agreement on the larger issues. Therefore, it is a mistake to overestimate the amount of difference between cultures. Not EVERY moral rule can vary from society to society.

MPP1-48 SOME MORAL STANDARDS ARE UNIVERSAL
William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.143

One fundamental view which is maintained by the theory of the moral standard as a law of nature is that morality is objective. It may be admitted, as we have already seen, that different civilizations and different ages have had slightly different moralities, but they have never had entirely different moralities. Mr. C. S. Lewis puts it in this way in this BROADCAST TALKS: 'think of a country where people were ADMIRER for running away in battle, or where a man felt PROUD of double-crossing all the people who had been kindest to him. You might just as well try to imagine a country where two and two made five.'

MPP1-49 SOME MORAL STANDARDS ARE UNIVERSAL
James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.22

And because complex societies cannot exist without regular communication among their members, society would become impossible. It follows that in any complex society there MUST be a presumption in favor of truthfulness. There may of course be exceptions to this rule: there may be situations in which it is thought to be permissible to lie. Nevertheless, these will be exceptions to a rule that IS in force in the society.

MPP1-50 DIFFERENT CUSTOMS DON'T ENTAIL DIFFERENT VALUES

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.19-20

Many factors work together to produce the customs of a society. The society's values are only one of them. Other matters, such as the religious and factual beliefs held by its members and the physical circumstances in which they must live, are also important. We cannot conclude, then, merely because customs differ, that there is some disagreement about VALUES. The difference in customs may be attributable to some other aspect of social life. Thus there may be less disagreement about values than there appears to be.

MPP1-51 RELATIVISM UNDERMINES THE CONCEPT OF SOCIAL REFORM

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.18-19

Our idea of social REFORM will also have to be reconsidered. A reformer such as Martin Luther King, Jr., seeks to change his society for the better. Within the constraints imposed by Cultural Relativism, there is one way in which this might be done. If a society is not living up to its own ideals, the reformer may be regarded as acting for the best: the ideals of the society are the standard by which we judge his or her ideals themselves, for those ideals are by definition correct. According to Cultural Relativism, then, the idea of social reform makes sense only in this very limited way.

MPP1-52 RELATIVISM JUSTIFIES SLAVERY

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.6

The opposite view--that ethics is always relative to a particular society--has most implausible consequences. If our society disapproves of slavery, while another society approves of it, we have no basis to choose between these conflicting views. Indeed, on a relativist analysis there is really no conflict--when I say slavery is wrong I am really only saying that my society disapproves of slavery, and when the slaveowners from the other society say that slavery is right, they are only saying that their society approves of it. Why argue? Obviously we could both be speaking the truth.

MPP1-53 ROSS'S DEONTOLOGICAL THEORY PROVIDES A MIDDLE GROUND

John Hospers, Philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.206

It is situations like these that have prompted some moral philosophers to try to find a middle ground between the Kantian and utilitarian views. Such a theory was worked out by Richard Price in the eighteenth century, but its best-known exponent in our own day is the British philosopher Sir David Ross (1877-1971). According to Ross, there are a number of distinct sources of obligations, which cannot be reduced either to a set of unbreakable rules or to the duty to promote the maximum good.

MPP1-54 ROSS'S ETHIC REFLECTS ACTUAL MORAL COMPLEXITY

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.210-11

Still, in spite of its vagueness, Ross's account is not useless in estimating our duties. We do have to take all the factors he mentioned into consideration; the simple utilitarian criterion of good maximization won't do, and most people already assent to this. What to do when one kind of prima facie duty conflicts with another is always a problem, and it is in this area--at the junctions of our moral concepts--where the most agonizing moral conflicts occur. Ross is concerned primarily to 'do justice to all the data,' which he believed utilitarianism fails to do. Admittedly his account makes moral decision making more complex, but that is something we have to live with; his account of several duties is also conceptually messier than if we had just a single kind of duty such as the utilitarian, but so be it. 'I didn't invent all this,' he might say. 'Don't you agree that fidelity, gratitude, and so on are duties which are not reducible to the duty of good maximization? And if that's so, then you have to live with it too. If vagueness results, and cases become undecidable, that's regrettable, but that's the way it is. As Aristotle said, let's not demand more precision of a subject matter than that subject matter permits.'

MPP1-55 ROSS'S ETHIC RESOLVES CONFLICTING DUTIES.

William Frankena, professor of philosophy, University of Michigan, ETHICS, 1973, p.26

W.D. Ross, who is a rule-deontologist, deals with the difficulty pointed out in this stock objection partly by retorting in the way just indicated, but he also has another answer. He distinguishes between ACTUAL duty and PRIMA FACIE duty, between what is ACTUALLY right and what is PRIMA FACIE right. What is actually right or obligatory is what we actually ought to do in a particular situation. About what we actually ought to do in the situations of life, which often involves the conflicts referred to, there are and can be, Ross admits, no rules that do not have exceptions. 'Every rule has exceptions,' that is, every rule of actual duty has exceptions. But there still may be and are, Ross contends, exceptionless rules of prima facie duty. Something is a prima facie duty if it is a duty other things being equal, that is, if it would be an actual duty if other moral considerations did not intervene.

MPP1-56 ROSS'S ETHIC RESOLVES CONFLICTING DUTIES

William Frankena, professor of philosophy, University of Michigan, ETHICS, 1973, p.36

Accordingly, Ross suggests that one can formulate a number of moral rules that hold without exception as rules of prima facie, though not of actual duty. That one ought to keep one's promises is always valid as a rule of prima facie duty; it is always an obligation one must try to fulfill. But it may on occasion be outweighed by another obligation or rule of prima facie duty. Or, to use a different phrase, the fact that one has made a promise is always a right-making consideration, it must always be taken into account; but there are other such considerations, and these may sometimes outweigh it or take precedence over it when they are in conflict with it.

MPP1-57 ROSS'S ETHIC EXPLAINS THE IMPORTANCE OF PROMISE KEEPING

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.207-08

Suppose I have a choice between two acts, A and B. By doing A, I would be keeping a promise and producing a total of 1,000 net units of good; by doing B, I would be breaking a promise and producing a net total of 1,001 units of good. According to utilitarianism, I should do B. But Ross says this is mistaken: I should consider not only how much good I can do, but also the fact that I have made a promise in the past, the keeping of which is not merely a matter of producing the most good.

MPP1-58 ROSS'S ETHIC EXPLAINS THE IMPORTANCE OF PROMISE KEEPING

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.38

Do we really think that the production of the slightest balance of good, no matter who will enjoy it, by the breach of a promise frees us from the obligation to keep our promise? We need not doubt that a system by which promises are made and kept is one that has great advantages for the general well-being. But that is not the whole truth. To make a promise is not merely to adapt an ingenious device for promoting the general well-being; it is to put oneself in a new relation to one person in particular, a relation which creates a specifically a new PRIMA FACIE duty to him, not reducible to the duty of promoting the general well-being.

MPP1-59 MORAL OBLIGATIONS ARE ABSOLUTE

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.1

The demands of morality are inexorable, and our avocation for morality is the basis of our worth as persons.

MPP1-60 MORAL OBLIGATIONS ARE ABSOLUTE

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.8-9

Right and wrong have an independent and overriding status because they establish our basic position as freely choosing entities. That is why nothing we choose can be more important than the ground--right and wrong--for our choosing. Right and wrong are the expressions of respect for persons--respect for others and self-respect.

MPP1-61 DOING NO WRONG IS A MORAL ABSOLUTE

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.2

Our first moral duty is to do right and to avoid wrong. We must do no wrong--even if by doing wrong, suffering would be reduced and the sum of happiness increased. Indeed, we must not do wrong even in order to prevent more, greater wrongs by others.

MPP1-62 DOING NO WRONG IS A MORAL ABSOLUTE

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.42

Finally, there can be no doubt that my argument for an absolute prohibition of direct or intentional harm must operate to some extent at the expense of the interest of all those others who do not come into this specially stringent circle of concern. For there must be instances where only by doing intentional harm could I ward off greater harm from perhaps many others. And still I must do no harm.

MPP1-63 NEGATIVE DUTIES OUTWEIGH POSITIVE DUTIES

Charles Fried, Harvard Law school, RIGHT AND WRONG, 1978, p.19

Another suggestion to account for the stringency of what I call the norms of right and wrong is the distinction offered by Philippa Foot between positive and negative duties. The proposal is that positive duties--duties to confer benefits or to prevent harm from occurring-- are more easily outweighed (for instance by our wish to pursue our own interests) than are negative duties. Negative duties, duties NOT to harm others, Foot asserts, are far more insistent. This distinction would explain why it may be forbidden to ward off evil from one person by inflicting a lesser evil on another.

MPP1-64 NEGATIVE DUTIES OUTWEIGH POSITIVE DUTIES

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.209

There is the duty of NON-MALFEASANCE, that is, the duty of refraining from harming others. Ross considers the duty of non-maleficence, or of not harming others, as a stronger prima facie duty than that of beneficence, or helping them. I may not have a duty to help everyone I meet on the sidewalk, but I do have a duty to refrain from harming them.

MPP1-65 ACTS ARE MORE IMPORTANT THAN OMISSIONS

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.20

Categorical norms are morally possible because they are concerned with what we do, rather than with what we allow to happen. To be sure morality is concerned in some way or another with all the consequences to which we might contribute or which we might avoid. The categorical norms, however, designate what it would be wrong to DO.

MPP1-66 ACTS ARE MORE IMPORTANT THAN OMISSIONS

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.1

I do not know whether the doctrines of religion are true or false, but I do believe that the concept of personal responsibility, which lies at the heart of the problem of evil, lies at the heart of moral philosophy as well. The moral vision which I shall be investigating distinguishes between the evil which a moral agent does and the evils which he allows to occur.

MPP1-67 ACTS ARE RIGHT IN THEMSELVES, REGARDLESS OF CONSEQUENCES

William Lillie, professor of philosophy, King's college, AN INTRODUCTION TO ETHICS, 1957, p.218-19

We must admit that most of the actions which deontologists call right or morally good have effects of two kinds. (a) They produce consequences which are intrinsically good such as human fellowship or pleasure. The strict deontologist holds that the action would still be right even if it were not to produce the intrinsically good consequence, and he has the support of the common man in that view. Honesty may be generally the best policy in the sense that it produces the best possible consequences, but a man is still right to be honest in cases where he knows quite well that in his particular circumstances his honest action is to have an unfortunate result.

MPP1-68 PRODUCING LESS THAN THE MAXIMUM GOOD IS SOMETIMES JUSTIFIED.

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.34

It might seem absurd to suggest that it could be right for any one to do an act which would produce consequences less good than those which would be produced by some other act in his power. Yet a little thought will convince us that this is not absurd. The type of case in which it is easiest to see that this is so is, perhaps, that in which one has made a promise. In such a case we all think that PRIMA FACIE it is our duty to fulfill the promise irrespective of the precise goodness of the total consequences. And though we do not think it is necessarily our actual or absolute duty to do so, we are far from thinking that any, even the slightest, gain in the value of the total consequences will necessarily justify us in doing something else instead.

MPP1-69 MOTIVES, NOT CONSEQUENCES, ARE KEY
C.E. Harris, Texas A&M, APPLYING MORAL THEORIES,
1986, p.72

Consequences cannot be used to determine moral judgments because we must make moral judgments by evaluating the motives of the person performing the action.

MPP1-70 RESPECT FOR PERSONHOOD IS AN ABSOLUTE PRINCIPLE

Charles Fried, Harvard law school, RIGHT AND WRONG, 1978, p.29

The value of personhood--as I will argue in detail throughout this book--far from being chosen, is the presupposition and substrate of the very concept of choice. And that is why the norms surrounding respect for person may not be compromised, why these norms are absolute in respect to the various ends we choose to pursue.

MPP1-71 RESPECT FOR PERSONHOOD IS AN ABSOLUTE PRINCIPLE

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.29

What we may not do to each other, the things which are wrong, are precisely those forms of personal interaction which deny to our victim the status of a freely choosing, rationally valuing, specially efficacious person, the special status of moral personality.

MPP1-72 IMMEDIATE EFFECTS HAVE ETHICAL PRIORITY

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.35

Our ethical constructs attach a peculiar importance to that which is done directly, immediately, because it is through such actions that we first learn about our capacities and our efficacy.

MPP1-73 DEONTOLOGICAL CONCERNS OUTWEIGH ALL BUT THE STRONGEST CONSEQUENCES

C.E. Harris, Texas A&M, APPLYING MORAL THEORIES, 1986, p.165-66

Moral philosophers have reached some consensus about what should be done when utilitarianism and the ethics of respect for persons disagree. In general, the ethics of respect for persons should prevail except when utilitarian considerations are very strong. Thus it would not be morally permissible to kill a person and use his organs to save lives of several other people, even though greater overall utility would be produced.

MPP1-74 RIGHTS ARE MORAL CLAIMS WHICH OVERRIDE GENERAL WELFARE

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.83-4

Notoriously, writers disagree over what rights we have. Some assert only negative rights to liberty and protection from harm from others, while others assert positive rights to particular goods and services. But there is rough agreement about what a right is. Rights are normative considerations that have a distinctive dialectical force in moral and political debate. They protect important or fundamental interests that individuals have by placing a limit on what may be done to individuals even in pursuit of otherwise valuable social goals. Nozick, for example, understands rights as "side-constraints" on the pursuit of the good, and Dworkin understands rights as "trumps" over considerations of policy or the promotion of valuable goals. The basic idea is that if an agent has a right to something, then she cannot be deprived of it --- it would be wrong to deprive her of it - merely on the ground that we could promote the general welfare by doing so.

MPP1-75 ALL MORAL VIEWS CONSIDER CONSEQUENCES

Samuel Freeman, Professor of Law, University of Pennsylvania, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.348

First, the teleology/deontology distinction does not mark a contrast between moral conceptions that take consequences into account and those that do not. No significant position has ever held consequences do not matter in ascertaining what is right to do.

MPP1-76 DEONTOLOGY IS CONCERNED WITH CONSEQUENCES

Samuel Freeman, Professor of Law, University of Pennsylvania, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.323

Deontological views are often discussed as if they have no account of the Good, and are not concerned with the consequences of our acting on the principles advocated. But this surely is a misinterpretation of Kant and modern Kantians such as Rawls and Scanlon. (I doubt it even applies to W. D. Ross Prichard or any other serious Intuitionist view.) Any deontological theory that does not take consequences into account in formulating its principles, or in applying them to reach moral judgments, is not due serious attention. That is simply not the issue between deontological and teleological (or consequentialist) views.

MPP1-77 INDOCTRINATING A CHILD FAILS TO TREAT HIM OR HER AS AN END

John Wilson, Director Farmington Trust Research Unit, Oxford, CONCEPTS OF INDOCTRINATION, I.A. Snook, editor, 1972, p.101

Roughly, if I illegitimately (whatever this may mean) persuade a child to think that God will punish him for masturbating, this is indoctrination; if I give him a feeling of fear and repulsion about it, this is conditioning; if I tie his hands behind his back, this is force. Our worry about all these practices is that they diminish freedom. This worry, incidentally, is not removed by saying that children are small, ill-informed, irresponsible, etc.: for the same arguments could be applied to backward Africans, those with IQs of ninety, extreme neurotics, and so forth. A child of, say twelve is certainly a person; and if we are not going to treat him as an end in himself, we must be able to justify it. No phrase like 'in his own best interests' will do the job: it can only be done by some kind of contract or mandate theory.

MPP1-78 ONLY FREE EDUCATION RESPECTS PERSONHOOD-INDOCTRINATION IS SLAVERY

William Kilpatrick, Columbia Education Professor, CONCEPTS OF INDOCTRINATION, I.A. Snook-Editor, 1972, p.47

The education thus far discussed in an education designed to free the whole personality of the learner for the fullest living, for the best and most independent exercise of all his powers, for the control of his own destiny. This alone we have counted true respect for the personality. It was further brought out that without such development the individual is not free in perhaps the most important sense, that true and effective freedom depends thus as much on inner growth, on the ability to use the mind effectively, as on the absence of external restraint. In fact, it might be said that a condition of inner slavery is the worst kind of slavery; such an individual has no wish to change his status, he even fights against his true freedom. To aid the individual, then, to the fullest use of his powers, to fullest intelligent and responsible self-direction and effectiveness, is to give the greatest possible respect to his personality. But teachers have not always thus sought to respect the personalities of those studying under them; many today still act otherwise. In other words, teachers have too often cared more for the subject-matter they teach or the cause they represent than for human personality. In the early days of the Protestant Revolt, for example, both sides alike competed for proselytes, each side struggling to get control of as many youths as they could in the effort to fasten their respective doctrines upon the minds and hearts of the young under their care.

MPP1-79 INDOCTRINATION ENSLAVES THE CHILD, USING IT AS A MEANS

William Kilpatrick, Columbia Education Professor, CONCEPTS OF INDOCTRINATION, I.A. Snook-Editor, 1972, p.50-1

Under the influence of the Enlightenment and democracy, we began to see that to fix beliefs indelibly in the child is to enslave him to his teachers. In the degree that the child cannot, or will not, later reexamine such early implanted beliefs is he unable to think for himself is to that extent failing to respect his personality, and specifically, to help him build the character needed for democracy. No teaching is ethically defensible which knowingly and willingly hides from any person any matter within his grasp which will help him to think more adequately. So to teach is to fail of the ethical and democratic demand to treat the individual always as an end and never as means merely.

MPP1-80 INDOCTRINATION CREATES A STATE OF SELF-DECEPTION

John Wilson, Director Farmington Trust Research Unit, Oxford, CONCEPTS OF INDOCTRINATION, I.A. Snook, editor, 1972, p.102

The rough answers to this is that indoctrinated beliefs are those which a person thinks that he has accepted freely, for good reasons, but which in fact he has accepted when his will and reason have been put to sleep or by-passed by some other person, who has some sort of moral (as we significantly say) hold over him by virtue of his authority or some other power-bestowing psychological factor. The indoctrinated person, as Sartre would say, is in a state of self-deception: he is sleepwalking or in extreme cases double-thinking. His belief cannot be totally irrational, i.e. non free and non-reasoned, otherwise it would not be a belief--and perhaps some utterances which we take to be beliefs are not really so; but it is irrational to the extent that it is indoctrinated. It may be irrational because he is stupid or misinformed or neurotic: what characterizes indoctrination is that another person has deliberately tried to implant the belief.

MPP1-81 RESPECT FOR PERSONALITY IS THE PARAMOUNT VALUE

William Kilpatrick, Columbia Education Professor, CONCEPTS OF INDOCTRINATION, I.A. Snook-Editor, 1972, p.50

The conclusion of the whole matter, it appears, is that democracy and ethics must at bottom respect the personality of all concerned, to develop each as best possible toward more effective use of his mind and toward intelligent and responsible free play of intelligence. On this we must stand. Such respect for personality is indeed the most sacred thing among men.

MPP1-82 THE WORST TYRANNY IS OVER THE MIND

William Kilpatrick, Columbia Education Professor, *CONCEPTS OF INDOCTRINATION*, I.A. Snook-Editor, 1972, p.48

This modern attitude of condemning such indoctrination is not limited to the present day. Dorden spoke definitively in 1687: By education most have been misled, so they believe, because they were so bred. The priest confirms what the nursery began, And thus the child imposes on the man. Hind and Panther.' And further, at the 1807 dedication of Milton (Mass) Academy, Rev Thomas Thatcher said: 'A Preceptor has no right to inculcate his peculiar sentiments in theology on the mind of the pupil.' And Bronson Alcott, is quoted as saying: 'The true teacher defends his pupils against his own personal influence.' Professor Raphael Demos of Harvard has recently said: 'We mould material things into the pattern of human ends. But we do not mould human beings, and do not wish to do so. That way lies indoctrination, propaganda, the worst tyranny of all because it is tyranny over the human mind.

MPP1-83 EARLY INDOCTRINATION MUST BE MADE WITH AN EYE TO TRANSCENDENCE

William Kilpatrick, Columbia Education Professor, *CONCEPTS OF INDOCTRINATION*, I.A. Snook-Editor, 1972, p.49

Possibly some indoctrination is thus inevitable with younger children but even in these cases the ultimate intent should be to the contrary. For example, we will work as best we can to build the habit of truthfulness in the young child, and we must begin this before he can understand why lying is a bad social practice. But as soon as we can and as fast as we can we lead him to see the social reasons for truthfulness. The practice of honesty in the form of not stealing can be taught on a basis of understanding way earlier than truth-telling; for the child can easily understand how he would feel if someone should take his toys. In all cases where habits are desirable, we teach the habit even though the why has to come later. Even if there is controversy as to what is right, the parent or teacher will still teach his own best insight as to the proper habit. As soon as possible, however, the child, now grown older, should be helped to get a reliable understanding of what is socially and morally involved, so that he may be intelligent in his moral conduct. Ultimately, when adolescence has well advanced, the youth should be encouraged to review critically both his habits and the earlier accepted why of those habits and attitudes. He does this in order that he may now make both habit and reason really his own. Previously, he had learned them as a child, when he thought as a child.

MPP1-84 REJECTION OF PATERNALISM ASSUMES A DEONTOLOGICAL PERSPECTIVE

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.111

The point of collision, between my analysis and deontological ones which I reject is suggested by the subtitle of Donald VanDeVeer's book, *PATERNALISTIC INTERVENTION: THE MORAL BOUNDS OF BENEVOLENCE*. VanDeVeer's position is based on respect for persons rather than concern for their welfare. From my point of view there are no moral bounds to (rational) benevolence.

MPP1-85 VALID DEONTOLOGICAL ARGUMENT JUSTIFIES REJECTING ALL PATERNALISM

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.28

The consensus, then, is that one must look elsewhere than to the utilitarian tradition for a theoretical framework in which principled objections to paternalism can be found. Deontological theories often employ the notion of moral autonomy to stress the dignity and inviolability of the person. What is valuable about persons, according to this tradition, is their ability to follow laws that are self-imposed, formulated by exercises of their capacity to deliberate and reason. Surely the essence of the best general objection to paternalism is that such interferences treat persons as less than fully autonomous agents. Such a consideration, if cogent, provides a general objection to paternalism, that is, an objection to paternalism, that is, an objection to paternalism qua paternalism which applies, though perhaps with varying force, to each and every paternalistic interference. The applicability of such a general objection does not entail that its force cannot be overcome by good reasons for believing that a particular instance of paternalism is nonetheless justified. But if the incompatibility of autonomy and paternalism can be established, opponents of paternalism have at least a prima facie objection to each and every instance of paternalism which the proponents of such an interference must rebut.

MPP1-86 PATERNALISM VIOLATES KANTIAN PRINCIPLES

John Kleinig, Macquarie University Philosopher, PATERNALISM, ed. Rolf Sartorius, 1983, p.28

Although nineteenth-century liberals defend liberty in the name of a certain conception of human development, the crucial place of choosing to that development leaves them within walking distance of Kant. The language is different, but the drift is much the same. For Kantians, the capacity for choice marks out the individual as a distinct source of reasons, an end rather than merely a potential instrument to someone else's ends. The capacity for choice constitutes the individual an object of respect--demanding our forbearance--even if not, until that capacity is sufficiently refined and creatively employed, an object of worth. The capacity for choice gives the individual standing, an equality of position with others in virtue of which his or her judgment and projects may not be subjugated to theirs. This Kantian version we may call the Argument from Disrespect for Persons. Paternalism, then, is seen as a violation of the demands of individuality, or as a usurpation of the standing properly belonging to a chooser. In paternalism, one party imposes upon another his or her own conception of a path to good. Some part of the paternalized party's life-plan or pattern is made the construction of others.

MPP1-87 RESPECT FOR PERSONS MEANS RESPECTING THEIR CHOICES

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.4-5

In some situations it seems that invasively interfering with the activities of another competent person is to fail to pay due respect to that person as a moral equal. Competent persons are centers of cognition and originators of decisions, decisions affecting the welfare and life-direction of the decision-maker. Here the contrast with nonsentient entities is striking. Surely part of what is involved in the quasi-opaque notion of treating something as an object (e.g., a shovel) is that we influence or control its destiny, and in doing so we do not oppose its will, for it has none; nor do we substitute our judgment for it, for it lacks judgment. In contrast, respecting a person must involve, in some fashion, not undermining that person's decision-making capacities, his decision-process, or rendering the latter impotent to eventuate in chosen outcomes.

MPP1-88 PATERNALISTIC INTERVENTION TREATS OTHERS AS MORAL INFERIORS

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.423-4

Although persons may not legitimately pursue goals which, on balance, wrong others, they have no determinate fixed ends which they must pursue. Thus, we cannot, in the absence of their valid consent, foist our conception of their good or the good on our moral equals when they choose and act in ways wronging no others. Morality we cannot invasively intervene to see that they achieve 'natural ends,' 'what is for their own good,' 'their own moral good,' or what would 'respect humanity in oneself.' To do otherwise is to view and treat other competents as our moral inferiors, as welfare receptacles, or as moral-good containers to be filled.

MPP1-89 PATERNALISM DEBASES OTHERS

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.425-6

That such acts or practices sometimes prevent harm or promote certain welfare-interests of subjects tend to blind us to the morally significant cost of such policies, namely, the failure to respect competent persons with unique conceptions of the good. In some cases such intervention not only blocks competent persons from acting on cherished moral principles, from pursuing their central life plans, or from avoiding the degradation of being treated as an inferior; it also imposes useless pain, for example, when voluntary euthanasia by competents is disallowed and a miserable existence is perpetuated. In other cases harms are prevented but only at the cost of making a mockery of another's life, as, for example, when a person dying of cancer is deceived against his will and he is allowed foolishly to dream dreams or pursue goals impossible to realize, and others 'guiltily' cooperate in preserving the delusion.

MPP1-90 DENIAL OF FREE CHOICE DEHUMANIZES

Peter McWilliams, Freelance Writer, AINT NOBODY'S BUSINESS IF YOU DO, 1993, p.24

Freedom is the right to choose: the right to create for oneself the alternatives of choice. Without the possibility of choice and the exercise of choice of man is not a man but a member, an instrument, a thing.

MPP1-91 PATERNALISTIC PRACTICES INEVITABLY VIOLATE RIGHTS

Rolf Sartorius, University of Minnesota Philosopher, PATERNALISM, 1983, p.xii

Paternalistic practices may succeed in preventing the majority of those who come within their clutches from irrationally or involuntarily harming themselves; their rights, on an account like Feinberg's or Dworkin's, are surely not violated. But what of those who will inevitably be mistakenly identified as proper candidates for paternalistic treatment? Their rights will have been violated. And, unless one adopts the view that proper candidates for paternalistic treatment have a right (a 'welfare right'?) to be paternalized, this implies an important asymmetry. With respect to virtually all paternalistic policies that are of interest, adopting them is virtually certain to require violating the rights of some, whereas failure to adopt them can be argued to violate the rights of none. If, as many recent writers have urged, rights are to be taken seriously, and if taking them seriously requires treating them as side constraints on the morally permissible use of coercion against others, recognition of a right to liberty of action may require the rejection of virtually all the coercive forms of paternalism that our society has adopted.

MPP1-92 COMPETENT PERSONS HAVE A RIGHT TO SELF-DIRECTION

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.423

I have argued that competent persons have a right to direct their own conception of the good by virtue of their capacities reasonably to form and revise such a conception and pursue it in ways which wrong no others. This limited attribution of a basic autonomy right, is then, not a right to do as one pleases. Nor is it a right possessed by all sentient creatures or even all human beings. In principle, it is a right which could be possessed by being of other species. In this respect the theory defended here is part of a theory of respect for (competent) persons.

MPP1-93 COMPETENT PERSONS HAVE A RIGHT TO CHOOSE

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.446

Competent persons, as our moral equals, deserve our respect. Invasive intervention in their lives, when they wrong no others, treats them, in the absence of their valid consent, as inferiors, disregarding or discounting their conception of the good, for the sake of preventing harmful outcomes or promoting beneficial ones. If my argument here is sound, the unrestricted pursuit of these latter aims is misguided. Neither is there an unqualified duty to do so nor is it unqualified permissible to do so. With competent persons we must respect their right to choose and not just 'right choices.'

MPP1-94 REJECTING PATERNALISM GIVES OPPORTUNITY TO LIVE UNIQUE LIVES

Donald VanDeVeer, North Carolina State Philosopher, PATERNALISTIC INTERVENTION, 1986, p.446

Given the specifically stringent duty to respect competent persons and not invasively to intervene in their efforts to pursue their conception of the good, those who are allowed to be arbiters of their own lives will act in more or less rational ways, with more or less true beliefs, will choose more or less rational ways, with more or less true beliefs, will choose more or less risky endeavors, and may or may not pursue a concept of the good with which we agree or approve. If we respect them, however, and if they have reasonable propitious circumstances, they will play their own hand, pursue the good as they see it, and will enjoy the dignity of being our moral equals--as others, like us, who are centers of will, purpose, originators of ultimate ends, and responsible for their choices. They will not be degraded as inferiors, treated without respect, or viewed only as utility locations--to be deceived, forced, coercively threatened, or otherwise wrongfully manipulated so as to prevent their 'coming to a bad end.' Rather, they will be afforded the opportunity to live their own unique lives as comparatively free and reasoned beings.

MPP1-95 PATERNALISM EXPRESSES DOMINATION

Marion Smiley, SUNY-Albany political scientists, JOURNAL OF VALUE INQUIRY, 1989, p.310

Once we recognize that paternalism involves a particular sort of relationship, and a related set of social roles, two things follow. First of all, our criticism of paternalism becomes broader. Among other things, paternalism begins to strike us as unacceptable not only because it undermines individual free choice, but because it perpetuates (or at least expresses) relationships of domination and inequality among individual members of a community.

MPP1-96 WE VALUE AUTONOMY AS AN END IN ITSELF

Jonathan Glover, Oxford Philosopher, CAUSING DEATHS AND SAVING LIVES, 1977, p.80

Reasons have been given for thinking that the mental-state utilitarian and the believer in respecting people's autonomy will often act in the same way. Our preference for taking our own decisions is partly based on the greater likelihood of this bringing about outcomes we find satisfactory in other ways. But this is not the whole story. For many of us would not be prepared to surrender our autonomy with respect to the major decisions of our life, even if by doing so our others' satisfactions were greatly increased.

MPP1-97 THE VALUE OF AUTONOMY IS PROVEN BY OUR AVERSION TO BRAVE NEW WORLD

Jonathan Glover, Oxford Philosopher, *CAUSING DEATHS AND SAVING LIVES*, 1977, p.84

Suppose people's marriage partners and jobs were chosen by experts, and that studies showed a far higher-level of satisfaction among those whose marriages and jobs were so chosen than among people who made their own arrangements. Even so many of us would prefer not to delegate such important decisions, for if we did so we would lose the sense of living our own lives, and we prefer to forgo a great deal of happiness, or this way. No doubt there are disasters (being hideously tortured or going mad) which we might if necessary sacrifice all autonomy to avoid, but perhaps for some of us there is no degree of additional pleasure for which we would surrender control of the central decisions of our lives. It is this that partly underlies the revulsion, so hard for a mental-state utilitarian to explain, which many people have at the thought of Brave New World.

MPP1-98 CHOICE MAKING DISABILITIES AREN'T A MATTER OF PERSONAL FAULT

Richard Arneson, University of California-San Diego Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.423

But on anybody's conception of fault the prudential disabilities that separate more and less able agents are surely in very considerable part due to accidents of genetic endowment and variously favorable early childhood circumstances that do not lie within the agent's control and for which he cannot be either praiseworthy or blameworthy. So even if we accept that it is sensible to attribute some prudential failings of individuals to personal fault, these attributions cannot reconcile us to regarding as fair the great bulk of welfare that separate more and less able agents. Paternalism remains in the running as one morally appropriate response to some of these pervasive and disquieting inequalities.

MPP1-99 PATERNALISM NEED NOT INVOLVE MORAL INEQUALITY

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.41

I shall now argue that the characterization of paternalism as necessarily involving a relation between unequals is deficient. There are, of course, numerous cases in which an attitude of superiority underlies paternalistic treatment. But the claim that such an attitude necessarily accompanies the paternalistic relation is false, and may result from focusing attention on instances of paternalism that need not be accepted as paradigmatic. So long as attention is directed to a relation such as that between parent and child, one is likely to hastily conclude that inequality is essential to all paternalistic interferences. But many instances of paternalism that seem at least *prima facie* appropriate do not take place between unequals at all.

MPP1-100 PATERNALISM TOWARD ONESELF PROVES IT NEED NOT DISPLAY DISRESPECT

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.44-5

Once one is aware of the phenomenon of paternalism towards oneself, one finds many examples of such behavior. Many taxpayers fail to claim all the exemptions to which they are entitled in preparing the relevant withholding forms. Consequently, the internal revenue service is allowed to retain money not owed to it. Such taxpayers are aware that there may be occasions in which they will desire to have the money in hand--in fact, it is their awareness of this likelihood that underlies their decision to allow the money to be withheld. Many such taxpayers anticipate their inability to pay their tax when due, and protect themselves from this contingency by allowing the government to retain a portion of their earnings so that no tax must be paid. An agent who acts from this reason treats himself paternalistically in voluntarily consenting to measures which subsequently interfere with his liberty to act according to his desires. The recognition that such cases count as genuine instances of paternalism is contrary to the hypothesis that paternalism necessarily involves a lack of respect, or an attitude of inequality between persons. Surely it is facetious to suggest that Odysseus had greater self respect when he issued the order to be bound than when he demanded to be released. Nor need the taxpayer who allows his income to be withheld regard himself as morally superior to himself at those times when he would prefer to have the money in hand.

MPP1-101 INTERPERSONAL PATERNALISM OPERATES WITHOUT MORAL INEQUALITY

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.45

Once the intuition that paternalism involves a deprivation of autonomy is weakened, it becomes easier to appreciate that many examples of paternalism towards others are analagous. Suppose my wife and I are equally tempted by baked goods, equally aware that such foods are not in our interest, and equally possessed of the willpower to resist them. We meet in the late afternoon and pass a bakery on the way home to dinner. I am tempted while she is not, for she has eaten a large lunch while I have had little to eat since Breakfast. If I were alone, I would stop in the bakery for a snack. But she interferes with my choice by refusing (over my objection) to stop the car. The point of this example, of course, is that it would be peculiar to say that her paternalistic treatment betrayed a lack of respect for me, or was evidence of her attitude of moral superiority. If she were hungry and I were not, I might resort to similar tactics to dissuade her. Again it is simply a circumstance (namely hunger) and not a shortcoming or deficiency of character that renders her paternalistic treatment appropriate. Such examples simply do not involve those features that a number of philosophers have claimed to characterize paternalism.

MPP1-102 PATERNALISM CAN INVOLVE RESPECT FOR AUTONOMY

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.45-6

An awareness that paternalism operates in cases in which there is no relationship of superior to inferior, no shortcoming or deficiency of character, and no lack of respect, does much to challenge the intuition that paternalistic interferences necessarily involve deprivations of moral autonomy. Paternalism no longer appears to be a means of which one's autonomy is inevitably compromised. Instead, paternalism can be recognized as one means among many by which agents may indicate serious concern for their future well-being. An indication of such concern may not represent a denial of one's autonomy so much as an expression of it.

MPP1-103 MORAL AUTONOMY ISN'T ALWAYS UPHELD AS AN ANTI-PATERNALISM

Douglas Husak, Philosopher at Rutgers University, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1980, p.35

Hence even philosophers who have stressed the importance of moral autonomy in the attempt to distinguish justified from unjustified paternalism have eventually formulated (or should accept modifications of) criteria of justified paternalism in which the notion of autonomy does not play a central role. This fact creates the suspicion that moral autonomy may not be a serious barrier to the attempt to justify some instances of paternalism.

MPP1-104 RESPECT FOR PERSONS DOESN'T CLEARLY BAR PATERNALISM

Donald VanDeVeer, North Carolina State Philosopher, *PATERNALISTIC INTERVENTION*, 1986, p.5

If we grant the immense attractiveness of recognizing what Ronald Dworkin has described as each person's equal right to concern and respect, difficult questions nevertheless remain about what constitutes extending concern and respect to persons. It seems that if we are to care about persons we sometimes ought to disrupt their lives to preserve their well-being or even advance it; that is, recognition of such a right seems to require some paternalistic intervention in their lives. Still if we are to respect persons as decision-makers (or indeed as particular kinds of decision-makers; as directors of their own lives), then we ought not to disrupt their deciding or render it impotent. In short, there is a perplexity about what it is to respect persons, and that perplexity can be conceived, in part, as one about the question: under what conditions, if any, it is permissible to intervene invasively in the lives of competent persons with the aim of promoting their own good? Alternatively, when, if at all, is paternalistic interference with competent persons morally acceptable?

MPP1-105 PATERNALISM DOESN'T IMPOSE VALUES ON ANOTHER

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.110

More to the point, for the paternalist to follow her own conception of the good is not for her to 'require' the beneficiary to adopt her values in the sense of demanding or causing him to do so. His values might very well be left untouched. In the cases of paternalism justified by my principle, there is no attempt at changing the subject's values; there is only an effort to alter a limited portion of his life, to divert him from particular goals or activities and restrict his autonomy in a limited way. There certainly need be no effort to subvert his basic plan of life, much less undermine his power to make choices. It is thus perfectly possible to engage in limited acts of intervention and maintain a vigorous respect for the subject's capacities for self-direction.

MPP1-106 ANTI-PATERNALISM IMPOSED THE VALUE OF AUTONOMY ON EVERYONE

Richard Arneson, University of California-San Diego Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.435

But the agent's own conception of her good will presumably include a conception of autonomy or personal sovereignty and a weighting of this good against other goods that the agent values for herself. If the agent's choice really is substantially nonoptimizing, then paternalism can better advance the agent's good than her own execution of her own choice, where this good of the agent includes her own relative ranking of autonomy against other values. On what ground does the soft antipaternalist override the agent's own placing of autonomy in her personal scheme of values? From a single-party welfarist consequentialist standpoint, this insistence that 'autonomy trumps' is just another species of perfectionist imposition of values on the agent in defiance of the agent's own considered evaluation.

MPP1-107 INJUSTICE IS INCOMPATIBLE WITH OPTIMIZING VALUE.

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.143

Nor is the point merely that unjust practices are incompatible with the optimizing of value. For a just society is to be esteemed and cherished not because of its abstract structure, but because of the quality of the lives of the individuals who play a part in it or are affected by it. And what is defective about unjust practices, is the value or quality which is avoidably missing from the individual lives affected. Thus it is the difference which distributive justice makes to the satisfaction of needs which gives it its point, and constitutes its justification.

MPP1-108 A SENSITIVE CONSEQUENTIALISM WOULD NOT BE UNJUST

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.143

It follows that consequentialism can, after all, cope with the supposed problem of distributive justice. This problem, as Scheffler remarks, can be surmounted as long as the theory of value allied to consequentialism is a suitably sensitive one.

MPP1-109 A SENSITIVE CONSEQUENTIALISM WOULD NOT BE UNJUST

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.144

Many kinds of consequentialism do seem to be vulnerable to the objection about atrocities, and incapable of generating the rules needed to prohibit them. But the kind defended here, as was argued in the previous section, recognises so great a value in the satisfaction of basic needs as to outlaw disregarding them simply for the sake of the enjoyment of others--and in any envisageable world at that. Accordingly its theory of value is adequate to generate rules and practices which forbid the avoidable nonsatisfaction of these needs. These rules are not, like those of Routleys, constraints on the optimizing value introduced AB EXTRA, but are justified by the overall consequences of their own general recognition.

MPP1-110 UNDER CONSEQUENTIALISM, JUSTICE WOULD RARELY BE OUTWEIGHED

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.146

So much is at stake where rules of justice are involved that where there is a conflict between a rule of justice and any other rule, justice must almost invariably take precedence. And as so much is to be gained by sustaining the rules of justice, the harm which would arise from keeping any one of them would have to be very serious indeed before a breach of the rule could even be considered. (I am not here speaking of that tempering of justice with mercy which, under the name of equity, is well recognized as an expression of justice itself.)

MPP1-111 UNJUST PUNISHMENTS WOULDN'T BE AUTHORIZED BY CONSEQUENTIALISM

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.148

Consequentialism, then, would not authorize a practice involving draconian penalties. As to the 'punishment' of the innocent, this, as John Rawls has pointed out, would not even BE punishment. We can imagine a quite different practice (John Rawls calls it 'telishment'), allowing officials to put on trial and condemn an innocent person as guilty whenever they consider it to be in the best interests of society. But such an institution would have such disastrous consequences as to make it completely unjustifiable (even though something like it is effectively in force in more than a few places in the world).

MPP1-112 CONSEQUENTIALISM UPHOLDS RIGHTS

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.144

Now in practice there is much to be said for rules which outlaw certain courses of action, however advantageous they might sometimes be: rules, for instance, against slavery, torture and blood sports. Often indeed, these prohibitions may find expression in the language of rights. But what is to be said for these rules and these rights consists not only in the widespread intuitive support which they receive but also in the difference which they make, both to their direct beneficiaries and to the entire communities affected. So the basis of these prohibitions could after all lie not in our intuitive outrage but in their consequences.

MPP1-113 CONSEQUENTIALISM UPHOLDS RIGHTS

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.145

Accordingly I follow Richard Hare in finding considerable room for rights within consequentialism (though my different value-theory provides for a somewhat different and, I believe, more secure justification of them.) As Hare points out, there are at least three senses of 'right' in common use. I am sometimes said to have a right to do some thing when I have no obligation not to do it; but I can instead be said to have a right to do something if others have an obligation not to stop me from doing it; and I may also have a right if others have an obligation to see to it that I can do (or get) what I have a right to. Clearly the kind of consequentialism presented here can generate rights of all three sorts.

MPP1-114 ENDS SOMETIMES JUSTIFY MEANS

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.292

For all but the strictest adherent of an ethic of rules, the end some times does justify the means. Most people think that lying is wrong, other things being equal, yet think it right to lie in order to avoid causing unnecessary embarrassment--for instance, when a well-meaning relative gives you a hideous vase for your birthday and asks you if you really like it. If this relatively trivial end can justify lying, it is even more obvious that some important end--preventing a murder, or saving animals from great suffering--can justify lying. Thus the principle that the end cannot justify the means is easily breached. The difficult issue is not whether the end can ever justify the means, but which means are justified by ends.

MPP1-115 ILLEGAL MEANS ARE JUSTIFIED TO RESIST TYRANNY

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.304

The use of illegal means to prevent action is undeniably in accordance with the majority view is harder--but not impossible--to justify. We may think it unlikely that a Nazi-style policy of genocide could ever be applied to a majority vote, but if that were to happen it would be carrying respect for majority rule to absurd lengths to regard oneself as bound to accept majority decision. To oppose evils of that magnitude, we are justified in using virtually any means likely to be effective.

MPP1-116 NO VALID DISTINCTION EXISTS BETWEEN MEANS AND SIDE EFFECTS

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.166

Against absolutism about means, it can be argued that though the distinction between a means and a side effect can be drawn formally, the distinction is sometimes too fine and, in our ordinary thought about actions, too artificial to carry much weight in a practically more viable moral system. It seems absurd to say that I must not use someone's death as a means to some end--say, the saving of many other lives--and yet that I may use as a means to that end something which will inevitably, and to my certain knowledge, carry his death with it. To lay stress on such artificial distinctions is not merely implausible but also morally corrupting.

MPP1-117 CONSEQUENTIALISM DOES NOT REQUIRE SELF-DESTRUCTIVE EFFORTS

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.122

In particular, it would seldom optimize value to risk physical or emotional exhaustion in an unremitting effort to meet the needs of others; the failure to act in this way is thus not an omission for which criticism is in place. (But agents are not, in general, exonerated in the same way of obligations which would cost lesser effort, as opposed to self-destructive effort, and in exceptional cases would not even be exonerated of this.)

MPP1-118 CONSEQUENTIALISM DOES NOT REQUIRE SELF-DESTRUCTIVE EFFORTS

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.117

Optimizing consequentialism should accordingly be modified with regard to matters such as trivial favours and the gratification of desires. Thus acts which produce only unimportant goods or avert only unimportant harms should not be held to be obligatory, unless there is some special reason which makes them so. (There would be a special reason if such an act also fulfills a promise, or discharges one's duty as e.g. a nurse or social worker, or if to act otherwise worsens (even marginally) a serious problem such as pollution. Unimportant goods and harms will be the ones identified as such in Chapters 3 to 5, and will include gratification of desires and preferences, but not the satisfaction of needs.) This position accommodates the judgments of ordinary morality about trivial favours, and also sets some limit to the amount of self-sacrifice which can be looked for, and allows agents significantly more freedom to pursue their projects than an optimising requirement would.

MPP1-119 OTHER'S NEEDS SOMETIMES OUTWEIGH AUTONOMY

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.119

The other part of the reply consists in pointing out that to authorise the projects of agents to override the satisfaction of the needs of others would effectively be to countenance atrocities of neglect. This point, which needs no further elaboration, serves also to reaffirm the conclusion of earlier chapters, that the value of autonomy is in no way incommensurable with that of realisation of needs, but can and often must be weighted up alongside other needs which are similarly basic. Neither it nor they can be allowed to trump one another A PRIORI.

MPP1-120 OTHER'S NEEDS SOMETIMES OUTWEIGH AUTONOMY

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.120

Williams's point seems rather to be that a man's identity is constituted by those projects and commitments which he 'takes seriously at the deepest level, as what his life is about', and that he cannot be expected to abandon them just because he could thus do more good. The kind of integrity which is imperiled, then, is an agent's intactness as a person. In face, however, nothing so far-reaching is implicit in the vast majority of actions involving an agent in personal cost; and in a great many cases much more is at stake for another person (or other creature). Indeed what is at stake is often the conflict of the agents' projects and other people's needs. For example, the Good Samaritan, unlike the man who fell among thieves, had to sacrifice little more than his aloofness and a little time and effort. Thus, as John Harris has pointed out, we CAN (both physically and morally) abandon our projects when to do so would prevent harm.

MPP1-121 OTHER GOODS CAN OUTWEIGH THE GOOD OF AUTONOMY

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.92

To put the point more generally--and in a way critical for the evaluation of particular acts of paternalism--a number of basic goods besides autonomy are shared by most or all humans, e.g., knowledge, beauty, security, affection, health, physical, vigor, pleasure, and relief from pain. Some of these outweigh the value of autonomy for some individuals in some circumstances. In the circumstances, sacrifice of a portion of an individual's autonomy can be morally justified.

MPP1-122 NO ACTS ARE FULLY AUTONOMOUS

John Kultgen, University of Missouri-Columbia Philosopher, SOUTHERN JOURNAL OF PHILOSOPHY, 1992, p.94

The way rights theorists treat the right to autonomy depends upon whether they define 'autonomy' in maximal terms (as fully rational and informed decisions carried out by a person in total control of himself) or less than maximal (including substantially irrational, uninformed, or uncontrolled actions). If one is autonomous only when one is in the optimal state as conceived in maximalist terms, every one's autonomy in point of fact is always curtailed since no one ever achieves the optimal state. This entails that no one has an effective right to exercise autonomy. Rules against paternalistic incursions on optimal autonomy are those since they apply to a null class.

MPP1-123 PERSONAL PREFERENCE MATTERS BUT IT CAN BE OVERRIDEN

John Kultgen, University of Missouri-Columbia Philosopher, SOUTHERN JOURNAL OF PHILOSOPHY, 1992, p.92

When an agent undertakes to promote the welfare of another person, it is reasonable for her to impute goods to him that are shared by other human beings until she is able to determine what is unique about his (objective) values. In determining these she should take seriously his desires, including his desire for autonomy and for the things he would autonomously pursue, as evidence of what is objectively good for him. She should also appreciate the objective value to him of pursuing his desires his own way and of succeeding in fulfilling some of them. But she may discover that his desires are misguided and that he is destined either for frustration in pursuing them or dissatisfaction in achieving them. Hence, she should not treat his desires as conclusive indices of what is best for him. She may find that she knows better than he what is best for him on the basis of what she knows about humans in general or about him in particular. This is what opens the door for justified forms of paternalism.

MPP1-124 BASIC VALUES AREN'T INCOMMENSURATE

Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.99-100

But Finnis's real reasons for belief in the incommensurability of values lie in the way that 'the basic human goods are equally and irreducibly basic', and that they are aspects of distinct persons, none of whom is a means to the well-being of any other. To the first point I should reply that some, but not all, are irreducibly and equally basic; thus LIFE (one item of Finnis's sevenfold list) is not, as has been seen in Chapter 5, of INTRINSIC value, and is not to be preferred at all costs, or in the absence of other factors, to the quality of life. Where, however, basic values are equally basic, they should receive equal weight; indeed only thus will endless perplexity and confusion be avoided, even in prudential reasoning.

MPP1-125 BASIC VALUES AREN'T INCOMMENSURATE

Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.100

As for the distinctness of persons, a theme which will be dealt with in greater detail in later sections, I should wish to make the preliminary response that the like interests of relevantly similar persons must be treated as alike, rather than as incommensurable, if there is to be any justice, and that, unless there are special reasons to the contrary, where the interests of one person which are at stake are greater than the interests of another (as I have argued sometimes to be the case), the greater interests are to be treated as such.

MPP1-126 CONSEQUENTIALISM BEST RESOLVES CONFLICTS OF MORAL RULES

Richard Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.102

It is, nevertheless, a merit of consequentialism that, where moral rules conflict, it can supply a cogent basis (appeal to consequences) for resolving the conflict, and thus supply the kind of guidance which might reasonably be looked for in a moral theory; by contrast its rivals almost invariably lack resources for the resolution of this kind of conflict.

MPP1-127 MANY CONSEQUENCES ARE CALCULABLE

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.109-10

The problem with this argument are obvious enough--so obvious, in fact, that it is surprising a philosopher of Kant's stature was not more sensitive to them. In the first place, the argument depends on an unreasonably pessimistic view of what we can know. Sometimes we can be quite confident of what the consequences of our actions will be, and justifiably so; in which case we need not hesitate because of uncertainty.

MPP1-128 MANY CONSEQUENCES ARE CALCULABLE

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY 1989 p.94

There are certain situations in which the causation of the situation, the relation it has to what I do, is in no way remote or problematic in itself, and entirely justifies the claim that the situation is a consequence of what I do: for instance, it is quite clear, or reasonably clear, that if I do a certain thing, this situation will come about, and if I do not, it will not. So from a consequentialist point of view it goes into the calculation of consequences along with any other state of affairs accessible to me.

MPP1-129 CONSEQUENTIALISM ENHANCES GOOD CHOICES

Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.100

That the greater good is sometimes not pursued is easily to be credited when it is the good of someone distant in space or time, with whom the agent cannot readily identify, or of a member of another species. It is, indeed, possible that if agents took into account the predictable effects of action on the whole range of beings affected, as, in broad general terms, consequentialists urge, far fewer wrong choices would be made; for actual wrong choices are often to be explained by many of the goods (and evils) at stake not being heeded at all.

MPP1-130 CONSEQUENTIALISM OFFERS THE MOST DEFINITE BASIS FOR MORAL JUDGEMENT

Samuel Freeman, Professor of Law, University of Pennsylvania, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.315-16

The force of consequentialism must then lie elsewhere: it embodies a powerful conception of practical reason. If we assume that rationality consists in maximizing an aggregate, and that in ethics it involves maximizing overall good, then we are able to say that there is a rational choice between any two alternative actions, laws or institutions. Therefore under all conceivable conditions, there is a uniquely rational, hence right, thing to do. Granted, it may not be knowable by us, but the idea of maximizing the good provides a way to assign a truth value to any statement about what persons or groups ought to do. No other conception of rationality such practical completeness. Sidgwick, well aware of the force of the idea of maximizing an aggregate, used it quite effectively to argue that hedonism must be true, and that rational egoism and utilitarianism were the only two "rational methods" in ethics. He could not decide which of the two was more rational, but assuming that egoism is not a moral conception at all, then, given Sidgwick's premises, utilitarianism prevails without opposition.

MPP1-131 CONSEQUENTIALISM CHECKS ARBITRARY MORAL PROHIBITIONS

Will Kymlicka, Professor of Philosophy, University of Toronto, CONTEMPORARY POLITICAL PHILOSOPHY, 1990, p.10

A distinct but related attraction is utilitarianism's 'consequentialism.' I will discuss what exactly that means later on, but for the moment its importance is that it requires that we check to see whether the act or policy in question actually does some identifiable good or not. We have all had to deal with people who say that something-homosexuality, for example (or gambling, dancing, drinking, swearing etc.)-is morally wrong, and yet are incapable of pointing to any bad consequences that arise from it. Consequentialism prohibits such apparently arbitrary moral prohibitions. It demands of anyone who condemns something as morally wrong that they show who is wronged, i.e. they must show how someone's life is made worse off. Likewise, consequentialism says that something is morally good only if it makes someone's life better off.

MPP1-132 THE WEIGHT OF REASONS SUPPORTS OPTIMIZING VALUE

Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.95

The natural theory to consider in the light of the Theory of Priorities is that it is morally right, and even perhaps morally obligatory to maximise intrinsic value, or to bring about an optimal balance of intrinsically valuable states of affairs over intrinsically undesirable ones. What is intrinsically valuable, after all, is what there is irreducible reason to promote, desire or cherish, and thus where an action (or an omission) would optimise the balance of intrinsic value over disvalue, it will be the action (or omission) which does what there is most reason to do, all things considered. But what there is most reason to do, all things considered, must surely be what is morally right.

MPP1-133 CONSEQUENTIALISM ACCOUNTS FOR OUR RESPECT FOR MORALITY

Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.108

On the other hand there is no need to accept the criticism that consequentialism represents morality as a means to (nonmoral) ends or fails to account for our respect for moral practices and their constitutive rules (at least where they are genuinely beneficial). For on the one hand it is the essence of morality, and not an abridgment of it, that an agent should be guided impartially by the balance of reasons, and in this way be free to adopt that course of action or that practice which optimises value, and thus nonmoral good; while on the other hand the practices themselves are often beneficial precisely when and because adherents do not appeal beyond them, but treasure them, care about them, and recognise them as constitutive of a good life.

MPP1-134 CONSEQUENTIALISM EXPLAINS THE DIFFERENCE BETWEEN MORALS AND AESTHETICS

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.11

Consequentialism is also attractive because it conforms to our intuitions about the difference between morality and other spheres. If someone calls certain kinds of consensual sexual activity morally wrong because they are 'improper', and yet cannot point to anyone who suffers from them, then we might respond that the idea of 'proper' behaviour being employed is not a moral one. Such claims about proper behaviour are more like aesthetic claims, or an appeal to etiquette or convention. Someone might say that punk rock is 'improper', not legitimate music at all. But that would be an aesthetic criticism, not a moral one. To say that homosexual sex is 'improper', without being able to point to any bad consequences, is like saying that Bob Dylan sings improperly-it may be true, but it is not a moral criticism. There are standards of propriety that are not consequentialist, but we think that morality is more important than mere etiquette, and consequentialism helps account for that difference.

MPP1-135 CONSEQUENTIALISM JUSTIFIES KEEPING PROMISES

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.107

Practice-consequentialism can therefore account for the preferability of keeping a promise even where apparently as much good would be done by breaking it. We do not need to appeal to deontological principles to account for the rightness of such a choice. Certainly within the practice of promising and other beneficial practices there are principles of fairness and fidelity, but what gives them their point is the social value of the practice as a whole, just as the value of the practice of promising is enhanced by the inclusion of the exception clauses which have been mentioned.

MPP1-136 PRACTICE-CONSEQUENTIALISM IS SUPERIOR TO ACT-CONSEQUENTIALISM

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.147

Practice-consequentialism thus combines the advantages of entrenching basic needs such as those of life and autonomy with those of optimising value overall, and is on these grounds to be preferred both the act-consequentialism (which fails to take rights sufficiently seriously) and to deontological theories (which put them beyond the hope of review).

MPP1-137 INDICTMENTS OF UTILITARIANISM DON'T APPLY TO CONSEQUENTIALISM GENERALLY

Ronald Dworkin, Professor of Law, New York University, *TAKING RIGHTS SERIOUSLY*, 1978, p.314

Someone may reject all forms of utilitarianism and yet accept a prominent place for considerations of consequence in arguments about rights. I have already described such a theory in a general way. Some one may think that people have a right to the concern of others, from which it follows that others may not cause them great injury for relatively small gains to themselves, or may not neglect to save them from great harm if they are in a position to do so with little danger to themselves.

MPP1-138 INDICTMENTS OF UTILITARIANISM DON'T APPLY TO CONSEQUENTIALISM GENERALLY

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.15

It should also be noticed, however, that teleologists may hold various views about what is good in the nonmoral sense. Teleologists have often been hedonists, identifying the good with pleasure and evil with pain, and concluding that the right course or rule of action is that which produces at least as great a balance of pleasure over pain as any alternative would. But they may be and have sometimes been non-hedonists, identifying good with power, knowledge, self-realization, perfection, etc.

MPP1-139 DEONTOLOGY PERPETUATES AVOIDABLE MISERY

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.5

Any system of deontological ethics, that is any system which does not appeal to the consequences of our actions, but which appeals to conformity with certain rules of duty, is open to a persuasive type of objection which may well be found convincing by some of those people who have the welfare of humanity at heart. For though, conceivably, in most cases the dictates of a deontological ethics might coincide with those of human welfare and of an act-utilitarian ethics, there must be some possible cases in which the dictates of the system clash with those of human welfare, indeed in which the deontological principles prescribe actions which lead to avoidable human misery.

MPP1-140 DEONTOLOGY IS SUPERSTITIOUS RULE WORSHIP

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.5-6

In the most attractive forms of deontological ethics the conflict with utilitarianism is in consequence of some principle of 'justice' as 'fairness', and I shall revert to this issue later. In other cases however, the conflict can be traced to some sort of superstitious 'rule worship'. There is *PRIMA FACIE* a necessity for the deontologist to defend himself against the charge of heartlessness, in his apparently preferring abstract conformity to a rule to the prevention of avoidable human suffering.

MPP1-141 DEONTOLOGY FORCES INTOLERABLE SACRIFICES

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.90

In situations of 'life against life,' in which human life will be lost regardless of what decision is made, natural law teaches that innocent people must never be directly killed, even if the result is greater loss of life in the long run. For example, natural-law moralists hold that, when a choice must be made between pushing a person off a life raft or letting everyone drown, we must choose the second option. When the choice is between bombing civilians and shortening a war, thereby saving many lives, or not bombing civilians and thereby producing a greater overall loss of life, we must again choose the second option. Finally, even when both the mother and the fetus will die if an abortion is not performed, natural law teaches that an abortion is immoral, unless the principle of double effect is applicable. These conclusions seem implausible--even cruel--to many people yet they follow from the absolutist character of natural-law ethics-- the view a fundamental value must never be directly violated.

MPP1-142 DEONTOLOGY FAILS TO YIELD CLEAR MORAL JUDGMENTS

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.154-55

A third problem with this theory is that we sometimes find that both an action and its alternative have difficulties with one or more of the tests. We are forced to make a judgment as to which violations are more serious, and this judgment makes the solution to the problem controversial. Any moral theory will yield ambiguous conclusions in some instances, so this state of affairs is not a refutation of a moral philosophy. Nevertheless, the limitation, which should be noted in any evaluation, is especially prominent in respect-for-persons morality.

MPP1-143 DEONTOLOGY STILL REQUIRES MORAL WEIGHING

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.41-42

And any system of deontological ethics implies some method of weighing up the claims of conflicting *PRIMA FACIE* duties, for it is impossible that deontological rules of conduct should NEVER conflict, and the rationale of this is perhaps even more insecure than is the theory of objective probability.

MPP1-144 DEONTOLOGY SACRIFICES HUMAN WELFARE

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.62

Thus if the deontologist says that promises always should be kept (or even if, like Ross, he says that there is a *PRIMA FACIE* duty to keep them) we may confront him with a situation like the following, the well-known 'desert island promise': I have promised a dying man on a desert island, from which subsequently I alone am rescued, to give his hoard of gold to the South Australian Jockey Club. On my return I give it to the Royal Adelaide Hospital, which, we may suppose, badly needs it for a new X-ray machine. could anybody deny that I had done rightly without being open to the charge of heartlessness? (Remember that the promise was known only to me, and some action will not in this case weaken the general confidence in the social institution of promising.) Think of the persons dying of painful tumors who could have been saved by the desert island gold!

MPP1-145 ACT DEONTOLOGY FAILS DUE TO TIME LIMITS

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.24

On the other side, two lines of argument may be advanced against act-deontological theories. The first counts most against the more extreme ones, the other against them all. The first is that it is practically impossible for us to do without rules. For one thing, we cannot always put in the time and effort required to judge each situation anew. For another thing, rules are needed in the process of moral education.

MPP1-146 BY NATURE, MORAL JUDGMENTS REQUIRE UNIVERSALITY

William Frankena, Professor of philosophy, University of Michigan, *ETHICS*, 1973, p.25

The fact is that when one makes a moral judgment in a particular situation, one implicitly commits oneself to making the same judgment in any similar situation, even if the second situation occurs at a different time or place, or involves another agent. Moral and value predicates are such that if they belong to an action or object, they also belong to any other action or object which has the same properties. If I say I ought to serve my country, I imply that everyone ought to serve his country. The point involved here is called the Principle of Universalizability: if one judges that X is right or good, then one is committed to judging that anything exactly like X, or like X in relevant respects, is right or good. Otherwise he has not business using these words.

MPP1-147 ACT DEONTOLOGY PROVIDES INSUFFICIENT MORAL GUIDANCE

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.23

The other kind of act-deontological theory, which makes 'decision' rather than 'intuition' central, is even less satisfactory. It leaves out our particular moral judgments wholly up in the air, as existentialists think they are, subject to the 'anxiety' of which they make so much. It does, indeed, tell one to take the 'situation' one is in as his guide, and this must mean that one must look carefully to see just what his situation is, that is, one must be careful to get the facts about one's situation straight; but beyond that it has nothing to say, and it even insists that there is nothing else to guide one-- one must simply 'choose' or 'decide' what to do, virtually making one's action right by choosing it. In effect, this gives us no guidance whatsoever, for merely looking at the facts does not tell one what to do if one does not also have some aim, ideal, or norm to go by.

MPP1-148 UNIQUENESS OF SITUATIONS SHOULD NOT BE EXAGGERATED

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.23-24

The main argument for act-deontologists, apart from the objections to prevailing rules that were listed earlier, is the claim that each situation is different and even unique, so that no general rules can possibly be of much help in dealing with it, except as mere rules of thumb. Now, it is true that each situation has something new or unique about it, but it does not follow that it is unique in all respects or that it cannot be like other situations in morally relevant respects. After all, events and situations are alike in some important respects, otherwise we could not make true general statements of a moral kind, as we do in ordinary life and in science. Therefore, there is no reason for thinking that we cannot similarly make general statements of a moral kind. For example, many situations are certainly alike in including the fact that a promise has been made, and this may be enough to warrant applying a rule to them.

MPP1-149 DEONTOLOGY DOESN'T ACCOUNT FOR OUR ACTUAL MORAL EXPERIENCES

Joshua Halberstam, Professor of Philosophy, Long Island University, *SOCIAL THEORY AND PRACTICE*, Spring 1988, p.50-1

Duty-based ethics is, I submit, unreal. It has only the thinnest connection to how we go about our moral life. This divergence from the common process of moral judgment is highlighted by the categorical limitations posed by the strict deontologist. These moralities segment the moral sphere into acts that are forbidden, optional and obligatory. As is readily apparent, such a schema will not account for so much of our moral life. It cannot -- again without strain -- account for acts "beyond the call of duty;" these supererogatory acts are not dutiful but are nonetheless morally praiseworthy. It should be emphasized that these acts "beyond the call of duty" include not only the saintly and heroic but mundane considerations of everyday life. If I have no duty to provide you with the match you ask for, then, in this view, I cannot be morally faulted for not giving you a match. Presumably, you could attain a perfect moral score without having performed a single favor in your entire life. One can be a scoundrel within the law. Indeed, many are.

MPP1-150 ABSOLUTE MORAL STANDARDS ARE UNKNOWABLE

Walter Kaufmann, professor of philosophy, Princeton, *THE FAITH OF A HERETIC*, 1978, p.303

We have seen that the main objection to absolute morality is that even if there were absolute moral standards we could never know if we had found them. We are now ready to add that this is not the only objection. For one thing, it is not clear what such a phrase as 'absolute moral standards' means, since the term 'moral' is so far from being univocal; and 'absolute' is not unambiguous either.

MPP1-151 ETHICS JUST EXPRESSES SUBJECTIVE PREFERENCES

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.42

On a subjectivist view, the supposedly objective values will be based in fact upon attitudes which the person has who takes himself to be recognizing and responding to those values. If we admit what Hume calls the mind's 'propensity to spread itself on external objects', we can understand the supposed objectivity of moral qualities as arising from what we can call the projection or objectification of moral attitudes. This would be analogous to what is called the 'pathetic fallacy', the tendency to read our feelings into their objects. If a fungus, say, fills us with disgust, we may be inclined to ascribe to the fungus itself a non-natural quality of foulness.

MPP1-152 DEONTOLOGICAL ETHICS RELY ON INTUITIONISM

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.38

Intuitionism has long been out of favour, and it is indeed easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up.

MPP1-153 DEONTOLOGICAL ETHICS RELY ON INTUITIONISM

Michael Bayles, professor of philosophy, Brooklyn College, *CONTEMPORARY UTILITARIANISM*, 1968, p.3

A rather close connection exists between deontological theories and the metaethical theory of intuitionism. As a matter of fact most recent deontologists have been intuitionists. Intuitionists claim that either reason or some special faculty of intuition has direct knowledge of the obligatoriness or disobligatoriness of actions, or the value of persons and objects.

MPP1-154 THERE'S NO EPISTEMOLOGICAL BASIS FOR MORAL INTUITIONS

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.38-39

Of course the suggestion that moral judgments are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premises or forms of argument or both. When we ask the awkward question, how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premises or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and conforming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; 'a special sort of intuition' is a lame answer, but it is the one to which the clear-headed objectivist is compelled to resort.

MPP1-155 NO BASIS EXISTS FOR RESOLVING COMPETING INTUITIONS

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.24-25

Intuitionists cannot propose any procedure for choosing between competing moral principles when both claim to be based on intuition. Suppose I say that taking innocent lives is always wrong, and you say that sacrificing an innocent person might be justified to avoid some greater evil. For example, if an evil tyrant were to threaten our nation with nuclear destruction unless one of his enemies (who had actually done no wrong) were handed over to him, you would say we should give in to his demand, whereas I would say that giving in to his demand is immoral, even if the consequence is nuclear destruction. Now, if we both defend our claims by an appeal to moral intuition, how can we determine who is right? We might introspectively examine our intuitions and each of us might then report that our claim is right. Then what would we do? Moral intuitionism seems not to provide what we seek --namely, a method for objectively determining what is right and wrong.

MPP1-156 SOCIAL SCIENCE DENIES INTUITIONISM

William Frankena, Professor of philosophy, University of Michigan, *ETHICS*, 1973, p.23

If we had a distinct intuitive faculty which perceives what is right or wrong, and speaks with a clear voice, matters might still be tolerable. But anthropological and psychological evidence seems to be against the existence of such a faculty, as does the everyday experience of disagreement about what is right in particular situations. Besides, intuitionism involves meta-ethical difficulties, as we shall see in Chapter 6. It seems imperative, therefore, to find a more satisfactory theory, if this is possible.

MPP1-157 NO RATIONAL BASIS EXISTS FOR MORAL CHOICE.

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.228

A different kind of attack on moral rules comes from the EXISTENTIALISTS. Existentialism is not primarily a theory of ethics at all: its main ethical tenet is that the main characteristic of human life is the omnipresence of choice. All actions imply choices; even when I do not consciously choose, my action is what it is because of previous choices, or, sometimes 'implicit choices' (though it is difficult to say just what this phrase means). Certain criteria may govern my choices: we simply 'commit' ourselves to them without the possibility of justification. No one general rule of action has more validity than any other.

MPP1-158 INCLINATIONS DICTATE MOST MORAL CHOICE

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.11

It is true that human beings 'possess reason' in the sense that they have the power to think, to deliberate, to weigh alternatives, and to choose. It is probably true that no other animal has this capacity. But it is not clear in what way it is 'reason' that tells us what are the moral premises from which we are to draw conclusions. Is it reason that tells you to save your children when their lives are endangered? Is it reason that dictates that it is wrong to inflict needless pain on other human beings? Is it reason that tells you to be kind to animals as well as to people? Is it reason that leads you to believe that you should be grateful to your parents if they have been good to you? Surely none of these acts would be so much as thought of if we did not have certain benevolent INCLINATIONS. But inclinations, of course, are not the same as reason.

MPP1-159 REASON CONCERNS MEANS, NOT ENDS

H.J. Paton, professor of philosophy, Oxford, THE CATEGORICAL IMPERATIVE, 1948, p.320-21

Accordingly, this attempted demonstration of a link between reason and ethics fails. There may be other ways of forging this link, but it is difficult to see any that hold greater promise of success. The chief obstacle to be overcome is the nature of practical reason. Long ago David Hume argued that reason in action applies only to means, not to ends. The ends must be given by our wants and desires. Hume unflinchingly drew out the implications of this view: "Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger. 'Tis not contrary to reason for me to choose my total ruin, to prevent the least uneasiness to an Indian or person wholly unknown to me. 'Tis as little contrary to reason to prefer even my own acknowledged lesser good to my greater, and have a more ardent affection for the former than the latter.' Extreme as it is, Hume's view of practical reason has stood up to criticism remarkably well. His central claim--that in practical reasoning we start from something wanted--it is difficult to refute; yet it must be refuted if any argument is to succeed in showing that it is rational for all of us to act ethically irrespective of what we want.

MPP1-160 NO CONSENSUS EXISTS ON THE RULES OF NATURAL LAW

John Dinwiddy, reader in modern history, University of London, BENTHAM, 1989, p.34

According to these moralists, the test of whether actions were right or wrong was whether or not they conformed to the dictates of the law of nature, or right reason, or the moral sense, or any of a number of similar concepts or phrases. But how could one tell what the dictates of, for example, the law of nature were? No two people were likely to agree in every particular about this; and the ultimate ground for deciding what the law of nature decreed was nothing more than one man's opinion or sentiment against another's. This was true, at least, unless a moralist tried to justify the positions he took up by making some kind of appeal to utility, thereby conceding in effect that his criterion was not an independent and self-sufficient one and that the principle of utility was the ultimate arbiter.

MPP1-161 NO VIEW OF THE GOOD LIFE IS OBJECTIVELY AUTHORITATIVE

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.50-51

But when we frame our conception of the good, it is just as that. We need neither submerge our specific values in a supposed general happiness nor claim that our values are objectively authoritative and expect everyone to join us in endorsing them. No-one can demand that his view of the good life should be accepted by everyone else; but equally there is no reason why anyone should abandon his own view and accept as authoritative some resultant or highest common factor of all (or most) current conceptions. Rather it is to be expected that different individuals and different groups should have different ideals and values. Each person's special values will help to determine his morality in the broad sense; his actions will be guided not simply by what he wants but also, to some extent, by the endeavour to realize in some degree whatever he sees as good.

MPP1-162 MAJOR MORAL SYSTEMS CONTRADICT

Alasdair MacIntyre, professor of Social philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.266

We live with the inheritance of not only one, but of a number of well-integrated moralities. Aristotelianism, primitive Christian simplicity, the puritan ethic, the aristocratic ethic of consumption, and the traditions of democracy and socialism have all left their mark upon our moral vocabulary. Within each of these moralities there is a proposed end or ends, a set of rules, a list of virtues. But the ends, the rules, the virtues, differ. For Aristotelianism, to sell all you have and give to the poor would be absurd and mean spirited; for primitive Christianity, the great-soled man is unlikely to pass to through that eye of a needle which is the gateway to heaven. A conservative Catholicism would treat obedience to established authority as a virtue; a democratic socialism such as Marx's labels the same attitude servility and sees it as the worst of vices. For Puritanism, thrift is a major virtue; for the traditional aristocrat, thrift is a vice; and so on.

MPP1-163 TRADEOFFS AMONG GOODS ARE SUBJECTIVE

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.340

Freedom, choice and satisfaction will sometimes point in the same direction and sometimes conflict; and I know of no overriding principle to choose between them except that of the diminishing marginal rate of substitution. That is when there is plenty of freedom and choice, but little satisfaction of wants, it is worth sacrificing some freedom and choice to gain a little want satisfaction. When there is plenty of satisfaction, but little choice or freedom, then it might be worth sacrificing some satisfaction for the sake of greater freedom or greater choice. But beyond this, the actual tradeoffs remain subjective.

MPP1-164 EMOTIVISM SUGGEST ETHICAL STATEMENTS AREN'T FACTUAL

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.31

According to Emotivism, moral language is not fact-stating language; it is not typically used to convey information. Its purpose is entirely different. It is used, first, as a means of influencing people's behavior: if someone says 'You ought not to do that,' he is TRYING STOP YOU FROM DOING IT. Thus the utterance is more like a command than a statement of fact; it is as though he had said 'Don't do that!' Second, moral language is used to express (NOT report) one's attitude. Saying 'Lincoln was a good man' is not like saying 'I approve of Lincoln,' but it IS like saying 'Hurrah for Lincoln!'

MPP1-165 EMOTIVISM AVOIDS THE FLAWS OF SIMPLE SUBJECTIVISM

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.30

The improved version was a theory that came to be known as EMOTIVISM. Developed chiefly by the American philosopher Charles L. Stevenson (1908-1979), Emotivism has been one of the most influential theories of ethics in the twentieth century. It is a far more subtle and sophisticated theory than Simple Subjectivism.

MPP1-166 EMOTIVISM AVOIDS THE FLAWS OF SIMPLE SUBJECTIVISM

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.31-32

The difference between Emotivism and Simple Subjectivism should now be obvious. Simple Subjectivism interpreted ethical sentences as statements of fact, of a special kind--namely, as reports of the speaker's attitude. According to Simple Subjectivism, when Falwell says homosexuality is immoral,' this means the same as 'I (Falwell) disapprove of homosexuality'--a statement of fact about his attitude. Emotivism, on the other hand, would deny that his utterance states any fact at all, even a fact about himself. Instead, Emotivism interprets his utterance as equivalent to something such as 'Homosexuality- -yecch?' or 'Do not engage in homosexual acts!' or 'Would that there were no homosexuals.' Now this may seem to be a trivial, nit-picking difference that isn't worth bothering with. But from a theoretical point of view, it is actually a very big and important difference. One way to see this is to consider again the three arguments against Simple Subjectivism. While those arguments are embarrassing to Simple Subjectivism, they do not affect Emotivism at all.

MPP1-167 CULTURES DIFFER OVER BASIC VALUES

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.12

No tribe or nation could permit indiscriminate killing among members of the tribe, or there would soon be no tribe left. In almost every culture it is considered the duty of the mother to take care of her children, and every culture prohibits incestuous relations within families. But differences abound even in areas where there seems to be a great deal of agreement: adultery is generally condemned, but not always; and, as we have seen, homosexuality and prostitution are often considered wrong but in many cultures are considered simply matters of taste, not of right and wrong at all. So if cultural relativism is interpreted as the view that moral rules differ from culture to culture, it is surely true. Anthropologists aren't just dreaming it up.

MPP1-168 CULTURES DIFFER OVER BASIC VALUES

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.13

It would seem from what has been said that there is some cultural relativism of principles as well as of rules, though not nearly as much. The evidence is not clear, since most tribes aren't aware of principles as such, and anthropologists have not really addressed themselves to the issue of moral principles. They exhibit for us a wide diversity of moral rules but nothing that would show that the rules are selected on the basis of some underlying principle.

MPP1-169 WAYS OF LIFE CONDITION MORAL CODES

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.36

But it is not the mere occurrence of disagreements that tells against the objectivity of values. Disagreement on questions in history or biology or cosmology does not show that there are no objective issues in these fields for investigators to disagree about. But such scientific disagreement results from speculative inferences or explanatory hypotheses based on inadequate evidence, and it is hardly plausible to interpret moral disagreement in the same way. Disagreement about moral codes seems to reflect people's adherence to and participation in different ways of life. The causal connection seems to be mainly that way round: it is that a people approve of monogamy because they participate in a monogamous way of life rather than that they participate in a monogamous way of life because they approve of monogamy.

MPP1-170 WAYS OF LIFE CONDITION MORAL CODES

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.37

In short, the argument from relativity has some force simply because the actual variations in the moral codes are more readily explained by the hypothesis that they reflect ways of life than by the hypothesis that they express perceptions, most of them seriously inadequate and badly distorted, of objective values.

MPP1-171 CULTURAL RELATIVISM UNDERMINES THE OBJECTIVITY OF VALUES

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.12

That there is a problem in trying to find a standard of right and wrong action is shown by the fact that so many people at so many different times and places have believed very different actions, and kinds of actions, to be right and wrong. Americans generally believe that stealing is wrong and that being caught and punished for stealing is all right, provided that the punishment isn't too severe; but the Spartan youth who allowed the fox to gnaw at his vital organs rather than be caught for stealing the animal reflected the then current belief that it wasn't stealing but being caught at it that was to be condemned.

MPP1-172 CULTURAL RELATIVISM UNDERMINES THE OBJECTIVITY OF VALUES

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.36

The argument from relativity has as its premises the well-known variation in moral codes from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community. Such variation is in itself merely a truth of descriptive morality, a fact of anthropology which entails neither first order nor second order ethical views. Yet it may indirectly support second order subjectivism: radical differences between first order moral judgments make it difficult to treat those judgments as apprehensions of objective truth.

MPP1-173 ROSS'S SET OF DUTIES IS ARBITRARY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.211-12

Still, Ross can be criticized on other grounds. He presented us with a rather heterogeneous collection of prima facie duties, without any unifying principle underlying them. This presumably would not disturb him: 'That is just what, on careful introspection, I believe my duties to be,' he might reply. But why is it just this list and not a somewhat different one? Ross, for example, included a duty of gratitude, the duty to return good for good; but he included no duty of revenge, the duty to return evil for evil. Presumably he believed as do most persons in a Christian culture, that we have no such duty. But probably most people around the world do believe and have believed that we do have such a duty and that it is at least as important as any other.

MPP1-174 ROSS'S ETHIC DOESN'T RESOLVE RULE CONFLICTS

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.106

Some deontologists, such as W.D. Ross, have attempted to cope with the conflicts between moral rules by maintaining that the obligations which the rules generate are prima facie obligations, these being obligations which are overriding ones unless there is a conflict with another rule. But this is no help at all: for we still lack a criterion for discovering, when prima facie obligations conflict, what is our real obligation (as opposed to our conflicting prima facie obligations). Indeed we still lack a criterion for deciding in the first place what is to count as a prima facie obligation.

MPP1-175 ROSS'S ETHIC PROVIDES NO CLEAR BALANCING PRINCIPLE

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.210

We might agree with Ross that IF you could say with confidence that alternative A involves 1,000 net units of good and the keeping of a promise and alternative B involves 1,001 net units of good and the breaking of a promise, we should do A. We might also grant that if A involves 1,000 net units of good and the keeping of a promise, and B involves 10,000 net units of good and the breaking of a promise, we should do B. But where do we draw the line? At 5,000? At 2,000? At 3,579? How much good must be produced before we are justified in breaking our word to produce it?

MPP1-176 ROSS'S ETHIC IS DIFFICULT TO APPLY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.210

Ross's view will seem to many rather like enlightened common sense, or an account of our duties as we actually view them but had never quite articulated them. Nevertheless, questions come to mind with regard to it. For example: Where do you draw the line? It was difficult enough, as we saw, to make interpersonal calculations of happiness and of many other things. But utilitarian calculation was simple compared to what we encounter in Ross, for here we have to weigh good maximization against a whole array of other things, such as the value of promises, gratitude, and so on.

MPP1-177 ROSS'S ETHIC CONSTITUTES RULE WORSHIP
 J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.6
 Such a 'persuasive' objection to deontology is possible simply BECAUSE we have assumed the truth of non-cognitivist (or possibly, subjectivist) meta-ethics. A cognitivist in meta-ethics of the type of Sir David Ross could resist any such appeal to the heart by saying that whether we like it or not his deontological principles can be SEEN to be true. That they might sometimes conflict with human happiness or welfare might seem to him to be more of sentimental than of philosophic concern. But if we strip off the cognitivist meta-ethics from Ross's theory, then his deontology may come to look artificial and perhaps infected by a sort of 'rule worship.' For example, the obligation to keep promises seems to be too artificial, to smack too much of human social conventions, to do duty as an ultimate principle

MPP1-178 THE NUMBER AFFECTED IS MORALLY IMPORTANT
 Ronald Dworkin, professor of law, New York University, TAKING RIGHTS SERIOUSLY, 1978, p.307
 It is, in fact, an important part of conventional morality that someone who shows 'decent respect for others' must take into account the number of people who will be damaged by what he does as well as the amount of damage that each will suffer. If the same action, for the same benefit to himself, injures a larger number of people, even in the same degree, then he shows less respect for EACH in persisting than if the number injured had been smaller.

MPP1-179 NO MORAL DISTINCTION BETWEEN ACTION AND INACTION
 Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION, 1987, p.123
 Thus except where optimific practices affect obligations there seems to be no moral relevance attaching to the difference between states of affairs coming about through an agent's action and through her inaction.

MPP1-180 NO MORAL DISTINCTION EXISTS BETWEEN ACTION AND INACTION
 Robin Attfield, philosopher, University College, Cardiff, A THEORY OF VALUE AND OBLIGATION 1982 p.122
 Yet Williams does not attempt to attack the doctrine by upholding the moral relevance of the distinction between actions and omissions which have the same consequences. Indeed it is implausible that it can be attacked on this basis. Actions, of course, often have side-effects which omissions do not; but where there are no such differences in effects, it becomes impossible to justify different moral reactions, e.g. to bringing about someone's death through pressing a switch and to bringing it about through NOT pressing a similar switch so wired as to prevent a fatal current flowing through an otherwise similar circuit.

MPP1-181 NO ETHIC TOTALLY SATISFIES
 H.B. Acton, professor of Moral Philosophy, University of Edinburgh, KANT'S MORAL PHILOSOPHY, 1970, p.72
 Perhaps indeed it is too much to hope that there is ANY possible ethical system which will appeal to all sides of our nature and to all our moods. It is perfectly possible to have conflicting attitudes within oneself. It is quite conceivable that there is NO possible ethical theory which will be conformable with all our attitudes. If the theory is utilitarian, then the possibility that sometimes it would be right to commit injustice will be felt to be acutely unsatisfactory by someone with a normal civilized upbringing. If on the other hand it is not utilitarian but has deontological elements, then it will have the unsatisfactory implication that sometimes avoidable misery (perhaps very great avoidable misery) ought not to be avoided.

MPP1-182 NO ETHIC TOTALLY SATISFIES
 John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.206
 Still, that people should NEVER break their word--the Kantian position--seems too stringent. If it's a promise that should never have been made in the first place, or if some enormous good such as saving a city from destruction could be achieved by breaking a promise, then let us grant, it should be broken. But neither would most people be content with saying that people should keep a promise only if they believe, even with good evidence, that more net good will come about from keeping it than from breaking it.

MPP1-183 COMPLETE ETHICAL ANALYSIS REQUIRES BOTH CONSEQUENTIALISM AND DEONTOLOGY
 C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.164
 Utilitarianism and the ethics of respect for persons seem to be the two most adequate theories, and each embodies right-making characteristics that cannot be incorporated into the other theory. Therefore we shall conclude that these two theories should be given special consideration in any complete ethical analysis.

MPP1-184 TREATING ONE VALUE AS ABSOLUTE IS FANATICAL -- JUSTICE MUST BE PLURALISTIC

Will Kymlicka, Professor of Philosophy, University of Toronto, CONTEMPORARY POLITICAL PHILOSOPHY, 1990, p.3

Each of the new theories is also assumed to appeal to a different ultimate value. Thus we are told that alongside the older appeal to 'equality' (socialism) and 'liberty' (libertarianism), political theories now appeal to the ultimate values of 'contractual agreement' (Rawls), 'the common good' (communitarianism), 'utility' (utilitarianism), 'rights' (Dworkin), or 'androgyny' (feminism). So we now have an even greater number of ultimate values between which there can be no rational arguments. But this explosion of potential ultimate values raises an obvious problem for the whole project of developing a single comprehensive theory of justice. If there are so many potential ultimate values, why should we continue to think that an adequate political theory can be based on just one of them? Surely the only sensible response to this plurality of proposed ultimate values is to give up the idea of developing a 'monistic' theory of justice. To subordinate all other values to a single overriding one seems almost fanatical. A successful theory of justice, therefore, will have to accept bits and pieces from most of the existing theories.

MPP1-185 CATASTROPHIC CONDITIONS CREATE AN EXCEPTION TO DEONTOLOGY

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.10

Even within such boundaries we can imagine extreme cases where killing an innocent person may save a whole nation. In such cases it seems fanatical to maintain the absoluteness of the judgment, to do right even if the heavens will in fact fall. And so the catastrophic may cause the absoluteness of right and wrong to yield, but even then it would be a non sequitur to argue (as consequentialists are fond of doing) that this proves that judgments of right and wrong are always a matter of degree, depending on the relative goods to be attained and harms to be avoided. I believe, on the contrary, that the concept of the catastrophic is a distinct concept just because it identifies the extreme situations in which the usual categories of judgment (including the category of right and wrong) no longer apply.

MPP1-186 TRIVIAL CONDITIONS ARE AN EXCEPTION TO DEONTOLOGY

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.31

It is interesting, however, that the judgment may well run out at the lower end of the scale, that even absolute notions recognize a concept of triviality. There does indeed seem to be something absurd about wheeling out the heavy moral artillery to deal with pinching. A prohibition may be categorical, but the boundaries of that concept may be susceptible of judgments of degree, at least to the extent that one must recognize the trivial and the absurd.

MPP1-187 MIXED THEORIES FAIL

H.B. Acton, professor of Moral Philosophy, University of Edinburgh, KANT'S MORAL PHILOSOPHY, 1970, p.72-73

It might be thought that some compromise theory, on the lines of Sir David Ross's, in which there is some 'balancing up' between considerations of utility and those of deontology, might prove an acceptable compromise. The trouble with this, however, is that such a 'balancing' may not be possible; one can easily feel pulled sometimes one way and sometimes the other. How can one 'balance' a serious injustice on the one hand, and hundreds of painful deaths, on the other hand? Even if we disregard our purely self-interested attitudes, for the sake of interpersonal discussions, so as to treat ourselves neither more nor less favourably than other people, it is still possible that there is no ethical system which would be satisfactory to all men, or even to one man at different times.

MPP1-188 MIXED THEORIES FAIL

Richard Norman, philosopher, THE MORAL PHILOSOPHERS, 1983, p.114

In the present chapter what needs to be added is that in any marriage of utilitarian and Kantian ethics, the utilitarian component is bound to be the dominant partner. Such a marriage would be very much at variance with the whole spirit of Kant's ethics, with its constant stress on the irrelevance of consequences and happiness.

MPP1-189 AN ACTION IS MORAL IF IT'S BASED ON A UNIVERSALIZABLE PRINCIPLE

Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.70

That is to say, I ought never to act except in such a way that I can also will that my maxim should become a universal law. Here bare conformity to universal law as such (without having as its base any law prescribing particular actions) is what serves the will as its principle, and must so serve it if duty is not to be everywhere an empty delusion and a chimerical concept. The ordinary reason of mankind also agrees with this completely in its practical judgements and always has the aforesaid principle before its eyes.

MPP1-190 MORAL LAW MUST BE BASED ON PURE REASON

Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.57

Every one must admit that a law has to carry with it absolute necessity if it is to be valid morally - valid, that is, as a ground of obligation; that the command "Thou shalt not lie" could not hold merely for men, other rational beings having no obligation to abide by it-and similarly with all other genuine moral laws; that here consequently the ground of obligation must be looked for, not in the nature of man nor in the circumstances of the world in which he is placed, but solely a priori in the concepts of pure reason; and that every other precept based on principles of mere experience-and even a precept that may in a certain sense be considered universal, so far as it rests in its slightest part, perhaps only in its motive, on empirical grounds -can indeed be called a practical rule, but never a moral law.

MPP1-191 KANT'S UNIVERSALIZATION CRITERION SUMMARIZED

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.30-31

There are problems about the interpretation of Kant, but we may take him as saying, first, that when one acts voluntarily one always acts on a formulizable maxim or rule; second, that one is choosing and judging from the moral point of view if and only if one is or would be willing to universalize one's maxim, that is, if he is or would be willing to see his rule acted on by everyone who is in a situation of a similar kind, even if he himself turns out to be on the receiving end on occasion; and, third, that an action is morally right and/or obligatory if and only if one can consistently will that the maxim or rule involved be acted on by everyone in similar circumstances, and an action is morally wrong if and only if one cannot consistently will this.

MPP1-192 UNIVERSALIZABILITY IS THE BEST MORAL CRITERION

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.193

The test of a genuine moral imperative is that I can universalize it--that is, that I can will that it should be a universal law, or, as Kant puts it in another formulation, that I can will that it should be a law of nature. The point of the latter formulation is to stress that not only must I be able to will that the precept in question should be recognized as a law universally, but I must also be able to will that it should be acted on universally--in the appropriate circumstances.

MPP1-193 UNIVERSALIZABILITY HAS GREAT PSYCHOLOGICAL VALUE

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.198

In spite of this failure, the universalizability criterion may have considerable value, although, as Ross notes, not the value Kant claimed for it: 'Logically we gain nothing by posing the question for everyone rather than for oneself; for it is the same question. But PSYCHOLOGICALLY we gain much. So long as I consider the act as one which I may or may not do, it is easy to suppose that I see it to be right when I merely see it to be convenient. But let me ask myself whether it would be right for everyone else; their advantage does not appeal to me or cloud my mind as my own does. If the act is wrong, it will be easier to see that it would be wrong for them; and I cannot reasonably resist the conclusion that it is wrong for me. Other writers before Kant had for this reason advocated the adoption of the attitude of the impartial speculator.

MPP1-194 ACTIONS ARE RIGHT REGARDLESS OF CIRCUMSTANCES

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.149-50

Kant also held that the principle on which the good will wills its actions must not contain any reference to circumstances or results, as otherwise it would bring in just that contingent element which Kant was at pains to avoid. The right action determined by such a principle would be the same for every individual, no matter what the tastes or inclinations or circumstances of the particular individual are. If we let these things come in, our rule will no longer be purely rational and absolutely categorical

MPP1-195 MORAL LAW APPLIES OBJECTIVELY TO ALL

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.5

The categorical or lawlike character of moral obligation, Kant explains, shows the objective nature of morality. Natural or physical laws are called objective 'laws' precisely because they hold universally and necessarily; they are not person dependent in the sense that they are laws for everyone. Likewise, the moral law is objective and not person dependent; it holds universally, without regard for any contingent conditions that may subjectively differentiate one person from another.

MPP1-196 REASON CREATES UNIVERSAL OBLIGATIONS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.185

Feelings, attitudes, temperaments vary enormously from person to person; but the dictates of reason, if they are correctly employed, as universal. The concept of universality is central to Kant's ethics. The principle of human conduct that Kant sought had to be one that is universal in the sense that it applies to all rational beings. As we shall see shortly, moral rules and principles are also universal in the sense that they contain within themselves no exceptions.

MPP1-197 REASON CREATES UNIVERSAL OBLIGATIONS

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.106

Kant holds that, just as hypothetical 'oughts' are possible because we have desires, categorical 'oughts' are possible because we have reason. Categorical 'oughts' are binding on rational agents SIMPLY BECAUSE THEY ARE RATIONAL. How can this be so? It is, Kant says, because categorical oughts are derived from a principle that every rational person must accept. He calls this principle THE CATEGORICAL IMPERATIVE.

MPP1-198 RIGHT ACTION REQUIRES REASONED EXPLANATIONS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.149

We may express Kant's view loosely by making a statement which most uncritical people would accept, 'An action cannot be right unless you can give a reason for it.' An action that is done on impulse, like the impulse of pity, may be right, but the only way of proving it to be right is to show that it is a reasonable action.

MPP1-199 LOGICAL CONSISTENCY JUSTIFIES KANT'S PRINCIPLE

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.150

The test of the rightness of an action is whether we are prepared that everybody else should adopt the rule, on which we did the action as his own rule of action. Professor C.D. Broad has pointed out that Kant's first form is not really a moral law in itself; it is a principle by which morals can be tested. The argument appears to be that a rational being will always reject what is logically inconsistent, and Kant held that it is logically inconsistent to adopt a moral principle for ourselves and to refuse to adopt that same principle for other people.

MPP1-200 REASON ALLOWS MORAL FREEDOM

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.107

By virtue of our having pure practical reason and therefore a moral personality, we have the unique ability to be self-governing, self-creative, self-determining, and autonomous. We are able to act completely independently of nature and its laws, for we can live in the supersensible world as free, moral agents. We are thereby able and therefore entitled to project purposes that are **INTRINSICALLY AND UNCONDITIONALLY** good, entirely on the basis of our own rational choices

MPP1-201 REASON ALLOWS MORAL FREEDOM

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.82

It is impossible to destroy this belief by counterarguments. If there were some theoretical presumption to the contrary, it would simply be irrelevant, completely unhelpful. We still would be utterly **UNABLE** to live our practical life without presuming that we are free and responsible agents. Even 'the most hardened scoundrel,' if he is not completely irrational, cannot avoid the conviction that he is morally free and should be a better person than he is.

MPP1-202 FREEDOM AND RATIONALITY CREATE MORAL PERSONALITY

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.197

Unlike mere things, persons have a status that, as we have seen, Kant calls 'humanity' in the sense of a moral personality, in contrast to an individual's empirical or psychological personality. According to Kant, the latter is 'merely the power to become self-conscious of our self-identity' through temporal or other changes, whereas moral personality refers to a rational agent's ability to act freely, that is, independently of the mechanisms of nature. Such agents are regarded as 'persons' rather than as 'things' because they are by nature free and rational, able and obligated to set goals, to recognize the existence of objective ends, to make genuine choices, and to enact and act on genuinely universal laws of conduct for themselves and all others.

MPP1-203 THE UNIVERSALIZABILITY PRINCIPLE FORBIDS LYING

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.107

[Kant's] primary reason for thinking that lying is always wrong was that the prohibition of lying follows straight-away from The Categorical Imperative. We could not will that it be a universal law that we should lie, because it would be self-defeating; people would quickly learn that they could not rely on what other people said, and so the lies would not be believed. Surely there is something to this: in order for a lie to be successful, people must believe that others are telling the truth; so the success of a lie depends on there **NOT** being a 'universal law' permitting it.

MPP1-204 THE UNIVERSALIZABILITY PRINCIPLE REQUIRES PROMISE KEEPING

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.193

Kant's most helpful example is that of promise keeping. Suppose that I am tempted to break a promise. The precept upon which I am considering acting may be formulated as: 'I may always break a promise when it is in my interest to do so.' Can I consistently will that this precept should be universally acknowledged and acted upon? If all men acted upon this precept, and broke their promises whenever it suited them, clearly the practices of making and of relying upon promises would break down, for nobody would be able to trust the promises of others, and consequently utterances of the form 'I promise to . . .' would cease to have point. Hence to will that this precept should be universalized is to will that promise keeping should no longer be possible.

MPP1-205 THE UNIVERSALIZABILITY PRINCIPLE FORBIDS SUICIDE

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.106-07

In his first example Kant contends we have a strict negative duty not to commit suicide in order to avoid a life promising more pain than pleasure. He argues that the maxim of arbitrarily destroying one's own life from the motive of self-love, if made a universal law, would generate a teleological contradiction with the already given, natural function or role or purpose (Bestimmung) of the same self-love 'to stimulate the furtherance of life.' Because this maxim under review would then generate a world (eine Natur) in which the same self-love would have two universal but contradictory functions--both to promote and to destroy one's own life--it could not function as a law in a possible moral world. Therefore, that maxim is 'entirely opposed to the supreme principle of all duty.'

MPP1-206 UNIVERSALIZATION REQUIRES SELF-CULTIVATION

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.187

In his third example in his GROUNDWORK, Kant argues against neglecting the development of our natural abilities, particularly our mental powers. A maxim of doing so COULD also be a universal law (as, he thought, was actually the case among the 'South Sea Islanders') without generating a contradiction. Yet, Kant maintains, as rational beings, we 'cannot possible WILL' that such a maxim should be a universal law. Insofar as we are rational, we finite agents necessarily adopt the ultimate imperative of prudence (or self-love): to use those means known to be necessary to fulfill our needs. Likewise, for our moral purposes, to fulfill our moral interests, we also must 'regard the development of our talents as a duty.'

MPP1-207 UNIVERSALIZATION REQUIRES BENEVOLENCE

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.106-07

Another of Kant's examples has to do with giving charity. Suppose, he says, someone refuses to help others in need, saying to himself 'What concern of mine is it? Let each one be happy as heaven wills, or as he can make himself; I will not take anything from him or even envy him; but to his welfare or to his assistance in time of need I have no desire to contribute.' This, again, is a rule that one cannot will to be a universal law. For at some time in the future this man might HIMSELF be in need of assistance from others, and he would not want others to be so indifferent to him.

MPP1-208 THE ONLY UNQUALIFIED GOOD IS THE GOOD WILL

Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.61

It is impossible to conceive anything at all in the world, or even out of it, which can be taken as good without qualification, except a good will. Intelligence, wit, judgement, and any other talents of the mind we may care to name, or courage, resolution, and constancy of purpose, as qualities of temperament, are without doubt good and desirable in many respects; but they can also be extremely bad and hurtful when the will is not good which has to make use of these gifts of nature, and which for this reason has the term 'character' applied to its peculiar quality. It is exactly the same with gifts of fortune. Power, wealth, honour, even health and that complete well-being and contentment with one's state which goes by the name of 'happiness, produce boldness, and as a consequence often over-boldness as well, unless a good will is present by which their influence on the mind - and so too the whole principle of action - may be corrected and adjusted to universal ends; not to mention that a rational and impartial spectator can never feel approval in contemplating the uninterrupted prosperity of a being graced by no touch of a pure and good will, and that consequently a good will seems to constitute the indispensable condition of our very worthiness to be happy.

MPP1-209 THE GOOD WILL IS GOOD REGARDLESS OF ITS CONSEQUENCES

Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.62

A good will is not good because of what it effects or accomplishes - because of its fitness for attaining some proposed end: it is good through its willing alone-that is, good in itself. Considered in itself it is to be esteemed beyond comparison as far higher than anything it could ever bring about merely in order to favour some inclination or, if you like, the sum total of inclinations. Even if, by some special disfavour of destiny or by the niggardly endowment of step-motherly nature, this will is entirely lacking in power to carry out its intentions; if by its utmost effort it still accomplishes nothing, and only good will is left (not, admittedly, as a mere wish, but as the straining of every means so far as they are in our control); even then it would still shine like a jewel for its own sake as something which has its full value in itself. Its usefulness or fruitlessness can neither add to, nor subtract from, this value. Its usefulness would be merely, as it were, the setting which enables us to handle it better in our ordinary dealings or to attract the attention of those not yet sufficiently expert, but not to commend it to experts or to determine its value.

MPP1-210 ONLY GOOD WILL IS GOOD WITHOUT QUALIFICATION

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.37-38

There is the CATEGORICAL IMPERATIVE which holds unconditionally and universally, and Kant considered that the moral law is the only law of this kind. Moral laws do not depend on the ends at which men aim like the laws of architecture or of economics or even the universal assertorial laws of how to reach happiness. In this way Kant denied all teleological theories of ethics, which hold that an action is right because it leads to certain consequences. It is the same truth that is expressed in Kant's statement: 'There is nothing good without qualification except a good will.' All other apparent forms of goodness depend on conditions, and so the rules for attaining them are hypothetical, but the command to will what is good is categorical.

MPP1-211 INTRINSICALLY GOOD THINGS ALWAYS CONTAIN GOOD WILL

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.148

Professor C.D. Broad holds that what Kant's examples prove is that things which are intrinsically good (that is, good even if they exist all alone), always contain good will as one element in their make-up.

MPP1-212 NORMALLY GOOD QUALITIES CAN SOMETIMES BE BAD

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.178

Kant also mentions 'moderations in the affections and passions, self-control, and calm deliberation' as admirable human qualities. Yet these too are not good without qualification. They may even sometimes be thoroughly bad. The coolness of villains and their complete self-control in planning and perpetrating crimes make them more abominable than they would have been without these qualities. All other traits of character are similarly double-edged. The only thing that is good without qualification is what Kant called a GOOD WILL.

MPP1-213 HAPPINESS ISN'T AN UNQUALIFIED GOOD

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.178

Happiness, he said, is not good without qualification: whether we are happy depends on a large variety of circumstances, many of which we cannot control, such as a pleasant disposition, intelligence, a favorable early environment, or a measure of good luck. We may be happy but not deserve it, and we may deserve happiness but not have it. The only thing, Kant said, that is more repellent to contemplate than someone enjoying undeserved happiness is someone suffering undeserved unhappiness.

MPP1-214 HAPPINESS ISN'T OUR PROPER OBJECTIVE

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.185

It is not a utilitarian-style principle of maximizing happiness. Human beings' proper end is the development of their rational nature, not the cultivation of happiness. According to Kant, if our purpose in life were to achieve happiness 'then nature would have hit upon a very bad arrangement in selecting the reason of the creature to carry out this purpose. For all the actions which the creature has to perform with a view to this purpose, and the whole rule of its conduct, would be far more surely prescribed to it by instinct, and that end would have been attained thereby much more certainly than it ever can be by reason.

MPP1-215 MOTIVES OF DUTY MAKE ONE'S ACTS MORAL

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.179

According to Kant, agents are morally good with respect to certain acts if they do them entirely FROM MOTIVES OF DUTY, simply because they believe them to be what they ought to do, and for no other reason.

MPP1-216 MOTIVES OF DUTY MAKE ACTS MORAL

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.192

Kant approaches this question from an initial assertion that nothing is unconditionally good--except a good will. Health, wealth, intellect, are good only insofar as they are used well. But the good will is good; it 'shines forth like a precious jewel,' even if 'through the niggardly provision of a stepmotherly nature,' the agent is insufficiently strong, rich, or clever to bring about desirable states of affairs. Attention is thus focused from the outset on the agent's will, on his motives and intentions, rather than upon what he actually does.

MPP1-217 DUTY IS DISTINCT FROM INCLINATION

H.J. Paton, professor of philosophy, Oxford, THE CATEGORICAL IMPERATIVE, 1948, p.77

One of the great merits of Kant's doctrine is the sharp distinction which he makes between the A PRIORI and the empirical, between duty and inclination. Since he wrote, there is no longer any excuse for the muddled thinking which confuses MY good with THE good and consciously or unconsciously substitutes for the moral motive mere desire for our own personal happiness either in this world or the next. A veiled unconscious hedonism is as corrupting as it is confused. The primary aim of a good man is not to satisfy his own inclinations, however generous, but to obey a law which is the same for all, and only so does he cease to be self-centered and become moral. There is no more fundamental difference than that between a life of prudence or self-love and one of moral goodness.

MPP1-218 MOTIVES OF DUTY DISTINGUISH HUMANS AND ANIMALS

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.181

Your pet dog probably ALWAYS acts from its natural inclinations; even when it wants to climb on the sofa but doesn't because it fears punishment, it is still acting from inclination, since it is not inclined to do what will bring punishment. Animals are incapable of acting any other way; they have no conception of moral duty and cannot act from that motive. But human beings differ from animals in that they have a moral sense, and a moral sense is what leads people to act from duty, to do things because they believe it their duty as moral agents to do so. Two things were to Kant the most awe-inspiring in the universe: 'the starry heavens above and the moral law within.' When we act solely from the motive of duty, without regard to the inconvenience or sacrifice that may require, we are giving expression to the 'moral law within.'

MPP1-219 CONSEQUENCES ARE UNCERTAIN, SO DUTY SHOULD PREVAIL

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.109

This argument may be stated in a more general form: We are tempted to make exceptions to the rule against lying because in some cases we think the consequences of truthfulness would be bad and the consequences of lying good. However, we can never be certain about what the consequences our actions will be; we cannot KNOW that good results will follow. The result of lying MIGHT be unexpectedly bad. Therefore, the best policy is always to avoid the known evil--lying-- and let the consequences come as they will. Even if the consequences are bad, they will not be our fault, for we will have done our duty.

MPP1-220 ONLY HUMANS ARE ENDS IN THEMSELVES
Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.95

Suppose, however, there were something whose existence has in itself an absolute value, something which as an end in itself could be a ground of determinate laws; then in it, and in it alone, would there be a ground of a possible categorical imperative -- that is, of a practical law. Now I say that man, and in general every rational being, exists as an end in himself, not merely as a means for arbitrary use by this or that will: he must in all his actions, whether they are directed to himself or to other rational beings, always be viewed at the same time as an end.

MPP1-221 EACH PERSON HAS WORTH BY BEING UNDER MORAL LAW

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.197

It is because of being under the moral law that each and every person has an intrinsic, inalienable, unconditional, objective worth or dignity (Wurde) as a person. By virtue of that law we are elevated above being merely part of the natural world. We have an absolute and irreplaceable worth, for our value is not dependent on our usefulness or desirability. It 'has not price or no equivalent for which the object of esteem could be exchanged.' We may never renounce our right to respect, and we ought never act in such a way as to reduce either ourselves or others to the status of mere things.

MPP1-222 HUMANS' RATIONAL NATURE MAKES THEM WORTHY OF RESPECT

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.115-16

Humans have 'an intrinsic worth, i.e., DIGNITY,' because they are RATIONAL AGENTS--that is, free agents capable of making their own decisions, setting their own goals, and guiding their conduct by reason. Because the moral law is the law of reason, rational beings are the embodiment of the moral law itself. The only way that moral goodness can exist at all in the world is for rational creatures to apprehend what they should do and, acting from a sense of duty, do it. This, Kant thought, is the ONLY thing that has 'moral worth.' Thus if there were no rational beings, the moral dimension of the world would simply disappear.

MPP1-223 HUMANS' RATIONAL NATURE MAKES THEM WORTHY OF RESPECT

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.197

Every person possesses moral reason and thereby the ability to achieve the highest achievable good, a good will. To be 'a man of principle,' that is, an autonomous agent, is possible to a person with 'the most ordinary human reason' and is of greater worth than having the greatest talent. Consequently, everyone should respect everyone else, and everyone should 'value himself on a footing with' everyone else.

MPP1-224 HUMANS ARE ENDS IN THEMSELVES BECAUSE ONLY HUMANS HAVE ENDS

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.115

When Kant said that the value of human beings 'is above all price,' he did not intend this as mere rhetoric but as an objective judgment about the place of human beings in the scheme of things. There are two important facts about people that, in his view, support this judgment. First, because people have desires and goals, other things have value FOR THEM, in relation to THEIR projects. Mere 'things' (and this includes nonhuman animals, whom Kant considered unable to have self-conscious desires and goals) have value only as means to ends, and it is human ends that GIVE them value.

MPP1-225 ALL HUMANS WANT TO CHOOSE THEIR OWN ENDS

John Hospers, philosopher, University of South Carolina, HUMAN CONDUCT, 1982, p.194

Perhaps there are people who are so passive that they want someone else to make all their decisions for them and not take responsibility themselves, but even such individuals will presumably want to CHOOSE to be enslaved, not to have this fate forced on them from birth by another. The same may be said for masochists, who want to be used as means to fulfill the sadistic ends of others: they want to CHOOSE to whom they are to be subservient and what the 'rules of the game' will be. (Perhaps being beaten is pleasing to them, but not being given a pain-inducing drug.) It is, indeed, difficult to conceive of people who do not wish to decide upon their own ends, rather than being the passive vessels of other human beings who use them for their own purposes.

MPP1-226 TREATING OTHERS AS ENDS DERIVES FROM THE NATURE OF PERSONHOOD

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.156-57

How is the means-ends principle to be justified? One of the most plausible arguments is that the refusal to respect the essential nature of personhood in oneself involves a contradiction. If we cannot be personal agents without having our freedom and well-being respected, we will necessarily claim the right to have these aspects of our person respected. But, if we must think of ourselves as having the right to respect of our purposes and the conditions necessary for the realization of those purposes, and ON NO OTHER GROUND THAN THE FACT THAT WE ARE AGENTS, then we must acknowledge that any other person who is an agent like we are has exactly the same right. To deny this respect to other agents while claiming it for ourselves is inconsistent.

MPP1-227 TREATING OTHERS AS ENDS CAN BE UNIVERSALIZED

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.193

There is, however, one maxim which it is quite plausible to say that all human beings can wish universalized. 'Rational beings,' said Kant 'all stand under the law that each of them should treat himself and all others never merely as a means, but always at the same times as an end in himself.' It is always wrong, according to Kant, for one person to use other persons merely as means to his or her own ends.

MPP1-228 VIRTUALLY EVERYONE ACCEPTS THE 'RESPECT FOR PERSONS' FORMULA

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.195

Nonetheless, because of its welcome emphasis on people--or 'persons' or humanity,' as Kant usually puts it --the second formula still proves to be the most attractive version of the Categorical Imperative to many readers. Kant's doctrine concerning the supreme and equal value of persons as persons enunciates a fundamental moral, political, and religious principle presupposed in the ordinary moral judgments of virtually everyone today. It has a majesty and can so fire the moral sensibilities of his readers that whatever problems there may be in using it as a norm, Kant's second formula seems obviously the right view to most people.

MPP1-229 KANT'S ETHIC EXPLAINS THE UNIVERSALITY OF RESPECT FOR PERSONS

Roger Scruton, professor of Esthetics, University of London, KANT, 1982, p.73-74

In all these intuitive distinctions--between reason and cause, intention and desire, action and passion, esteem and affection--we find aspects of the vital distinction which underlies them, that between person and thing. Only a person has rights, duties and obligations; only a person acts for reasons in addition to causes; only a person merits our esteem. The philosophy of the categorical imperative explains this distinction and all those which reflect it. It also explains why the 'respect for persons' lies embedded in every moral code.

MPP1-230 OTHERS SHOULDN'T BE TREATED ONLY AS MEANS

Richard Norman, philosopher, THE MORAL PHILOSOPHERS, 1983, p.118

Kant is not saying that we should never use human beings as means at all. Human society would be impossible if people could never make use of one another. Every time I eat a meal, I make use of the people who produced and marketed the food, every time I read a book I make use of the author. Examples could be multiplied. Kant's point is that we should not regard people SIMPLY as means to our own ends. All human beings are ends in themselves, and when the circumstances arise (which they may not), we should treat them as such.

MPP1-231 KANT'S ETHIC HAS ENDURED THE TEST OF TIME

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.xiii

As arguably the most important moral philosopher in the modern period Kant clearly has had the 'last and best laugh' over his philosophical opponents, just as he once, in a somewhat better mood, wrote that he would.

MPP1-232 KANT'S THEORY IS VERY POWERFUL

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.xiii

No philosopher could continue to have the impact on such large numbers of thinkers if his theory were not extraordinarily powerful. Whatever problems Kant's theory may have, it still seems to many thoughtful people to be an essentially correct view. This holds true not only for most professional philosophers writing in the field of ethics today but also for many people who do not claim to be philosophers. The Kantian view or something closely akin to it seems clearly to be the way many people think about morality even today, particularly those reared in the Judeo-Christian tradition. Kant often says what they themselves would say about their own moral life, were they to articulate it.

MPP1-233 THE CATEGORICAL IMPERATIVE IS WIDELY ACCEPTED

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.150

Despite his contention, the Categorical Imperative remains one of the most puzzling parts of Kant's moral theory. Among contemporary philosophers it is widely accepted as the ultimate norm of justice, and yet there seems to be little agreement about just what kind of test it is.

MPP1-234 THE CATEGORICAL IMPERATIVE IS INHERENT IN THE STRUCTURE OF REASON

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.50

When we think morally, Kant writes, we all necessarily presume the Categorical Imperative as our ultimate norm. It is present in the inherent structure of human reason, and its presence there gives us our moral personality, or what Kant calls 'personality itself (the idea of humanity considered quite intellectually).'

MPP1-235 INTROSPECTION CONFIRMS KANT'S MORAL VIEWS

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.50

Consequently, he [Kant] maintains, we can confirm his analysis by introspecting our own moral consciousness and by listening carefully to the way in which other people make their moral judgments. For example we will find that, once people are convinced something is their moral obligation, they invariably experience their own reason as commanding them absolutely to fulfill that obligation, without any regard for their desires and inclinations. This is why any compromise of a moral principle seems immoral.

MPP1-236 MOST PHILOSOPHERS ACCEPT THE PRIMACY OF MORAL INTERESTS

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.97

So powerful has been Kant's influence that most moral philosophers today virtually take it for granted that moral interests should take precedence over all others.

MPP1-237 KANT'S THEORY ACCORDS WITH ORDINARY MORAL JUDGMENTS

Roger Scruton, professor of Esthetics, University of London, *KANT*, 1982, p.71-72

Kant believes that the various formulations of the categorical imperative can be derived by reflection on the single idea of autonomy, and that this alone is sufficient to recommend them to every rational being. He also thinks that they lend support to ordinary moral thought just as the synthetic a priori principles of the understanding uphold our common scientific knowledge. It is a singular merit of Kant's moral system that it imposes order on an intuitive vision of morality. This vision is not the property of one man only, but (as Kant and many others have thought) of all people everywhere.

MPP1-238 COMMON MORAL CONVICTIONS ARE OUR ULTIMATE MORAL DATA

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY* 1989

Kant claimed to draw this contrast from ordinary moral consciousness, for he was convinced that if we really are moral agents, we must be aware of what that means, even if most of us can articulate our knowledge only in a somewhat disorganized and unclear way. Consequently, he regarded our common moral convictions as the ultimate data for an analysis of morality, and he frequently validated his claims by corroborative appeals to those convictions.

MPP1-239 PEOPLE HAVE CORRECT PREPHILOSOPHIC MORAL UNDERSTANDING

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.4

Everyone, he concluded, must have a fundamentally correct prephilosophical understanding of morality, even if that understanding lacks clarity and adequate expression. The task of the philosopher, therefore, and Kant's chief claim on behalf of his own analysis, is to set out clearly, correctly, and precisely what already is 'inherent in the structure of every man's reason,' particularly the ultimate moral norm.

MPP1-240 PHILOSOPHERS DON'T HAVE UNIQUE MORAL INSIGHT

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.4

Kant frequently wrote that the ultimate data for his analysis of the nature of morality were drawn from the moral thinking of ordinary people with ordinary intelligence. The Greeks, he held, had been wrong to think that knowledge IS moral virtue, and so they (and Leibniz) were wrong in believing that morality can be the possession only of a leisured, educated elite. On the contrary, morality is no discriminator of persons; it binds everyone. Since one cannot have moral obligations that one does not and cannot know about, moral norms and ideals must be available to working people of the most ordinary intelligence. Philosophers do not have access to moral insights that are not also available literally to everyone else.

MPP1-241 NORMAL USAGE SUPPORTS KANT'S CATEGORICAL/HYPOTHETICAL DISTINCTION

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.194

A version of Kant's categorical imperative certainly appears in ordinary moral utterance in our society. 'You ought to do it.' 'Why?' 'There's no reason. You just ought.' The force of 'There's no reason' is to draw a contrast with the cases where you ought to do something because it will be to your pleasure or advantage or will bring about some result you want. Thus, the distinction between categorical and hypothetical imperatives is at this level a familiar one.

MPP1-242 ORDINARY MORAL CONSCIOUSNESS SHOWS REASON/INCLINATION CONFLICT

Roger Scruton, professor of Esthetics, University of London, KANT, 1982, p.74

We recognize in all our moral efforts that there may be a conflict between duty and desire. There thus arises, in every moral being, the idea of conscience as an independent motive, able to legislate among desires and so to forbid or permit them. Kant distinguishes the 'good will' of the moral agent from the 'holy will' that acts always without resistance from desire. The 'holy will' needs no imperative since it bends automatically in the direction of duty, whereas the ordinary agent stands always in need of principles, since his inclination is to thwart them. The sense of the conflict between reason and the passions is a widespread intuition.

MPP1-243 KANT'S VIEW OF MORAL AGENCY IS COMMONSENSICAL

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.23-24

Stated in general terms, Kant's view of the nature of human agency agrees fairly well with our 'commonsense' convictions as well as with the doctrines held by most philosophers before Kant. As we saw in the preceding chapter, we can relate to the world in different ways. We do so theoretically, as spectators, when we seek only to UNDERSTAND the world, and we do so practically, as agents, when we try to CHANGE the world. According to Kant, then, human beings considered in the latter way, as agents, (1) to have the power to act (2) so as to aim at goals of their own choosing (3) according to rules (or 'maxims') they themselves have adopted.

MPP1-244 PREEMINENCE OF GOOD WILL CORRESPONDS TO OUR MORAL INTUITIONS

Roger Scruton, professor of esthetics, University of London, KANT, 1982, p.73

In the moral judgment of action we refer to the consequences produced to the agent who produced them. Unlike the intentional or the negligent the unforeseeable and the unintended is never blamed. Moral judgment is directed, not to the effects of an action, but to the good or bad intention that it shows. Hence, in Kant's famous words, 'nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will.' Kant's theory accords exactly with this common intuition. All virtue is contained in autonomy, all vice in its absence, and all morality is summarized in the imperatives that guide the will.

MPP1-245 ORDINARY MORAL JUDGMENTS SUPPORT RESPECT FOR PERSONS

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, RESPECT FOR PERSONS, 1969, p.38

In our first chapter we tried to elucidate in general terms the view that respect for persons as ends expresses what is fundamental to morality. In this chapter we shall begin the more detailed defense of the view by showing that respect for persons is the ultimate principle presupposed in our ordinary judgments of social morality.

MPP1-246 ORDINARY MORAL JUDGMENTS SUPPORT RESPECT FOR PERSONS

R.S. Downie and Elizabeth Tetler philosophers, University of Glasgow, RESPECT FOR PERSONS, 1969, p.9

It is one of the most generally agreed judgments of ordinary morality that unselfishness is to be commended and selfishness condemned. We can therefore say that ordinary moral judgments require us to make the ends of others our own by helping them to get what they want. This will include both a negative aspect--refraining from INTERFERING with their pursuit of their aims--and a positive aspect of COOPERATION. It also covers the activity of helping them to avoid what they want to avoid, which can be called by the blanket terms of 'pain', 'distress', 'frustration', 'embarrassment'.

MPP1-247 KANT'S ETHIC ACCORDS WITH OUR VIEW OF JUSTICE

Roger Scruton, professor of Esthetics, University of London, KANT, 1982, p.72

Common morality enjoins respect for others and for oneself; it forbids exceptions in one's own favour; it regards all men as equal before the moral law. These are immediate consequences of the categorical imperative. In its second formulation, moreover, the imperative lends support to quite specific, and universally accepted, laws. It forbids murder, rape, theft, fraud and dishonesty, along with all forms of arbitrary compulsion. It imposes a universal duty to respect the rights and interests of others, and a rational requirement to abstract from personal involvement towards the viewpoint of the impartial judge. Thus it encapsulates fundamental intuitions about justice together with a specific and intuitively acceptable moral code.

MPP1-248 DUTY IS A CLEARER GUIDE THAN HAPPINESS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.70

The concept of duty in its complete purity is incomparably simpler, clearer and more natural and easily comprehensible to everyone than any motive derived from, combined with, or influenced by happiness, for motives involving happiness always require a great deal of resourcefulness and deliberation. Besides, the concept of duty, if it is presented to the exclusive judgement of even the most ordinary human reason, and confronts the human will separately and in actual opposition to other motives, is far more powerful, incisive and likely to promote success than all incentives borrowed from the latter selfish principle.

MPP1-249 DUTY IS CLEAR, WHEREAS CONSEQUENCES ARE UNCERTAIN

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.71

Thus a will which follows the maxim of happiness vacillates between various motives in trying to reach a decision. For it considers the possible results of its decision, and these are highly uncertain; and it takes a good head to find a way out of the host of arguments and counter-arguments without miscalculating the total effect. On the other hand, if we ask what duty requires, there is no confusion whatsoever about the answer, and we are at once certain what action to take. We even feel, if the concept of duty means anything to us, a revulsion at the very idea of calculating the advantages we might gain through violating our duty, just as if the choice were still a real one.

MPP1-250 REASON CAN'T PREDICT CONSEQUENCES, IT CAN ONLY DETERMINE DUTY

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.116

In short, reason is not sufficiently enlightened to discover the whole series of predetermining causes which would allow it to predict accurately the happy or unhappy consequences of human activities as dictated by the mechanism of nature; it can only hope that the result will meet with its wishes. But reason at all times shows us clearly enough what we have to do in order to remain in the paths of duty, as the rules of wisdom require, and thus shows us the way towards our ultimate goal.

MPP1-251 THE PURPOSE OF REASON ISN'T TO PRODUCE HAPPINESS

Immanuel Kant, German Philosopher, GROUNDWORK OF THE METAPHYSIC OF MORALS, 1785, p.62-3

Suppose now that for a being possessed of reason and a will the real purpose of nature were his preservation, his welfare, or in a word his happiness. In that case nature would have hit on a very bad arrangement by choosing reason in the creature to carry out this purpose. For all the actions he has to perform with this end in view, and the whole rule of his behaviour, would have been mapped out for him far more accurately by instinct; and the end in question could have been maintained far more surely by instinct than it ever can be by reason.

MPP1-252 CONSEQUENTIALISM CAN'T PRODUCE PEACE

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, p.35

Kant considers it essential to demonstrate that perpetual peace cannot be established by following the doctrines of expediency which are: *fac et excusa, si fecisti nega* and *divide et impera*. These principles are not objective a priori principles of right on which men can agree and act. They involve considering the consequences of one's action and not the maxims of one's action. They are therefore heteronomous, i.e. uncertain and imprecise. It is impossible to agree on them by the use of reason. They do not allow of a philosophical enquiry into politics, nor do they afford points of orientation for rightful political action.

MPP1-253 UTILITARIAN POLICIES LEAD TO DESPOTISM AND REBELLION

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.83

It is obvious from this that the principle of happiness (which is not in fact a definite principle at all) has ill effects in political right just as in morality, however good the intentions of those who teach it. The sovereign wants to make the people happy as he thinks best, and thus becomes a despot, while the people are unwilling to give up their universal human desire to seek happiness in their own way, and thus become rebels.

MPP1-254 KANT'S ETHIC PROVIDES CONCRETE MORAL GUIDANCE

Charles Fried, Harvard Law School, *RIGHT AND WRONG*, 1978, p.197-98

The deontological conception of morals finds its first and deepest expression in the writings of Immanuel Kant. John Rawls's lectures on Kant, delivered at Harvard in 1963, as well as his development of Kantian ideas in *A THEORY OF JUSTICE* answer the shallow and unsympathetic interpretation--current since at least Hegel--that Kant's moral theory is merely formal, unconcerned with human happiness, and thus unable to provide content, much less motivation for concrete choice.

MPP1-255 A GENERAL THEORY MUST BE FORMAL

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.77

We cannot give a general description of moral action by reference to its objects, both because the objects of moral action vary indefinitely and because they may be produced by action which is not moral. Moral action must be described, not by its objects, but by its motive or principle or maxim; and this principle or maxim, for the same reasons as before, cannot MERELY be one of producing certain objects. The only possibility is that it should be a maxim of obeying a law which is the same for all: in Kant's language, it must be a formal maxim.

MPP1-256 A FORMAL THEORY IS VALUABLE

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.151

It has been said that Kant's standard is merely formal, but there is nothing wrong in Kant providing a formal standard. Indeed, that is just what he himself desired to do. Just as the logician provides, for example, the syllogistic form to which every valid argument of the type must conform, so Kant, in his first principle, hoped to provide a rule to which every moral law must conform, and if he had accomplished this, no one can deny that he would have rendered a most valuable service to ethical theory.

MPP1-257 KANT'S SYSTEM COULD ACCOMMODATE EXCEPTIONS

H.B. Acton, professor of Moral Philosophy, University of Edinburgh, *KANT'S MORAL PHILOSOPHY*, 1970, p.65

In circumstances where one rule of duty conflicts with another, one or the other or both must be broken, and the fact that they are all categorical cannot alter this. Kant, therefore, adopted a false rigorism that is not required by his own principles. His supreme principle of morality does not entail that basic moral rules cannot have exceptions, but only that the permissible exceptions are universalisable maxims.

MPP1-258 KANT RECOGNIZES MORAL CONFLICTS

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.75

We may conclude that Kant did take into account the possibility of conflicts between moral rules and incompatible courses of conduct following from the same rule. It may further be argued that he introduced clarity and precision into our description of such conflicts by refusing to allow them to be described as conflicts between moral duties. Finally, his theory recognized the critical place of judgment in human moral life. The connection between a moral theory's principles and the actual moral decisions we must make requires judgment, which we saw in Chapter 5, Kant maintained cannot be reduced to a schematized a procedure but can only be fostered and promoted by careful reflection, by casuistry, and by experience.

MPP1-259A KANT LEAVES ROOM FOR MORAL JUDGMENT

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.74

What Kant has in mind here is the necessary and ineluctable role of judgment in the application of moral rules. One of the things our judgment tells us, for example, is that we do not have a moral obligation actually to ACT on every moral rule at every given moment. We can hold that a particular rule is a narrow moral rule, like the injunction against lying, which does bind us without exceptions (is a *LEX OBLIGANDIS*, as Kant puts it), and yet judge that it is not a law actually obligating us (a *LEX OBLIGANS*) here and now to act on it. When, for example, I am reading a book or working in the garden, the moral injunctions, say, of benevolence and against lying still weigh against me, but, in the absence of other considerations, I may not be obligated actually to obey either injunction at that moment.

MPP1-259B THE 'GROUND OF OBLIGATION' RESOLVES CONFLICTS OF MORAL RULES

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.73-74

In the case of a conflict between moral rules, Kant maintains that what determines our actual duty is what he calls the 'ground of obligation (the *RATIO OBLIGANDI*),' which is to be found EITHER in the agent OR in the moral rule itself. For any particular duty, 'there can be ONLY ONE ground of obligation,' and in the case of conflicting rules, 'one or the other of these grounds is not sufficient to oblige' the person, and therefore obedience to one or the other rule is 'not a duty.' In such instances, he argues, it is not correct to say that the stronger obligation takes precedence or that one is more obligatory than the other, for all moral obligations are absolute. (Even wide obligations do not admit of exceptions, only of a wide range of ways to fulfill them.) Rather, the stronger GROUND of obligation prevails. And then 'it is not only not a duty but contrary to duty to act according to the other' rule. Negative and strict duties as a rule thus carry more weight than positive duties, and positive duties to self have more *prima facie* weight than positive duties to others.

MPP1-260A KANT WASN'T A RULE WORSHIPPER

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.53

Despite occasional passages that seem to identify morality with rule following, Kant's discussion of wide duties illustrates how deeply he respected the important role of judgment in human moral life. He should not be faulted for failing to offer some procedure for arbitrating between different ways of fulfilling wide obligations. As he points out, we cannot rely here on some further maxim to help us apply a particular maxim to a particular case, for then we would need a maxim for using that maxim, and so on, ad infinitum. Moreover, each new maxim would still require the exercise of judgment. There simply is no substitute here for the exercise of judgment.

MPP1-260B KANT WASN'T A RULE WORSHIPPER

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.75

In fact, in his *ANSWER TO THE QUESTION: WHAT IS ENLIGHTENMENT?* Kant himself attacks mechanical rule following as diametrically opposed to the ideal of the Enlightenment that each of us should act autonomously; that is, we should make our own moral judgments and live our lives by our own reason: 'Rules and formulas, those mechanical aids to the rational use, or rather misuse, of his natural gifts, are the shackles of a permanent immaturity,' which is the antithesis of our having 'a rational appreciation for both [our] own worth and for each person's calling to think for himself.'

MPP1-261 KANT DIDN'T IGNORE CONSEQUENCES

H.J. Paton, professor of philosophy, Oxford, *THE CATEGORICAL IMPERATIVE*, 1948, p.76

Kant is right in saying that the expected consequences cannot be the *DETERMINING GROUND* of an action if it is to have moral worth. Nevertheless the good man begins with the *MAXIM* of a proposed action and asks himself whether the maxim can be willed as a universal law; and the maxim is always of the form 'if I am in certain circumstances, I will perform an action likely to have certain consequences.' How could we propose to steal or to kill or to act at all, if we ignored the fact that an action has consequences? Nevertheless we must not judge the action to be right or wrong according as we like or dislike the consequences. The test is whether the maxim of such an action is compatible with the nature of a universal law which is to hold for others as well as for myself. A good man aims at consequences because of the law: he does not obey the law merely because of the consequences. Such is the simple and obvious truth so often caricatured. If Kant had said merely that we must not allow our desires for particular consequences to determine our judgment of what our duty is, he would have avoided a great deal of misunderstanding.

MPP1-262 KANT DIDN'T ADVOCATE BLIND OBEDIENCE

H.B. Acton, professor of moral philosophy, University of Edinburgh, *KANT'S MORAL PHILOSOPHY*, 1970, p.63

From Schopenhauer onwards Kant has been accused of advocating a morality of blind obedience to the commands of duty--a morality of rigid adherence to uncriticised orders. But Kant's insistence on the Principle of Autonomy hardly accords with this. It is true that Kant thinks that those who do wrong could have refrained from doing so. But it is a condition of doing wrong that the wrongdoer is rational and therefore free. On Kant's view human beings are not slaves to their heredity and environment. Their humanity and rationality just are their ability to act freely in spite of causal influences upon them.

MPP1-263 KANT SUPPORTED LIBERAL POLITICAL VALUES

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.234

It is not difficult to see how Kant's political thought contributed to this view. Against the old despotism's he set the ideals already enunciated in John Locke's *SECOND TREATISE ON CIVIL GOVERNMENT* and proclaimed (if not respected in action) by the French Revolution: freedom and equality. Kant himself stressed the ideal of justice rather than that of fraternity, for fraternity, for fraternity tends to be based on emotional ties leading to partiality, whereas justice as fairness is impersonal insofar as it is based on reason alone. Kant emphasized that only a state that recognizes these ideals of reason will respect the dignity of every person within it.

MPP1-264 THE CATEGORICAL IMPERATIVE UPHOLDS FREEDOM

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.259

One of the best ways in which to understand the Categorical Imperative is to think of it as the antithesis of tyranny. Tyrants use other people as their property, merely as things for their own private purposes, and have no respect for the rights or intrinsic worth of their subjects nor for their individual pursuit of happiness. By contrast, the Law of Autonomy forbids us to use anyone in such a fashion; we may not even use ourselves merely as a means to satisfying our desires.

MPP1-265 KANT'S ETHIC IS DEMOCRATIC

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.5

Kant's morality, then, is the morality of the ordinary person, and this helps to account for the continued influence of his writings in any country with democratic ideals.

MPP1-266 KANT STRESSES MORAL EQUALITY

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.197

Kant's entire moral philosophy can be understood as a protest against distinctions based on the far less important criteria of rank, wealth and privilege, and perpetrated by religious and political force and fear. Kant's is an ethics of the people, of moral egalitarianism. Nowhere is this more clearly evident than in his second formula. 'Respect' is radically different from the notion of 'honor,' which rests only on societal roles and prudential distinctions. Respect is an attitude due equally to EVERY person, SIMPLY because each is a person, a rational being capable of moral self-determination, regardless of social position, occupational role, learning, wealth, or any other special qualities or talents he or she may or may not possess.

MPP1-267 KANT WAS NOT A HARSH MORALIST

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.51

Kant also shows that he is not the harsh moralist he occasionally has been portrayed as being, when he holds that our moral duties do not all obligate us in exactly the same way. He divides our moral obligations into those that are 'narrow' and those that are 'wide.' Kant describes narrow duties as 'strict,' 'rigorous,' and 'perfect,' for ANY action that violates them is morally wrong, its maxim--when conceived of also as a universal law--always generating a contradiction.

MPP1-268 FOR KANT, MOST CHOICES ARE MORALLY PERMISSIBLE

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.51

As a little reflection shows, most of the choices ordinary people make turn out to be morally permissible behaviors aimed at promoting their morally legitimate welfare and well-being. At any given moment there may be and usually are an indefinite number of permissible maxims on which we may act. Although we may wish Kant had offered a more balanced presentation of his moral theory, one that placed more emphasis on this doctrine, it is clear that this is his doctrine.

MPP1-269 FOR KANT, NOT ALL UNIVERSALIZABLE MAXIMS ARE OBLIGATORY

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY THEORY 1989 p.50

It is all too easy to conclude that the obligation to act only on maxims that can hold as universal laws means that the maxim of any kind of action NOT violating the criterion of universality should be understood to be morally obligatory. Such an interpretation makes Kant's moral theory so harsh as to be ludicrous, for there are all sorts of maxims that COULD pass the test of universality but that it would be absurd for us to consider obligatory for anyone, much less for everyone (such as tying the laces on my left shoe first). Likewise, there are an indefinite number of apparently morally acceptable maxims that we clearly cannot will that everyone should adopt (such as trying to become a philosopher, or whatever).

MPP1-270 PURSUIT OF HAPPINESS REMAINS A VALUE FOR KANT

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY THEORY 1989 p.202

Since Kant so often treats the Categorical Imperative mainly as a negative criterion, determining what we must not do, it is easy to forget that, when not contrary to the moral law, the pursuit of pleasure and happiness is not only naturally but also morally permissible. Even more strongly, Kant insists that, in the absence of moral objections, we have a right to tend to our own happiness and welfare: 'No one has a right to demand that I sacrifice my own ends if these are not immoral.' We cannot totally renounce our concern for our own well being, nor should we try to do so.

MPP1-271 PURSUIT OF HAPPINESS REMAINS A VALUE FOR KANT

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.198

Though there is a great deal of rhetoric in Kant's work to feed this misconception, Rawls shows that the central conception is the priority of the right over the good. But that the right takes priority over the good, over human happiness, does not mean that it annihilates it. Indeed, Kant is explicit that human happiness has moral worth, but only as it is happiness of moral beings.

MPP1-272 KANT ALLOWS ALL MEANS SHORT OF LYING TO SAVE THE INNOCENT

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.69

Accordingly, both Augustine and Kant, though they conclude that it is wrong to lie even to save an innocent victim from his would-be killer urge that every possible device short of lying be used to conceal the truth in that case.

MPP1-273 MORAL IMPERATIVES ARE GENUINE LAWS
 Roger Sullivan, philosopher, University of South Carolina,
 IMMANUEL KANT'S MORAL THEORY, 1989, p.49

But because moral imperatives are grounded only in our own reason and because they require us to regard our desires as irrelevant to what we should do, we cannot escape the right of moral rules to obligate us. They are genuine laws.

MPP1-274 RATIONAL MORAL RULES HOLD WITHOUT EXCEPTION

Roger Sullivan, philosopher, University of South Carolina,
 IMMANUEL KANT'S MORAL THEORY, 1989, p.48

Once again Kant explains his doctrine by contrasting morality with prudence. As we have seen, all prudential rules are material maxims learned from experience: They set out the means to desired ends. Because they serve desires, which lie outside reason, Kant calls all such rules 'heteronomous.' For the same reasons, they can bind us only conditionally and subjectively--when we in fact have desires they can help satisfy; otherwise we are free to ignore them. Rules provided by reason ALONE clearly must be radically different from prudential maxims. For one thing, such rules must all be objective: They must be rules that hold without exceptions, both necessarily and universally for all rational agents and for all human beings simply because they are rational.

MPP1-275 MORAL RULES ARE ABSOLUTE FOR RATIONAL AGENTS

Roger Sullivan, philosopher, University of South Carolina,
 IMMANUEL KANT'S MORAL THEORY, 1989, p.49

There is only one legitimate reason that can exempt an agent from the Law of Autonomy, namely the excuse 'This is not a rational agent.' We in fact do use this plea to exempt animals, small children, and profoundly emotionally disturbed or mentally disabled adults from moral responsibility. But we may not use this excuse for ourselves. The claim 'I need not act morally, because I am not rational' is incoherent, for a person cannot consistently both offer a reason for what he or she says and also claim to be a nonrational agent, one who cannot recognize the action-guiding nature of reasons. Moral rules, therefore, obligate us unconditionally or absolutely or categorically--and not hypothetically or conditionally.

MPP1-276 MORAL GOODNESS IS THE SUPREME GOOD
 Roger Sullivan, philosopher, University of South Carolina,
 IMMANUEL KANT'S MORAL THEORY, 1989, p.108

As Kant explains it, to talk of human persons as 'moral beings' means to think of ourselves as 'UNDER moral laws' of our own making and adoption. Our end, which for us is obligatory because contingent, is, of course, good moral character--a good will. Moral goodness is THE unique, supreme good. The goodness of the good will is unconditional, for, as we have seen, our reason identifies its goodness as absolutely final and not derived from or dependent on any other good. Its goodness is completely intrinsic to it, for a good will is good of itself. It alone 'cannot be evil,' because its goodness does not depend on its being an instrumentality, useful in the pursuit of anything else.

MPP1-277 ONLY MORALITY HAS INTRINSIC WORTH
 Immanuel Kant, German Philosopher, GROUNDWORK OF
 THE METAPHYSIC OF MORALS, 1785, p.102

Now morality is the only condition under which a rational being can be an end in himself; for only through this is it possible to be a law-making member in a kingdom of ends. Therefore morality, and humanity so far as it is capable of morality, is the only thing which has dignity. Skill and diligence in work have a market price; wit, lively imagination, and humour have a fancy price; but fidelity to promises and kindness based on principle (not on instinct) have an intrinsic worth.

MPP1-278 TREATING PERSONS AS ENDS IN THEMSELVES IS AN ABSOLUTE VALUE

Immanuel Kant, German Philosopher, GROUNDWORK OF
 THE METAPHYSIC OF MORALS, 1785, p.96

Rational beings, on the other hand, are called persons because their nature already marks them out as ends in themselves - that is, as something which ought not to be used merely as a means - and consequently imposes to that extent a limit on all arbitrary treatment of them (and is an object of reverence). Persons, therefore, are not merely subjective ends whose existence as an object of our actions has a value for us: they are objective ends-that is, things whose existence is in itself an end, and indeed an end such that in its place we can put no other end to which they should serve simply as means; for unless this is so, nothing at all of absolute value would be found anywhere. But if all value were conditioned - that is, contingent - then no supreme principle could be found for reason at all.

MPP1-279 POLITICS SHOULD BE GOVERNED BY MORAL PRINCIPLES

Immanuel Kant, German Philosopher, KANT'S POLITICAL
 WRITINGS, 1970, p.116

Morality, as a collection of absolutely binding laws by which our actions ought to be governed, belongs essentially, in an objective sense, to the practical sphere. And if we have once acknowledged the authority of this concept of duty, it is patently absurd to say that we cannot act as the moral laws require. For if this were the case, the concept of duty would automatically be dropped from morals (*ultra posse nemo obligatur*). Hence there can be no conflict between politics, as an applied branch of right, and morality, as a theoretical branch of right (i.e. between theory and practice); for such a conflict could occur only if morality were taken to mean a general doctrine of expediency, i.e. a theory of the maxims by which one might select the most useful means of furthering one's own advantage-and this would be tantamount to denying that morality exists.

MPP1-280 POLITICS IS GOVERNED BY MORAL PRINCIPLES

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.21

Just as in Kant's ethics actions ought to be based on maxims capable of being formulated as universal laws, so in politics political arrangements ought to be organised according to universally valid laws. Political action and legislation ought thus to be based on such rules as will allow of no exception. Kant's principles of politics are normative. They are applications of principles of right to experience. Right, in a succinct phrase of Kant's, 'ought never to be adapted to politics, but politics ought always to be adapted to right'.

MPP1-281 THE HIGHEST PRINCIPLE OF LEGISLATION ISN'T HAPPINESS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.80

No generally valid principle of legislation can be based on happiness. For both the current circumstances and the highly conflicting and variable illusions as to what happiness is (and no-one can prescribe to others how they should attain it) make all fixed principles impossible, so that happiness alone can never be a suitable principle of legislation. The doctrine that *salus publica suprema civitatis lex est* retains its value and authority undiminished; but the public welfare which demands first consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law, so that each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large...

MPP1-282 DUTY, NOT HAPPINESS, IS THE HIGHEST PRINCIPLE OF POLITICS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.123-4

This proposition simply means that whatever the physical consequences may be, the political maxims adopted must not be influenced by the prospect of any benefit or happiness which might accrue to the state if it followed them, i.e. by the end which each state takes as the object of its will (as the highest empirical principle of political wisdom); they should be influenced only by the pure concept of rightful duty, i.e. by an obligation whose principle is given a priori by pure reason.

MPP1-283 HAPPINESS IS NOT THE PURPOSE OF POLITICS

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.25

But Kant states the political problem in a negative manner. He does not consider it to be the purpose of politics to make people happy. Happiness is subjective. He thus strongly condemns utilitarianism in politics, just as he objects to utilitarianism in pure ethics. This argument, of course, does not mean that he does not wish people to be happy. It only means that political arrangements should not be organised in such a way as to aim at promoting happiness, but that they should permit men to attain happiness in their own way. He thus rules out benevolent despotism as practised, and defended in his writings on politics, by Frederick the Great.

MPP1-284 RIGHTS ARE MORALLY ABSOLUTE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.125

A true system of politics cannot therefore take a single step without first paying tribute to morality. And although politics in itself is a difficult art, no art is required to combine it with morality. For as soon as the two come into conflict, morality can cut through the knot which politics cannot unite. The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance.

MPP1-285 JUSTICE OUTWIEGHS SURVIVAL

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.155

The penal law is a categorical imperative, and woe betide anyone who winds his way through the labyrinth of the theory of happiness in search of some possible advantage to be gained by releasing the criminal from his punishment or from any part of it, or who acts in the spirit of the pharisaical saying: 'It is better that one man should die than that the whole people should go to ruin.' For if justice perishes, there is no further point in men living on earth.

MPP1-286 FREEDOM IS AN A PRIORI PRINCIPLE OF GOVERNMENT

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.74

The civil state, regarded purely as a lawful state, is based on the following a priori principles:

1. The freedom of every member of society as a human being.
2. The equality of each with all the others as a subject.
3. The independence of each member of a commonwealth as a citizen. These principles are not so much laws given by an already established state, as laws by which a state can alone be established in accordance with pure rational principles of external human right. Thus: I. Man's freedom as a human being, as a principle for the constitution of a commonwealth, can be expressed in the following formula. No-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law-i.e. he must accord to others the same right as he enjoys himself.

MPP1-287 FREEDOM IS THE SOLE ORIGINAL RIGHT

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.136

Kant explains the division of the theory of right into private and public right. also distinguishes between innate and acquired rights. In his view, freedom (i.e. independence from the coercive will of another), in so far as it can coexist with the freedom of everyone else in accordance with a universal law, is the sole original right. It belongs to every man by virtue of his humanity. Equality, honesty and the right to act towards others in such a way that their rights are not infringed all derive from this right of freedom.

MPP1-288 MAXIMUM EQUAL FREEDOM SHOULD BE THE BASIS FOR ALL LAW

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.191

A constitution allowing the greatest possible human freedom in accordance with laws which ensure that the freedom of each can co-exist with the freedom of all the others (not one designed to provide the greatest possible happiness, as this will in any case follow automatically), is at all events a necessary idea which must be made the basis not only of the first outline of a political constitution but of all laws as well.

MPP1-289 PROGRESS REQUIRES FREEDOM

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.50-1

Furthermore, civil freedom can no longer be so easily infringed without disadvantage to all trades and industries, and especially to commerce, in the event of which the state's power in its external relations will also decline. But this freedom is gradually increasing. If the citizen is deterred from seeking his personal welfare in any way he chooses which is consistent with the freedom of others, the vitality of business in general and hence also the strength of the whole are held in check. For this reason, restrictions placed upon personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, enlightenment gradually arises.

MPP1-290 LAWS SHOULD MAXIMIZE FREEDOM

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.23

If this principle is applied to politics it is necessary that there should be established: 'A constitution allowing the greatest possible human freedom in accordance with laws which ensure that the freedom of each can coexist with the freedom of all the others'. Kant elaborates this principle by saying that it is 'a necessary idea which must be made the basis not only of the first outline of a political constitution but of all laws as well'. This fundamental principle could, by way of analogy, be called the universal principle of political right, although Kant himself does not use this term in the Critique of Pure Reason where he discusses it.

MPP1-291 FREEDOM IMPLIES INALIENABLE RIGHTS

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.25

All this also implies that men have inalienable rights. In a state of nature, the war of all against all may prevail, but in a state where men live under law it is different. Men are free, equal and self-dependent. This statement is derived from the idea of freedom. For if all individuals are free, they must necessarily be equally so; for the freedom of all individuals is absolute and can only be universally and equally restricted by law. Each free person must also be self-dependent. The idea of freedom entails the individual's autonomy, for it postulates the individual's power of exercising his will independently, uninhibited by improper constraint.

MPP1-292 PRESS FREEDOM SAFEGUARDS ALL RIGHTS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.85

Thus freedom of the pen is the only safeguard of the rights of the people, although it must not transcend the bounds of respect and devotion towards the existing constitution, which should itself create a liberal attitude of mind among the subjects. To try to deny the citizen this freedom does not only mean, as Hobbes maintains, that the subject can claim no rights against the supreme ruler. It also means withholding from the ruler all knowledge of those matters which, if he knew about them, he would himself rectify, so that he is thereby put into a self-stultifying position.

MPP1-293 FREE EXPRESSION IS KEY TO PROTECTING ALL RIGHTS

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, p.32

Obedience, however, does not mean silence. What must and does remain for the people is the right of public criticism, i.e. not only freedom of the press, but the right of open criticism of the powers that be. Following Voltaire, Kant believed that 'Freedom of the pen is the only safeguard of the rights of the people'. This is tantamount to demanding an open society, a society which seeks to carry on government and to give laws by a process of free rational discussion.

MPP1-294 KANT'S BELIEF IN SANCTITY OF THE INDIVIDUAL JUSTIFIES FREE SPEECH

Frederick Schauer, College of William & Mary Law professor, FREE SPEECH: A PHILOSOPHICAL ENQUIRY, 1982 p.68

This notion of individual sovereignty, or individual autonomy, now associated with Kant, provides the foundation for a theory of freedom of speech premised on the ultimate sanctity of individual choice.

MPP1-295 INDIVIDUAL AUTONOMY JUSTIFIES FREE SPEECH

Frederick Schauer, College of William & Mary Law professor, FREE SPEECH: A PHILOSOPHICAL ENQUIRY, 1982, p.68-9

From this conception of individual autonomy Thomas Scanlon, in a very important article, constructs an impressive argument for freedom of expression. Beginning with the premise that the 'powers of the state are limited to those citizens who could recognize while still regarding themselves as equal, autonomous, rational agents', Scanlon seizes on the autonomy component of that premise to argue that 'a person must see himself as sovereign in deciding what to believe and in weighing competing reasons for action.' An autonomous person cannot accept without independent consideration the judgement of others as to what he should believe or what he should do.' Thus Scanlon's argument hinges on the fact that the ultimate choice as to any question, whether of belief or of action, rests with the individual. Even when an act is prohibited by law, even properly, the autonomous individual retains the choice whether to obey the law or to violate the law and take the consequences. These are decisions that government cannot and must not make, as they are wholly within the boundaries of individual sovereignty.

MPP1-296 PROPERTY RIGHTS FOLLOW FROM THE PRINCIPLE OF FREEDOM

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.22

But man's inner life must not be subject to coercion. Because we cannot know for certain anything about another person's inner life, it ought not to be the task of political action or legislation to change or in any way to condition another person's thought. As men we are free. Our freedom implies that we have a hypothetical right to acquire anything in the world of a nature which we are potentially capable of acquiring. Not only any one particular individual, but all individuals have this right of acquiring possessions. It is the expression of their freedom.

MPP1-297 HUMANS CAN'T EXIST TOGETHER IN TOTAL FREEDOM

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.46

Man, who is otherwise so enamoured with unrestrained freedom, is forced to enter this state of restriction by sheer necessity. And this is indeed the most stringent of all forms of necessity, for it is imposed by men upon themselves, in that their inclinations make it impossible for them to exist side by side for long in a state of wild freedom. But once enclosed within a precinct like that of civil union, the same inclinations have the most beneficial effect.

MPP1-298 SOVEREIGNTY IS NECESSARY FOR FREEDOM

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.46

This problem is both the most difficult and the last to be solved by the human race. The difficulty (which the very idea of this problem clearly presents) is this: if he lives among others of his own species, man is an animal who needs a master. For he certainly abuses his freedom in relation to others of his own kind. And even although, as a rational creature, he desires a law to impose limits on the freedom of all, he is still misled by his self-seeking animal inclinations into exempting himself from the law where he can. He thus requires a master to break his self-will and force him to obey a universally valid will under which everyone can be free.

MPP1-299 THE COERCIVE POWER OF THE STATE IS NEEDED TO PROTECT RIGHTS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.81

In other words, the power of the state to put the law into effect is also irresistible, and no rightfully established commonwealth can exist without a force of this kind to suppress all internal resistance. For such resistance would be dictated by a maxim which, if it became general, would destroy the whole civil constitution and put an end to the only state in which men can possess rights.

MPP1-300 WAR IS ROOTED IN HUMAN NATURE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.111

And what else but war, nature's means of peopling the whole earth, can have driven the Eskimos so far North - for they are quite distinct from all other American races, and are perhaps descended from European adventurers of ancient times; the Pesherae have been driven South into Tierra del Fuego in the same manner. War itself, however, does not require any particular kind of motivation, for it seems to be ingrained in human nature, and even to be regarded as something noble to which man is inspired by his love of honour, without selfish motives.

MPP1-301 CONFLICT LEADS INEVITABLY TO THE STATE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.112

Even if people were not compelled by internal dissent to submit to the coercion of public laws, war would produce the same effect from outside. For in accordance with the natural arrangement described above, each people would find itself confronted by another neighbouring people pressing in upon it, thus forcing it to form itself internally into a state in order to encounter the other as an armed power.

MPP1-302 REASON AND EXPERIENCE ESTABLISH THE NEED FOR A STATE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.137

Experience teaches us the maxim that human beings act in a violent and malevolent manner, and that they tend to fight among themselves until an external coercive legislation supervenes. But it is not experience or any kind of factual knowledge which makes public legal coercion necessary. On the contrary, even if we imagine men to be as benevolent and law abiding as we please, the a priori rational idea of a non-lawful state will still tell us that before a public and legal state is established, individual men, peoples and states can never be secure against acts of violence from one another, since each will have his own right to do what seems right and good to him, independently of the opinion of others. Thus the first decision the individual is obliged to make, if he does not wish to renounce all concepts of right, will be to adopt the principle that one must abandon the state of nature in which everyone follows his own desires, and unite with everyone else (with whom he cannot avoid having intercourse) in order to submit to external, public and lawful coercion. He must accordingly enter into a state wherein that which is to be recognized as belonging to each person is allotted to him by law and guaranteed to him by an adequate power (which is not his own, but external to him). In other words, he should at all costs enter into a state of civil society.

MPP1-303 JUSTICE REQUIRES A STATE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.137-8

The state of nature need not necessarily be a state of injustice (iniustus) merely because those who live in it treat one another solely in terms of the amount of power they possess. But it is a state devoid of justice (status iustitia vacuus), for if a dispute over rights (ius controversum) occurs in it, there is no competent judge to pronounce legally valid decisions. Anyone may thus use force to impel the others to abandon this state for a state of right. For although each individual's concepts of right may imply that an external object can be acquired by occupation or by contract, this acquisition is only provisional until it has been sanctioned by a public law, since it is not determined by any public (distributive) form of justice and is not guaranteed by any institution empowered to exercise this right.

MPP1-304 THE STATE IS REQUIRED TO MAINTAIN A LARGE POPULATION

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.166

A country may yield various natural products, some of which, because of their very abundance, must also be regarded as artifacts of the state. For the country would not yield them in such quantities if there were no state or proper government in control and if the inhabitants still lived in a state of nature. For example, domestic poultry (the most useful kind of fowl), sheep, pigs, cattle, etc. would be completely unknown in the country I live in (or would only rarely be encountered) if there were no government to guarantee the inhabitants their acquisitions and possessions. The same applies to the number of human beings, for there can only be few of them in a state of nature, as in the wilds of America, even if we credit them with great industry (which they do not have). The inhabitants would be very sparsely scattered, for no-one could spread very far afield with his household in a land constantly threatened with devastation by other human beings, wild animals, or beasts of prey. There would thus be no adequate support for so large a population as now inhabits a country.

MPP1-305 ENTRY IN CIVIL SOCIETY IS A MORAL DUTY
Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.22

In order to distinguish my possession from that of others, it is necessary that the choice of others should agree with my own. This condition is only possible under a law regulating possessions. But such a law is not possible in a state of nature, only in a civil society. From the principle that everyone has a right to acquire external possessions, therefore, there arises the command that everyone ought to act in such a way that everyone is able to acquire the external 'His' (or his external possessions). This in turn amounts to a command to enter civil society, to become a member of the state. Or, in other words, when a conflict about external possessions arises, as it inevitably does, a right exists to compel the other person to enter civil society.

MPP1-306 THE STATE IS NEEDED TO AVOID WAR OF ALL AGAINST ALL

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.27

Kant differs from Rousseau, since he believes that the state of nature is not a state of Innocence. Thus, man is not corrupted by society. On the contrary, society has civilised him. Kant rather agrees with Hobbes that the state of nature is the state of a war of all against all. What is therefore needed is a will that binds every one equally, i.e. a collectively universal will that alone can give security to each and all. Consequently, everyone has to restrict his freedom so as to make possible the establishment of such a supreme power and to avoid collision with the freedom of others.

MPP1-307 THE SOCIAL CONTRACT IS A RATIONAL NOT AN EMPIRICAL PRINCIPLE

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.28

The social contract is thus a criterion of political judgement, but it should not lead us to go into historical reasons for the purpose of drawing practical conclusions. The Idea that men have made a contract to establish the state means rather that they have been prepared to submit their own personal will in matters external to them to a universal will. This universal or general will is, of course, the will of reason.

MPP1-308 THE SOCIAL CONTRACT IS AN IDEA, NOT A HISTORICAL EVENT

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.79

This, then, is an original contract by means of which a civil and thus completely lawful constitution and commonwealth can alone be established. But we need by no means assume that this contract (*contractus originarius* or *pactum sociale*), based on a coalition of the wills of all private individuals in a nation to form a common, public will for the purposes of rightful legislation, actually exists as a fact, for it cannot possibly be so. Such an assumption would mean that we would first have to prove from history that some nation, whose rights and obligations have been passed down to us, did in fact perform such an act, and handed down some authentic record or legal instrument, orally or in writing, before we could regard ourselves as bound by a pre-existing civil constitution. It is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within the general will.

MPP1-309 A JUST LAW MUST BE POSSIBLE FOR EVERYONE TO AGREE TO

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.79

This is the test of the rightfulness of every public law. For if the law is such that a whole people could not possibly agree to it (for example, if it stated that a certain class of subjects must be privileged as a hereditary ruling class), it is unjust; but if it is at least possible that a people could agree to it, it is our duty to consider the law as just, even if the people is at present in such a position or attitude of mind that it would probably refuse its consent if it were consulted.

MPP1-310 KANT SUPPORTED A HYPOTHETICAL NOT A LIBERAL SOCIAL CONTRACT

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.27-8

Kant, following the tradition of his age, uses the analogy of the social contract to explain this existence of the state governing a people by a system of civil law. For Kant, however, the social contract must not be considered a historical fact. On this point, he is quite unambiguous. Any such conception would be fraught with peril; for it is likely to encourage disobedience of, or even active rebellion against, the prevailing law. The social contract must therefore be seen as a practical Idea of reason. (An Idea, for Kant, is not found in experience and can thus be neither proved nor disproved by scientific enquiry, but is a regulative principle of Reason in the light of which experience can be given order and unity, which it would otherwise lack.)

MPP1-311 LAW IS NEEDED TO PRODUCE JUSTICE

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.21

If politics results in law, what then, are Kant's principles of politics? They are substantially the principles of right (*Recht*). The philosophical enquiry into politics must establish which political actions are just or unjust. It must show by what principles we can establish the demands of justice in a given situation. Justice must, however, be universal, but only law can bring it about.

MPP1-312 MORALITY REQUIRES THE RULE OF LAW

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.20

For Kant, a theory of politics (which, for him, amounts in the main to a metaphysics of law) is inevitably a part of a metaphysics of morality. This is so because politics deals with the question of what we ought to do in our social and political context, or in other words, it is concerned with establishing criteria by which we can settle public conflicts of interests. The principle of universality demands that our social and political relations should be governed and our public conflicts settled in a universal manner. This requires the existence of law.

MPP1-313 HUMAN FULFILLMENT REQUIRES A SOCIETY OF LAWS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.45-6

The highest purpose of nature - i.e. the development of all natural capacities - can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitutions.

MPP1-314 FREEDOM CAN ONLY EXIST UNDER LAW

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.28

For Kant, the Idea of the social contract also implies the necessity of a civil constitution. While it is necessary and obligatory, as he believes, to establish a civil constitution, it is also the greatest practical problem for mankind to attain this end; for only in a civil society, universally administering right according to law, can freedom exist.

MPP1-315 REPUBLICAN CONSTITUTIONALISM IS THE GOAL OF HISTORY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.37

We may, indeed we ought to improve the existing system of laws by criticism, so that it may approach the system of laws which ought to prevail in accordance with the principles of right. These aims are not chimerical; for the goal towards which history is moving is the establishment of a republican civil constitution. Since it is an ideal, it is not possible to realise it completely, but it can be approached.

MPP1-316 EQUALITY BEFORE THE LAW IS A BASIC RIGHT

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.26

If freedom is the first principal right of a citizen in a state, equality is the second. Men must be equal before the law; legislation must not make an exception nor must the law be administered so as to allow for exceptions. Kant attacks the entire heritage of feudal privilege, a foremost contemporary issue. He also rules out in principle slavery or any inferior political status for a citizen. But he thinks of political equality only, and does not at all consider the question of economic equality. He does not, however, ignore economic issues entirely. He asserts the right of man to own property. He even goes further; for he makes economic independence a criterion for active participation in political affairs.

MPP1-317 INDIVIDUALS HAVE AN ABSOLUTE DUTY TO OBEY THE STATE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.81

It thus follows that all resistance against the supreme legislative power, all incitement of the subjects to violent expressions of discontent, all defiance which breaks out into rebellion, is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. This prohibition is absolute. And even if the power of the state or its agent, the head of state, has violated the original contract by authorizing the government to act tyrannically, and has thereby, in the eyes of the subject, forfeited the right to legislate, the subject is still not entitled to offer counter-resistance. The reason for this is that the people, under an existing civil constitution, has no longer any right to judge how the constitution should be administered. For if we suppose that it does have this right to judge and that it disagrees with the judgement of the actual head of state, who is to decide which side is right?

MPP1-318 OBEYING ALL LAWS IS A MORAL DUTY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.24

The sovereign has not only rights, but also duties. He thus has not only the right but also the duty to coerce his subjects by the giving of laws; it is, however, his (moral) duty to treat his subjects as ends and not as means. Kant here is not entirely clear. It is not at all certain whether he refers to the sovereign (legislature) or to the ruler (executive). The sovereign (according to him) can never do wrong; whatever the laws given by him are, they have to be obeyed.

MPP1-319 THE RIGHT OF REBELLION IS SELF-CONTRADICTORY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.31

According to Kant, the case against rebellion is unambiguous. The people cannot possess a right to rebel. There can be no power to determine what constitutes the right to rebel. Rebellion would upset the whole system of laws. It would create anarchy and violence. It would also destroy the civil constitution which the idea of the social contract demands. For if a constitution contained an article permitting a people to rebel or to depose a sovereign, a second sovereign would thereby be established. This event would be a contradiction. It would, in fact, require a further, third sovereign to decide between the two, which is absurd. There cannot therefore be in a constitution a clause giving any one a right to resist or to rebel against supreme authority. The idea of the civil constitution must be sacred and irresistible. To overthrow the sovereign or the ruler is not only wrong but will also fail to achieve its end; for it does not produce a true reform of thought.

MPP1-320 POLITICAL PARTICIPATION IS A BASIC RIGHT OF CITIZENS

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.26

The third principle right, independence (or *Selbständigkeit* as Kant calls it), requires each citizen must have a right to participate in the government. He ought to do this not directly, but indirectly by the exercise of the vote. Each citizen must have one vote, however large his estate may be. No one must, by statute, have more legislative power than has been agreed to by a law concerning the delegation of legislative power.

MPP1-321 JUST LAWS REQUIRE CONSENT

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.24

What further principles did Kant then formulate which ought to govern external relations among men? A state is a union of a group of men under laws. Since laws must then be based on the principle that we ought to be treated as ends and not as means, and since we must be considered as our own law-givers, we should be asked to consider as right only those laws to which we could agree or ought to have agreed if we had been asked to do so. 'For so long as it is not self-contradictory to say that an entire people could agree to such a law, however painful it might seem, then the law is in harmony with right.' An important corollary of this principle is the necessity that all laws be public laws. Any legislation based on a maxim that needs publicity to achieve its end is just.

MPP1-322 WE HAVE A MORAL DUTY TO PURSUE UNIVERSAL HAPPINESS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.65

I had further noted that this concept of duty does not need to be based on any particular end, but rather itself occasions a new end for the human will, that of striving with all one's power towards the highest good possible on earth, towards the universal happiness of the whole world, combined with and in keeping with the purest morality.

MPP1-323 THE PRINCIPLES OF RIGHT REQUIRE THE ABOLITION OF WAR

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.33

Right, however, cannot possibly prevail among men within a state if their freedom is threatened by the action of other states. The law can prevail only if the rule of law prevails in all states and in international relations. Only then are all individuals free; only then does right prevail everywhere. Clearly, the very universality of the demand that right should prevail makes it imperative that it should apply to all men and provide legal protection against all kinds of violence. This is possible only if war is abolished as a means of politics and peace is established and safeguarded on earth according to the principles of right.

MPP1-324 ATTEMPTING TO ABOLISH WAR IS A MORAL IMPERATIVE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.174

Now, moral-practical reason within us pronounces the following irresistible veto: There shall be no war, either between individual human beings in the state of nature, or between separate states, which, although internally law-governed, still live in a lawless condition in their external relationships with one another. For war is not the way in which anyone should pursue his rights. Thus it is no longer a question of whether perpetual peace is really possible or not, or whether we are not perhaps mistaken in our theoretical judgement if we assume that it is. On the contrary, we must simply act as if it could really come about (which is perhaps Impossible), and turn our efforts towards realising it and towards establishing that constitution which seems most suitable for this purpose (perhaps that of republicanism in all states, individually and collectively). By working towards this end, we may hope to terminate the disastrous practice war, which up till now has been the main object to which all states, without exception, have accommodated their internal institutions. And even if the fulfillment of this pacific intention were forever to remain a pious hope, we should still not be deceiving ourselves if we made it our maxim to work unceasingly towards it, for it is our duty to do so.

MPP1-325 UNIVERSAL RIGHTS ARE NEEDED FOR PEACE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.107-8

The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in one part of the world is felt everywhere. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is a necessary to the unwritten code of political and international right, transforming it into a universal right of humanity. Only under this condition can we flatter ourselves that we are continually advancing towards a perpetual peace.

MPP1-326 THE PRINCIPLE OF RIGHT REQUIRES INTERNATIONAL LAW

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.34-5

What could be brought about is a federation of states which are opposed to war. Again the a priori principles of right decide the issue. War is not the right way of settling disputes between nations. Nor is war invigorating or noble. Kant's principles of right demand that the nations agree to laws capable of settling disputes between them and that they be prepared to submit to arbitration according to law. The respect for law which prevails in a republican state makes it incumbent upon its citizens and its government to establish a similar system of law in international affairs.

MPP1-327 WORLD GOVERNMENT IS IMPOSSIBLE AND UNDERSIRABLE

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.34

To have a world republic is impossible unless all nations agree to it, which is not very likely. Kant admits that, on the analogy of individuals uniting to form a state, all states might be compelled to unite into a world state governed by law. He points out that states would not wish to abandon their sovereignty. In his view, so it would seem, they are intrinsically incapable of doing so. This is surprising, since for him, as distinct from Fichte or the Romantics, states do not have an unalterable traditional, natural or linguistic basis. Since the states persist, a world state would create only the semblance of public international law; it would, in fact, be likely to result in a particularly oppressive despotism.

MPP1-328 CONFLICT AMONG STATES IS PREFERABLE TO THE TYRANNY OF WORLD GOVERNMENT

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.113

But in the light of the idea of reason, this state is still to be preferred to an amalgamation of the separate nations under a single power which has overruled the rest and created a universal monarchy. For the laws progressively lose their impact as the government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy.

MPP1-329 TRADE PROMOTES PEACE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.114

On the other hand, nature also unites nations which the concept of cosmopolitan right would not have protected from violence and war, and does so by means of their mutual self-interest. For the spirit of commerce sooner or later takes hold of every people; and it cannot exist side by side with war. And of all the powers (or means) at the disposal of the power of the state, financial power can probably be relied on most. Thus states find themselves compelled to promote the noble cause of peace, though not exactly from motives of morality. And wherever in the world there is a threat of war breaking out, they will try to prevent it by mediation, just as if they had entered into a permanent league for this purpose; for by the very nature of things, large military alliances can only rarely be formed, and will even more rarely be successful.

MPP1-330 PATERNALISM IS DESPOTIC

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.141

This is not to be confused with a paternal government (regimen paternale); the latter is the most despotic kind of all, for it treats the citizens like children. A patriotic government (regimen civitatis et patriae) means that although the state itself (civitas) treats its subjects as if they were members of one family, it also treats them as citizens of the state, i.e. in accordance with laws guaranteeing their own independence. Thus each is responsible for himself and does not depend upon the absolute will of anyone equal or superior to him.

MPP1-331 PATERNALISM IS DESPOTIC

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.74

A government might be established on the principle of benevolence towards the people, like that of a father towards his children. Under such a paternal government (imperium paternale), the subjects, as immature children who cannot distinguish what is truly useful or harmful to themselves, would be obliged to behave purely passively and to rely upon the judgement of the head of state as to how they ought to be happy, and upon his kindness in willing their happiness at all. Such a government is the greatest conceivable despotism, i.e. a constitution which suspends the entire freedom of its subjects, who thenceforth have no rights whatsoever.

MPP1-332 FREEDOM IS A RIGHT DERIVED FROM OUR HUMANITY

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.74

The only conceivable government for men who are capable of possessing rights, even if the ruler is benevolent, is not a paternal but a patriotic government (imperium new paternale, sed patrioticum). A patriotic attitude is one where everyone in the state, not excepting its head, regards the commonwealth as a maternal womb, or the land as the paternal ground from, which he himself sprang and which he must leave to his descendants as a treasured pledge. Each regards himself as authorised to protect the rights of the commonwealth by laws of the general will, but not to submit it to his personal use at his own absolute pleasure. This right of freedom belongs to each member of the commonwealth as a human being, in so far as each is a being capable of possessing rights.

MPP1-333 PUNISHMENT SHOULD NEVER BE BASED ON UTILITARIAN MOTIVES

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.154-55

Judicial punishment can never be merely a means of furthering some extraneous good for the criminal himself or for civil society, but must always be imposed on the criminal simply because he has committed a crime. For a human being can never be manipulated just as a means of realising someone else's intentions, and is not to be confused with the objects of the law of kind. He is protected against this by his inherent personality, although he may well be sentenced to forfeit his civil personality. He must first be found worthy of punishment before any thought is given to the possible utility which he or his fellow citizens might derive from his punishment.

MPP1-334 PUNISHMENT MUST BE PROPORTIONATE TO THE CRIME

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.155

But what kind and what degree of punishment does public justice take as its principle and norm? None other than the principle of equality in the movement of the pointer on the scales of justice, the principle of not inclining to one side more than to the other. Thus any undeserved evil which you do to someone else among the people is an evil done to yourself. If you slander him, you slander yourself; if you rob him, you rob yourself; if you strike him, you strike yourself; and if you kill him, you kill yourself. But it should be understood that only the law of retribution (*ius talionis*) can determine exactly what quality and quantity of punishment is required, and it must do so in court, not within your private judgement.

MPP1-335 EXECUTION IS THE ONLY JUST PUNISHMENT FOR MURDER

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.156

But if he has committed murder, he must die. In this case, no possible substitute can satisfy justice. For there is no parallel between death and even the most miserable life, so that there is no equality of crime and retribution unless the perpetrator is judicially put to death (at all events without any maltreatment which might make humanity an object of horror in the person of the sufferer). Even if civil society were to dissolve itself with the consent of all its members (for example, if a people who inhabited an island decided to separate and to disperse to other parts of the world), the last murderer in prison would first have to be executed in order that each should receive his deserts and that the people should not bear the guilt of a capital crime through failing to insist on its punishment; for if they do not do so, they can be regarded as accomplices in the public violation of justice.

MPP1-336 SEPARATION OF POWERS IS NEEDED TO PREVENT DESPOTISM

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.101

The form of government, in this case, will be either republican or despotic. Republicanism is that political principle whereby the executive power (the government) is separated from the legislative power. Despotism prevails in a state if the laws are made and arbitrarily executed by one and the same power, and it reflects the will of the people only in so far as the ruler treats the will of the people as his own private will.

MPP1-337 KANT IS A PREEMINENT POLITICAL THINKER

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.39-40

Kant should be accorded a prominent place in the history of Western political thought, a place which has far too long been denied to him. He ought to be ranked among the leading political thinkers of all times. Plato, Aristotle, Hobbes are his peers. He is second to none in the acuteness of his thinking. His attempt to formulate rational principles of politics on which all men can, and even ought to, agree of their own accord is as important for the modern world as Hobbes' endeavour to free political thought from the quagmire of tradition and superstition. To read Kant's political writings is to scale the heights of philosophical reflection on politics. His political thought should be of interest to all those who value the use of reason in public life.

MPP1-338 MORAL RULES DIFFERENT FROM KANT'S COULD BE UNIVERSALIZED

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENT ELEMENTS OF MORAL PHILOSOPHY, 1986, p.108

Exactly what rule would you be following if you lied? The crucial point is that there are many ways to formulate the rule; some of them might not be 'universalizable' in Kant's sense, but some would be. Suppose we said you were following THIS rule (R): 'It is permissible to lie when doing so would save someone's life.' We COULD will that (R) be made a 'universal law,' and it would not be self-defeating.

MPP1-339 THE UNIVERSALIZABILITY CRITERION IS EASILY CIRCUMVENTED

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.198

Kant asks if I can consistently universalize the maxim that I may break my promises whenever it suits me. Suppose, however, that he had inquired whether I can consistently universalize the maxim 'I may break my promises only when . . .' The gap is filled by a description devised to that it will apply to the present circumstance but to very few others, and to none such that if someone else obeyed the maxim, it would inconvenience me, let alone show the maxim incapable of consistent universality. It follows that in practice the test of the categorical imperative imposes restrictions only on those insufficiently equipped with ingenuity.

MPP1-340 EXCEPTIONS ALLOW ANY MAXIM TO BE UNIVERSALIZED

Walter Kaufmann, professor of philosophy, Princeton, *THE FAITH OF A HERETIC*, 1978, p.290

Even if Kant was right that it is immoral to make an exception in one's own behalf, it is certainly not necessarily immoral to include some of the exceptional features of a situation in our maxim. But once we start doing that, any action whatsoever can be performed on a maxim that would stand the test of being universalized.

MPP1-341 QUALIFIED RULES CAN ALSO BE UNIVERSALIZED

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.195

If you are going by rules, an important point to remember is that QUALIFIED rules are just as universal as unqualified ones. 'Never tell a lie' is a universal rule, stated with no qualifying clauses, but 'Never tell a lie except to save a life' is also a universal rule: it tells you always to say the truth other than in one specific type of situation. 'Do not kill' is an unqualified rule, accepted by pacifists, but 'Do not kill except in self-defense' is a qualified rule just as universal as the first: it restricts the scope of the rule somewhat by saying, 'Never commit killings that aren't in self-defense,' but it still applies to all members of the class described.

MPP1-342 EVERY MORAL PRECEPT CAN BE UNIVERSALIZED

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.197-198

For the Kantian test of a true moral precept is that it is one that I can consistently universalize. In fact, however, with sufficient ingenuity almost every precept can be consistently universalized. For all that I need to do is to characterize the proposed action in such a way that the maxim will permit me to do what I want while prohibiting others from doing what would nullify the maxim if universalized.

MPP1-343 DISCRIMINATORY RULES CAN STILL BE UNIVERSALIZED

John Hospers, philosophy, University of Southern California, *HUMAN CONDUCT*, 1982, p.195

The prohibition against proper names, however, is not enough to rule out a great many discriminatory rules. 'All persons other than blacks may eat in public places' is one such rule; it mentions no individual, only a class of individuals. In fact, you may make the qualifications and specifications within the rule so detailed that although the rule contains no proper names, the only exception to a rule is yourself. 'All persons are prohibited from cheating, unless they are . . . ' can thus be qualified by inserting your exact height, weight, and other characteristics, such as your fingerprints and the moles on your cheek that distinguish you from everybody else in the world. Such a rule, in effect, substitutes a definite description for a proper name.

MPP1-344 THEFT COULD BE A UNIVERSALIZED MAXIM

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.192

But couldn't a thief adopt a rule such as 'Everyone is free to steal from others without penalty unless caught in the act, in which case the owner can take measures against him'? A thief might gain more than he lost that way; if he was clever, he might lose some things through theft by others but would gain more by stealing from them. And even if he did lose more than he gained financially from such a scheme, he might well be the gainer emotionally, since he wants life to be exciting and chancy, and this sort of arrangement would gain him more in kicks and thrills than he would lose in money.

MPP1-350 ACTUAL SITUATIONS MAKE KANT'S PRINCIPLE MEANINGLESS

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.153

It is possible, however, to interpret Kant's principle in two ways. (i) 'Act only on that maxim which thou canst will to become a universal law FOR PEOPLE IN EXACTLY THE SAME CIRCUMSTANCES,' or (ii) 'Act only on that maxim which thou canst will to become a universal law FOR PEOPLE ENGAGED IN THE SAME TYPE OF ACTION.' In the case of (i), as exactly the same circumstances are never likely to repeat themselves it is possible for any man to accept Kant's principle and yet do almost any kind of action. Indeed, to say that his circumstances are unique is the common excuse of the offender against the moral law. 'Anyone would have told a lie if he had been in my circumstances,' is the liar's usual defense of his conduct, with the implication that nobody ever has been or will be in the same circumstances. No one can accuse Kant's principle so interpreted of being too strict; it's so lax as to be useless.

MPP1-351 DIFFERENT PEOPLE UNIVERSALIZE DIFFERENT MAXIMS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.193

If the rightness of an action, then, depends on whether an individual can wish the maxim of that action universalized into a rule of human conduct, it must be admitted that different people can quite consistently wish very different things, not only for themselves but as universal rules of conduct.

MPP1-352 THE DESCRIPTION OF AN ACTION IS KEY TO ITS UNIVERSALIZABILITY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.196

In stating specific rules as applications of his Categorical Imperative, Kant pitched the rules at a certain level of generality, and there is no apparent reason why they cannot be pitched at a different level. Just as a mink can be classified as a mammal, a fur bearer, or a quadruped, depending on what features of the animal we are taking as the basis for a classification, so lies also can be classified as those told out of spite, those told with intent to deceive, those told to save a life, those told out of mercy, and so on.

MPP1-353 KANT CAN'T JUSTIFY THE APPROPRIATE LEVEL OF GENERALITY

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.107-108

There are two difficulties which have standardly been thought to arise for Kant at this point, and many critics would claim that they are insuperable. The first of these is the problem: UNDER WHAT DESCRIPTION is an action to be universalizable? Any action can be described in a number of different ways. In our promising example we could imagine various possible descriptions, such as: (a) making a promise when one cannot keep it; (b) making a promise when one needs money and cannot keep the promise; (c) making a promise when one needs money to pay one's way through college but cannot keep the promise; (d) making a promise when one needs money which will eventually enable one to be of great benefit to humanity, even though one cannot keep the promise.

MPP1-354 DIFFERENT MORAL RULES CAN COVER THE SAME MORAL ACT

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.108-109

The problem we have identified is a central difficulty for Kant's whole approach. It applies not only to the argument about lying but to any decision about what to do: for any action a person might contemplate, it is possible to specify more than one rule that he or she would be following; some of these rules will be 'universalizable' and some will not; therefore, the test of 'universalizability' cannot help us to establish which actions are permissible and which are not. This is equally a problem for any view that takes moral rules as absolute regardless of whether the view takes its inspiration from Kant. For we can always get around any such rule by describing our action in such a way that it does not fall under that rule but instead comes under a different one.

MPP1-355 NO OBJECTIVE BASIS EXISTS FOR CHOOSING RULES TO UNIVERSALIZE

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.191

One person wishes industry and thrift to be universalized: as a result of this, we get modern civilization, technology, medicine, a high standard of living. Another person, more indolent and easygoing by disposition, prefers idleness and relaxation to be universalized. In many parts of the world, such as deserts and arctic regions, the result would be death for everyone, but in some parts, such as the South Pacific, people could get by with it. Of course, the standard of living wouldn't be very high, and if they needed penicillin to save their lives there wouldn't be any. (If Sir Alexander Fleming had adopted indolence as a maxim, he wouldn't have discovered penicillin.) But to the indolent person, this might be a price worth paying. Which of the two maxims--'Always be industrious' or 'Always be indolent'--is it preferable to universalize? Both are certainly POSSIBLE to universalize there is no inconsistency in universalizing either of them. The first ideal may be more DESIRABLE to universalize--it may have better consequences--but Kant's ethics is not a consequentialist ethics, and from his ethical works it seems that no appeal to consequences is to be invoked at all.

MPP1-356 UNIVERSALIZABILITY IS AN UNREALISTIC CRITERION

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.152

Kant has made an unreal abstraction of one condition essential for a good will, namely the possibility of its rule of action being universalized without contradiction, and even this formal condition does not universally hold at least in the way Kant expressed it.

MPP1-357 UNIVERSALIZABILITY DOESN'T MAKE A RULE RIGHT

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.194

Kant believed that any maxim that could not be generalized into a universal rule of human conduct was wrong and apparently also that any maxim that could be generalized into a universal rule of human conduct was right. Many more commentators agree with Kant about the first part than about the second. Maxim like 'Get out of bed on the left side' and 'Place the fork at the left side of the dinner plate' can certainly be universalized, as can 'Always behave first and foremost with your own welfare in mind,' and yet many people would say that these aren't satisfactory moral rules or even (in some cases) rules of morality at all.

MPP1-358 INDIVIDUAL MORAL CHOICES MAY NOT BE UNIVERSALIZABLE

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.199

One final problem about universal rules: not all moral directives are universal. The directives 'Do this!' and 'Don't do that!' can be applied specifically to you and to no one else. Someone might object that they should be universalizable: if you should do X, anyone in the same position should also do X. But is this necessarily so? Someone could say sincerely, 'This is what I ought to do. Whether others should do it also, I do not presume to say. Even if they were in exactly the same situation as I, it is not necessarily true that they ought to do what I believe I should do.' When Martin Luther said, 'Here I stand, I can do no other,' he was speaking of himself only; he was convinced that he, in his particular situation, should take on the Church of Rome. Whether others, even in the same situation, should have done the same as he is something to which he did not claim to be committing himself.

MPP1-359 POSITIVE RULES CANNOT BE UNIVERSALIZED

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.152

In the case of positive rules enjoining action, Kant's principle may lead to the rejection of conduct that we commonly regard as good; we cannot suppose, for example, that giving to the poor can be universalized, and so we can hardly will it, for by universalizing it no poor would be left. If we make the rule narrower it would mean that the teaching of philosophy is wrong, for no reasonable teacher of philosophy could wish that every other person could become a professional teacher of philosophy like himself.

MPP1-360 UNIQUE CIRCUMSTANCES ARE RELEVANT TO MORAL CHOICE

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.155

The mere formal consistency which Kant advocated will never by itself make an action good. We have seen too good reasons for holding that the particular kind of consistency which Kant demanded, namely that the rule of an action should be willed to be the rule of everybody, is not a characteristic of all good actions. There is a unique element about a good action as well as a universal element; it must suit the particular circumstances in which it occurs, as well as obeying a universal law. In this it resembles the activity of the artist who in each work must not only obey the rules of his art but must also be moved by an original creative impulse.

MPP1-361 ONLY VERY SPECIFIC ACTS COULD PROPERLY BE UNIVERSALIZED

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.198

When all is said and done, this may be all that can be inferred safely from Kant's Categorical Imperative--not even that any specific acts are right or wrong, but only that IF one of two identical acts is right, then the other one must be right also. As Sir David Ross has noted, this falls short of what Kant claimed for the categorical imperative: 'The only safe way of applying Kant's test of universalizability is to envisage the act in its whole concrete particularity, and then ask 'Could I wish that everyone, when in exactly the same circumstances, should tell a lie exactly similar to that which I am thinking of telling?' But then universalizability, as a short cut to knowing what is right, has failed us. For it is just as hard to see whether a similar act by someone else, with all its concrete particularity, would be right, as it is to see whether our own proposed act would be right.'

MPP1-362 SPECIFIC CIRCUMSTANCES UNDERMINE THE CATEGORICAL IMPERATIVE

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.197

The Categorical Imperative doesn't apply any longer to actual situations in the real world, for in the real world there is always some difference between two acts (other than the fact, that is, that they are numerically distinct--two acts and not one). Saying that if two acts are identical, the judgments on them must be identical is useless since no two acts, in all of their circumstances, are ever identical.

MPP1-363 THE CATEGORICAL IMPERATIVE IS EITHER MEANINGLESS OR TOO RIGID

Walter Kaufmann, professor of philosophy, Princeton, THE FAITH OF A HERETIC, 1978, p.290-291

Kant faces a dilemma at this point. EITHER he says that the inclusion of specific features in a situation is incompatible with universalizing: universalizing a maxim means abstracting from specific features. The maxim may indeed be: 'It is all right to break minor promises if' But when you universalize this maxim, the word 'minor' and the if-clause must be dropped. In other words, it is never under any circumstances whatever defensible to break a promise. This is a possible moral view but clearly not the only rational, the one and only absolute morality. OR, we are permitted to include the special features of a situation in our maxim even when we universalize it; but then every action can be justified, and we are left with no guidance at all. This last point may perhaps require illustrations. Take such maxims as: 'Torturing Jews to death is perfectly all right'; or 'Lynching Negroes is permissible'; or, 'Leaders as glorious as Stalin should be obeyed whatever they command'; or, 'Men as wise and sound as I am ought to be allowed discretion in such cases.' Such maxims can be universalized without fear that any contradiction would result.

MPP1-364 PURE REASON CAN'T PROVIDE A BASIS FOR CHOICE

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.193

No vessel of 'pure reason' could do or choose anything at all. In order to make any choice at all, I would have to have some predispositions to behave in one way or another. I would have to HAVE some kind of temperament in order to make the choice of what kind of temperament I would want to have once embodied. A being without some temporary predispositions (even toward survival as against nonsurvival) wouldn't do anything at all, including making any decisions, or preferring one thing over another.

MPP1-365 TEMPERAMENT, NOT REASON, DETERMINES MORAL CHOICES

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.192

What mode of action, what style of life, people wish universalized depends largely on temperament. The effects of a life style that one person wishes to be universalized would certainly be unwelcome to others, but there seems little doubt that different people can wish different patterns of actions to become universal and that they can do this with perfect consistency. 'Everyone should behave self-interestedly is just as capable of being universalized as 'Every should behave with primary concern for others.' The effects of each may be different, but although the one may (if universalized) produce more happiness than the other as far as utilitarian consequences are concerned, each one can be universalized quite consistently.

MPP1-366 REASON ISN'T THE BASIS OF ETHICS

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.169

Moral judgments, so Hume argues, cannot be judgments of reason because reason can never move us to action, while the whole point and purpose of the use of moral judgments is to guide our actions. Reason is concerned either with relations of ideas, as in mathematics, or with matters of fact. Neither of these can move us to act. We are moved to act not by this or that being the case, but by the prospect of pleasure or pain from what is or will be the case. It is the passions and not reason which are aroused by the prospect of pleasure and pain. Reason can inform the passions as to whether the object they seek exists and as to what the most economical and effective means of seeking it may be. But reason cannot judge or criticize the passions. It follows without paradox that 'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger.' For reason cannot in any sense adjudicate between the passions. 'Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them.'

MPP1-367 ETHICS ARE BASED ON ULTIMATE VALUE PREMISES, NOT REASON

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.216

Suppose that one believes that one's moral position can be rationally justified, that it is a conclusion which can be validly derived from certain premises. Then these premises in turn must be vindicated, and if their vindication consists in deriving them from conclusions based on more fundamental premises, the same problem will arise. But the chain of reasons must have an ending, and we must reach a point where we simply choose to stand by certain premises. At this point decision has replaced argument; and in all arguments on human existence there will be some such point. This argument is applied to moral questions in Kierkegaard's early work EITHER/OR.

MPP1-368 KANT'S EXAMPLES FAIL GENERALLY

Walter Kaufmann, professor of philosophy, Princeton, DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL, 1980, p.108

Kant was not the kind of thinker who begins by reflecting on concrete instances in the moral life and then attempts to distill from them generalizations that eventually are tested by being applied to other concrete cases. HE FELT AT HOME AMONG ABSTRACTIONS, AND AS SOON AS HE GAVE CONCRETE EXAMPLES IT TURNED OUT THAT HIS CONCEPTUAL SCHEME DID NOT FIT THEM. At that point one would expect a scientist to reconsider and perhaps revise his theories. But Kant never even noticed that his scheme did not fit the cases he adduced!

MPP1-369 KANT WOULDN'T LIE TO SAVE A LIFE

Walter Kaufmann, professor of philosophy, Princeton, DISCOVERING THE MIND: GOETHE, KANT & HEGEL, 1980, p.133

In a short article 'On a Supposed Right to Lie out of Love of Humanity' (1797) Kant said, but certainly did not prove, that 'It is a holy commandment of reason that commands us unconditionally and cannot be limited by any conveniences, to be TRUTHFUL (honest) in all declarations.' Kant insisted specifically that if a murderer should ask me whether his intended victim is in my house, I must not lie.

MPP1-370 SOMETIMES LIES ARE NEEDED TO SAVE LIVES

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.111

Do such circumstances actually arise? The Case of the Inquiring Murderer is, of course, a fictitious example; but it is not difficult to find real-life examples that make the same point. During the Second World War, Dutch fishermen regularly smuggled Jewish refugees to England in their boats, and the following sort of thing sometimes happened. A Dutch boat, with refugees in the hold, would be stopped by a Nazi patrol boat. The Nazi captain would call out and ask the Dutch captain who was on board, and so forth. The fishermen would lie and be allowed to pass. Now it is clear that the fishermen had only two alternatives, to lie or to allow their passengers (and themselves) to be taken and shot. No third alternative was available; they could not, for example, remain silent and outrun the Nazis.

MPP1-371 SOMETIMES IT IS RIGHT TO LIE

Peter Singer, Center for Human Bioethics, Monash University, *PRACTICAL ETHICS*, 1993, p.2

In unusual situations, simple rules conflict; and even when they do not, following a rule can lead to disaster. It may normally be wrong to lie, but if you were living in Nazi Germany and the Gestapo came to your door looking for Jews, it would surely be right to deny the existence of the Jewish family hiding in your attic.

MPP1-372 NOT ALL LIES NEED BE LUMPED TOGETHER

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.196

Since lies are told in a great variety of circumstances, may not some of those circumstances justify the telling of the lie? Must all deliberately uttered false statements be lumped together as lies and condemned as wrong in all cases? Why not make the distinction more subtle by differentiating the circumstances under which lies are told and thus qualifying the original rule against lying? Disagreement may arise on some kinds of lies--such as 'white lies' told to save a person's feelings--but considering more specific classifications may be more fruitful than calling all deliberate untruths lies.

MPP1-373 WE'RE RESPONSIBLE FOR THE CONSEQUENCES OF NOT LYING

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.110

Kant seems to assume that although we would be morally responsible for any bad consequences of lying, we would NOT be similarly responsible for any bad consequences of telling the truth. Suppose, as a result of our telling the truth, the murderer found his victim and killed him. Kant seems to assume that we would be blameless. But can we escape responsibility so easily? After all, we aided the murderer. This argument, then, like the first one, is not very convincing.

MPP1-374 MOST MORALISTS REJECTS KANT'S STANCE ON LYING

H.B. Acton, professor of Moral Philosophy, University of Edinburgh, *KANT'S MORAL PHILOSOPHY*, 1970, p.28

If, as almost all moralists except Kant are agreed, and as most plain men think, it is sometimes right to tell a lie or to break a promise, it must be maintained that there is a difference between PRIMA FACIE duty and actual or absolute duty.

MPP1-375 FALSE PROMISING CAN BE UNIVERSALIZED

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.110-111

Kant claims that the maxim of making a false promise cannot without contradiction be universalized, since if it were universalized promising itself would become impossible. Hegel's retort would be: the non-existence of promising is not self-contradictory, it is simply in contradiction with the presupposition that promising ought to exist. Thus the formal principle can generate a moral conclusion only if an additional content is smuggled in. And Hegel's criticism has subsequently been repeated by innumerable other critics of Kant.

MPP1-376 PROMISES SHOULDN'T ALWAYS BE KEPT

Walter Kaufmann, professor of philosophy, Princeton, *THE FAITH OF A HERETIC*, 1978, p.290

Suppose I promised to return a book to you on the first of the month, and a few days before you unexpectedly leave town for three weeks; or I am suddenly called out of town to visit a sick relative. Let us suppose that in both cases it is possible to keep the promise, but only at staggering expense or inconvenience. Or, to take an illustration from Plato's *REPUBLIC*: 'Suppose that a friend when in his right mind has deposited arms with me, and he ask for them when not in his right mind, ought I to give them back to him?' Suppose I promised.

MPP1-377 KANT'S SUICIDE EXAMPLE FAILS

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.210

Some ethicists believe, for example, that, when considering terminal illness that will inevitably rob a person of all capacity for moral judgment as well as dignity, Kant's own discussions of suicide (including the example of the person with rabies) are clearly inadequate, that there are stronger grounds to support the view that we have not only a right but an obligation to terminate human life, whether one's own or another's, out of respect for moral autonomy.

MPP1-378 SOMETIMES SUICIDE IS JUSTIFIED

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.129-130

Regarding the stronger claim, that suicide is always immoral, Kant never stops to ask whether some maxims that a person considering suicide might well adopt could not perhaps be universalized. Life and literature are full of pertinent examples, beginning at least with the first suicide in the Bible: Samson's. The Bible does not censure his suicide any more than any of the other suicides in the Bible, but comments admiringly: 'The dead he slew dying exceeded those he had slain living.' Surely, Kant's introduction of self-love is gratuitous and is not difficult to think of examples in which suicide is motivated by love of others. One might be afraid that under torture one would give away others, and hence might kill oneself to protect them. Or one might prefer suicide to becoming a wretched burden for others, physically, emotionally, and financially.

MPP1-379 THE REJECTION OF BENEVOLENCE ISN'T CONTRADICTORY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.191-192

But again, different people will wish to universalize different things. Of course, there are some people who never help others in need but always expect help from others when they are in need. We have considered such people already; their maxims cannot be universalized. But now consider two other types of people. In the first category are those who are willing to help others and who appreciate (or expect?) help themselves when they are in need. In the second category are people who do not help others but do not expect, or even want, assistance themselves. One can call them standoffish or selfish or lone individualists, but their stand IS consistent: they leave others alone and they want to be left alone themselves.

MPP1-380 EVEN BENEVOLENCE CAN PRODUCE EVIL CONSEQUENCES

John Dinwiddy, reader in Modern History, University of London, *BENTHAM*, 1989, p.41

In his [Bentham's] opinion no motive should be regarded as good or bad in itself. The goodness or badness of an action depended on the consequences that flowed from it in the context in which it was performed. Even the motive of benevolence could have ill effects if one's sympathies led one to promote the happiness or advantage of a particular individual or group at the cost of greater unhappiness or disadvantage to others.

MPP1-381 KANT CONCEIVES OF THE GOOD WILL IN A VACUUM

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.158

The good will is not a will in a state of abstract perfection but the will that wills the best possible in existing conditions, and that we can do here and now. This however brings in again that reference to conditions which Kant wished to avoid. Indeed perhaps the most fundamental objection to Kant's theory is just that he conceived of a good will as willing in a vacuum, whereas actually the good will wills in the light of conditions and consequences.

MPP1-382 HAVING GOOD MOTIVES IS TOO VAGUE A STANDARD

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.138

The difficulty of Kant's view is to know how a good will wills or what, in concrete cases, the categorical imperative tells us to do. Most people would accept it as a categorical rule always to will what is good, but this gives us no guidance as to what the decision is in particular acts of willing.

MPP1-383 JUST REQUIRING CONSCIENTIOUSNESS IS TOO LOOSE A STANDARD

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.225

We have already noticed Hegel's criticism of Kant, that the conscientious moral agent dominated by the form of the categorical imperative is in fact licensed to do anything at all--provided he does it conscientiously. What looked like a restrictive guide to conduct is in fact empty of restriction.

MPP1-384 GOOD MOTIVES DON'T PRECLUDE WRONG ACTIONS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.183-84

We should remember that acting from duty--doing what we believe to be our duty--may not be doing what actually IS our duty. We may be mistaken in our estimate of what we should do. We may act from duty and still act wrongly--just as we may act rightly (in accordance with duty) and do so from bad motives. For example, parents may act from duty as members of a religious group which refuses to allow a child to have a blood transfusion necessary to save the child's life. Such parents don't WANT their child to die, so they are certainly not acting from 'natural inclinations'; but they believe that permitting the transfusions would be a mortal sin and that their duty is to refuse permission for the transfusion. We may believe that they are mistaken in this belief, but they are acting from a strong sense of duty, which triumphs over the desire to save the child. We may admire them for having such a strong sense of duty that they follow it no matter at what cost, but at the same time we may condemn as wrong what their sense of duty leads them to do. There are two kinds of moral condemnation--of motives as bad and of acts as wrong--and the two do not always go together.

MPP1-385 CONSEQUENCES ARE RELEVANT EVEN TO GOOD WILL

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.97-98

He begins with the assertion that nothing is unconditionally good except a good will, whose worth is entirely separable from the value of the results it brings about. This initial claim derives its plausibility from the widely held idea that moral evaluations focus primarily on people's INTENTIONS. People are not morally blamed if, through no fault of their own, their good intentions lead to unfortunate results. If A dives into the sea to rescue B, who is being carried away by the current, but because the current is stronger than she thought, fails to effect the rescue and is herself drowned, she will have done no good and have produced only additional loss of life and the additional grief of her family and friends; nevertheless, in virtue of her intentions and her efforts to realize them, she is liable to be morally praised rather than criticized. Note however that in the obvious examples of this kind the intention must itself be described as an intention to perform or effect something. Results are thus not irrelevant; the contrast between the INTENDED RESULTS and the ACTUAL RESULTS, and the former are the objects of praise or blame.

MPP1-386 KANT ULTIMATELY APPEALS TO CONSEQUENCES

John Stuart Mill, utilitarian philosopher, 'Utilitarianism,' in *THE UTILITIARIANS*, 1963, p.458

When Kant (as before remarked) propounds as the fundamental principle of morals, 'So act, that thy rule of conduct might be adopted as a law by all rational beings,' he virtually acknowledges that the interest of mankind collectively, or at least of mankind indiscriminately must be in the mind of the agent when conscientiously deciding on the morality of the act. Otherwise he uses words without a meaning; for that a rule even of utter selfishness could not POSSIBLY be adopted by all rational beings--that there is any insuperable obstacle in the nature of things to its adoption--cannot be even plausibly maintained. To give any meaning to Kant's principle, the sense put upon it must be, that we ought to shape our conduct by a rule which all rational beings might adopt WITH THE BENEFIT TO THEIR COLLECTIVE INTEREST.

MPP1-387 INCLINATIONS ARE RELEVANT TO MORAL ACTIONS

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.154

It is certainly the case that in doing some right acts a feeling of disinclination ought to be present in the agent's mind. When a judge pronounces a severe sentence it is perhaps morally fitting that he should do his right act with a feeling of disinclination. It certainly does not look as if inclinations were morally irrelevant; for the judgment on the action AS A WHOLE always includes as a part of its object the 'spirit' in which the action is done, and this 'spirit' certainly includes the agent's inclination or disinclination.

MPP1-388 DUTY IS JUST A STAGE IN MORAL DEVELOPMENT

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.182

In the second place many philosophers, from Aristotle to John Dewey, have argued that 'acting from duty' is only a stage--and should not be the final stage--in people's moral development. If you are constantly tempted to steal and are only dissuaded from doing so by a strict sense of duty, is that really better, morally better, than if you aren't tempted to steal at all, and the thought of stealing from someone else never even occurs to you? At an early stage of moral development you may have to fight off temptations to do all kinds of things; but if you discipline yourself and get yourself into the right habits, finally you won't even think about stealing anymore--the prospect won't even tempt you--and then you will be honest from inclination rather than from the motive of duty.

MPP1-389 KANT DOESN'T PROVE WE SHOULD RESPECT OTHERS AS ENDS

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.113

What Kant exhorted us not to do is to treat human beings as mere things. It is in this context that he then introduces autonomy before distinguishing between price and dignity, the point being that things have a market price while human beings have no price but a unique dignity. All of this is very attractive and humane, and many a reader comes away with the impression that Kant somehow proves this ethic, even if it is difficult to follow or reconstruct his argument. In fact, the argument CAN be reconstructed and falls very far short of any proof. It is merely an inveterate academic prejudice that obscurity and density warrant a presumption of rigor.

MPP1-390 KANT DOESN'T PROVE WE SHOULD RESPECT OTHERS AS ENDS

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.122

On the other hand, I still want to insist that Kant has not provided an adequate justification of S2. The question 'WHY should I respect all human beings as persons?' remains unanswered. Kant's failure here is a failure to justify the strong version of universalizability, as impartiality rather than mere impersonality, and it is the same failure which vitiates also the most plausible interpretation of S1. Kant then, unlike Plato and Aristotle, undoubtedly furnishes a morality of altruism. Like Hume, however, he presents the opposite problem. Can he, or anyone else, provide any good reason for adhering to an altruistic morality?

MPP1-391 KANT DOESN'T EFFECTIVELY DEFEND PERSONHOOD

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.210

Kant insists that we must respect all persons because of their ability to be autonomous, to enact universal moral laws, even if they do not actually behave autonomously. He thinks we are entitled, for our practical purposes, to attribute nominal freedom to others like us if they are 'given [to us] as an object of experience.' But he does not tell us how we go about deciding in borderline cases whether a particular entity may or should be regarded as a human being but not a person--or as a person even if not a human being. Among the problem cases are not only fetuses but also the severely and profoundly retarded, the irrevocably senile or comatose, and animals with verbal ability, such as chimpanzees and porpoises.

MPP1-392 INDIVIDUAL NEEDS DON'T CREATE MORAL OBLIGATIONS

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.162

The argument that I must always treat others as ends rather than means is weakened by the fact that my need for the conditions necessary for my achieving freedom and well-being does not automatically impose an obligation on others.

MPP1-393 ALWAYS RESPECTING PERSONS CAN PRODUCE UNACCEPTABLE CONSEQUENCES

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.153-54

Perhaps the most general criticism of the ethics of respect for persons--from the standpoint of agreement or disagreement with our previously held moral beliefs--is that the theory does not sufficiently account for an action's consequences. In many issues of public policy for example, utilitarian considerations seem relevant. Sometimes it seems justifiable to sacrifice some innocent lives to save the lives of a larger number of people. If killing some civilians is necessary to end a war and ultimately to save many more lives, is it wrong to do so? Is it wrong to adopt policies that increase unemployment somewhat but reduce the inflation rate? It sometimes seems morally permissible, if not obligatory, to engage in an action that involves wrongs to individuals because the overall consequences justify it. Many moral philosophers have trouble with the answers given to these questions by the ethics of respect for persons.

MPP1-394 EVEN KILLING THE INNOCENT IS SOMETIMES PERMISSIBLE

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.166

But suppose a small number of people are carriers of a plague that will kill 99% of the people who contract it. They became carriers of the plague through no fault of their own, and they will not themselves die of it. Due to unusual conditions, such as those that would prevail after a nuclear war, it is not possible to isolate the individuals from other humans. Would it be permissible to kill them in order to prevent massive deaths? Many people would say that it is permissible, even though the disease carriers have done nothing worthy of death and would not die of the plague themselves.

MPP1-395 KANT'S ETHIC WOULD ENTAIL COMPLETE PACIFISM

Walter Kaufmann, professor of philosophy, Princeton, THE FAITH OF A HERETIC, 1978, p.291

But what Kant called immoral was using other men as a means only. This is surely one of the most memorable attempts ever made to formulate a single basic moral principle. One may rank it with Confucius' 'Do not do to others what you do not like yourself'; with Micah's 'Do justice, love mercy, and walk humbly with your God'; and with Moses' 'Love your neighbor as yourself.' For all that, Kant's principle leaves difficulties. Like Confucius' rule, it would rule out killing enemy soldiers, not to speak of civilian city populations, in wars. Kant, however, was not a pacifist, although he hoped that eventually there would be a League of Nations. It may be replied that his rule was right though he was wrong in not consistently applying it: killing IS wrong even in war. But is it immoral to shoot enemy soldiers in battle, if, say, they are trying to extend Hitler's dominion? How do we know whether it is? How do we know what is absolutely right and wrong?

MPP1-396 'RESPECT FOR PERSONS' RELIES ON THE UNIVERSALIZABILITY PRINCIPLE

Roger Sullivan, philosopher, University of South Carolina, IMMANUEL KANT'S MORAL THEORY, 1989, p.209

One problem arises out of the very fact that the notion of 'respect for persons' involves emotion, albeit a moral emotion. When we become involved in disputes over whether a particular course of action means treating someone ONLY as a means and therefore not respecting his or her dignity, it is all too easy to fall into what may be called 'moral sentimentalism' by using the phrase 'respect for people,' along with its powerful emotional connotations, not as a purely rational argument but as an emotional sledgehammer. Although Kant does not explicitly address this problem, unquestionably it lies behind his recommendation that we clarify what we respect for people means by using the 'strict method,' that is, the purely formal first formula of the Categorical Imperative.

MPP1-397 'RESPECT FOR PERSONS' ABANDONS PURE DEONTOLOGY

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.155-56

What he rightly emphasized was that we should never use people as MERE means, but always should remember that they are ends, things of value in themselves apart from the services that they render us. Kant made this point more explicit when he referred to the aim of the moral life as a kingdom of ends. In this, however, Kant has abandoned the pure deontology which does not take into account the consequences of an action, for in speaking of a kingdom of ends he certainly was regarding those actions as good which in some way or other lead to the welfare of other human beings and ourselves.

MPP1-398 KANT'S THEORY IS CIRCULAR

Walter Kaufmann, professor of philosophy, Princeton, DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL, 1980, p.116

Kant's misguided transcendental method always begins with what he wants to accept as absolutely certain--Euclidean geometry, Newtonian science, the categorical imperative, the notion that by virtue of their reason all human beings have a unique dignity--and then he asks what must be the case for these things to be absolutely certain. Nietzsche had a point when he said in THE GAY SCIENCE (Section 193): 'Kant wanted to prove, in a way that would dumbfound the common man, that the common man was right.' To put it still more concisely: Kant was the virtuoso of rationalization.

MPP1-399 KANT IGNORES ACTUAL MORAL EXPERIENCE

Walter Kaufmann, professor of philosophy, Princeton, DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL, 1980, p.155

His fundamental fault is that instead of starting from an exploration of moral or aesthetic experience he always starts out from abstractions, concepts, or rather, as we have seen, words. One crucial example still needs to be added: the notorious thesis that ought implies can, from which Kant in his PHILOSOPHY OF RIGHT deduces the extraordinary claim that 'a collision of duties is therefore unthinkable.'

MPP1-400 KANT IS ALONE IN HIS ABSOLUTISM

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.104

Almost alone among the great thinkers, Kant believed that morality is a matter of following ABSOLUTE RULES--rules that admit no exceptions, that must be followed come what may. He believed, for example, that lying is never right, no matter what the circumstances.

MPP1-401 FEW PHILOSOPHERS DEFEND THE CATEGORICAL IMPERATIVE

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.111-12

Few philosophers would dispute Paton's statement that Kant's GROUNDWORK 'has exercised on human thought an influence almost ludicrously disproportionate to its size.' Yet at the same time, few would defend The Categorical Imperative as Kant formulated it--as we have seen, it is beset by serious, perhaps insurmountable, problems.

MPP1-402 KANT FALSELY ASSUMES ORDINARY MORAL CONSCIOUSNESS IS VALID

Richard Norman, philosopher, THE MORAL PHILOSOPHERS, 1983, p.96-97

The whole of his moral philosophy in fact seems to me to depend very heavily on this appeal to what he regards as the ordinary moral consciousness. Not only does the First Section explicitly set out from this point. The argument of the Second Section appears to presuppose the conception of morality set out in the First Section. I am not sure whether Kant thinks that he is, in the Second Section, providing independent arguments for the validity of that conception of morality. Whatever his intentions, I would claim that he fails to do so. At most he supplies hints as to how we might work out an independent justification; in the main, what I find in the Second Section is a further clarification and elaboration of the ethical theory which has been derived from the ordinary moral consciousness.

MPP1-403 KANT'S THEORY RELIES ON A SPECIFIC RELIGIOUS TRADITION

Walter Kaufmann, professor of philosophy, Princeton, DISCOVERING THE MIND: GOETHE, KANT, & HEGEL, 1980, p.115

Essentially Kant tells people what a great many of them want to hear. He offers them a drastically liberalized biblical ethic, stripped of all references to the supernatural, and he manages to create the impression that his procedure is rational and rigorous and that this ethic is founded on reason or demanded by reason. Actually, Kant's procedure is not at all rigorous and his ethic is neither founded on reason nor demanded by it.

**MPP1-404 KANT'S ETHIC IS HISTORICALLY
CONDITIONED, NOT UNIVERSAL**

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.96

My reason for referring to the Protestant background to Kant's thought is not just as an exercise in the history of ideas. The First Section of Kant's *FUNDAMENTAL PRINCIPLES* establishes the main outlines of his ethics by appealing to the evidence of 'common understanding', 'the moral knowledge of common human reason'. What is this common understanding? I would suggest that it is, in effect, the ethic of Protestant Christianity. That is to say, it does not possess the universal quality which Kant might want to claim for it. It is the ethical common sense of a particular claim for it. It is the ethical common sense of a particular society and a particular historical epoch.

**MPP1-405 KANT'S ETHIC IS HISTORICALLY
CONDITIONED, NOT UNIVERSAL**

Richard Norman, philosopher, *THE MORAL PHILOSOPHERS*, 1983, p.97

In this way, Kant attempts to demonstrate that morality is POSSIBLE, but not that it is NECESSARY--that is, he has still not told us why we ought to understand morality in this way, and why we ought to act in accordance with such morality. Ultimately he sets out no answer to this question, other than the claim that his account of morality is that of the ordinary moral consciousness. And if this consciousness is effectively the consciousness of Protestant Christianity, we may find it more questionable than Kant does.

**MPP1-406 KANT DOESN'T RECOGNIZE THE COMPLEX
VARIETY OF GOODNESS**

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.158-59

The whole view of the standard as law, or of goodness consisting in obeying universally applicable rules, has serious limitations. It leaves out the doing of unique acts in particular circumstances, and it suggests a uniformity in good actions, which is not what we find in the richly varied pattern of the moral life at its best. The moral law may keep us from lines of action which are universally bad; it cannot guide us to the full variety of human goodness.

MPP1-407 KANT'S ETHIC LACKS CONTENT

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.158

The moral principles on which we act, and the judgments implied in our particular volitions must not only be consistent among themselves but the concrete actions willed must be themselves good in their own particular circumstances. It is in his failure to realize this and to see that a good volition must be defined in terms of its content as well as its form that Kant's theory fails.

MPP1-408 KANT'S ETHIC IS TOO INFLEXIBLE

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.153

In the case of (ii), and there could be no denying that this is Kant's meaning, the principle does appear to be too inflexible, for it leaves no room for those doubtful or exceptional cases in which it is right to break the common moral rule. Antigone, in the heroic act of burying her brother, disobeyed the lawful government of the state, an act which nobody would wish to see universalized. The man who tells a lie in order to save the lives of others may not will that lying should become the universal custom, and yet he may be convinced that in his own special circumstances, to tell a lie was the best possible course of action. We need to take into account other considerations than mere conformity to Kant's principles to decide whether an action is right or wrong.

**MPP1-409 CONFLICT OF MORAL RULES IS A COMMON
EXPERIENCE**

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.73

We therefore try to maintain that the ultimate moral norm cannot and does not generate conflicting moral rules. But such a claim is contrary to common moral experience; it fails to account for the facts of our moral life, just as did Socrates' denial of the reality of moral weakness. Alternatively, we might conclude that moral reason does in fact generate contradictions and so is NOT a reliable moral guide. But that admission is untenable for Kant, for it would destroy morality.

**MPP1-410 KANT DIDN'T RECOGNIZE BASIC VALUE
CONFLICTS**

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.155-56

A philosopher who takes experience more seriously than the web one can spin out of words might conclude that any thesis entailing such an incredible conclusion must be wrong. Indeed, such a philosopher might ask, if only he felt committed to Kant's 'transcendental method that must the human mind be like to experience again and again collisions of duties or, if you prefer, conflicts of values? Hegel tried to reconcile Goethe and Kant at this point, too, by allowing for collisions but only as rare exceptions that occurred in periods of world historical transitions from one era to another. Even Kierkegaard was still sufficiently under the spell of Kant to consider such conflicts extraordinary exceptions that could occur when God addresses some individual directly as he did Abraham. Nietzsche was sufficiently emancipated from Kant to recognize that conflicts of values are of the very essence of human life.

MPP1-411 THE CONFLICT OF RULES RENDERS KANT'S ETHIC INCOHERENT

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.111

Now suppose the two rules 'It is wrong to lie' and 'It is wrong to permit the murder of innocent people' are both taken to be absolute. The Dutch fishermen would have to do one of these things; therefore a moral view that absolutely prohibits both is incoherent. Of course this difficulty could be avoided if one held that only ONE of these rules is absolute; that would apparently be Kant's way out. But this dodge cannot work in every such case; so long as there are at least two absolute rules, whatever they might be, the possibility will always exist that they might come into conflict. And that makes the view of those rules as absolute impossible to maintain.

MPP1-412 MORAL RULES CONFLICT, SO THEY CAN'T BE ABSOLUTE

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.110

The principal argument against absolute moral rules has to do with possibility of conflict cases. Suppose it is held to be absolutely wrong to do A in any circumstances and also wrong to do B in any circumstances. Then what about the case in which a person is faced with the choice between doing A and doing B--when he must do something and there are no other alternatives available? This kind of conflict case seems to show that it is LOGICALLY untenable to hold that moral rules are absolute.

MPP1-413 KANT DOESN'T ACCOUNT FOR CONFLICTING DUTIES

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.31-32

It must be admitted that Kant's arguments are not always as convincing as the one against deceitful promising. It must also be pointed out that he is not free from the difficulties due to conflicts between duties; it seems possible, at any rate, that keeping a promise may on occasion prevent one from helping someone in trouble. Possibly Kant could argue in this case that it would be right to break the promise and help the person in trouble, since one can will the maxim, 'When breaking a promise is required in order to help someone I will break it,' to be universally acted on in the situations specified, especially if it is also specified in the maxim that the promise is not crucially important and that the help is. Kant, however, does not take this line, and talks as if he can show that promises ought never to be broken. But this his argument does not suffice to show.

MPP1-414 KANT'S CONCEPTION OF AUTONOMY IS ORWELLIAN

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.159

Kant's conception of autonomy brings to mind George Orwell's NINETEEN EIGHTY-FOUR: 'WAR IS PEACE, FREEDOM IS SLAVERY, IGNORANCE IS STRENGTH.' As long as I do what I feel like doing, I am not free. One should suppose that following one's inclinations was a necessary although not sufficient condition of autonomy. But according to Kant it is incompatible with autonomy because for him freedom and autonomy meant escape from psychological determinism, and he assumed that respect for 'the moral law' was not psychologically conditioned. At this point his lack of historical sense and psychological sophistication became crucial. It simply did not occur to him that the type of mind he had was as much the result of historical and psychological conditioning as any other.

MPP1-415 KANT MAKES FREEDOM INCOMPATIBLE WITH INDIVIDUALITY

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.111

In the moral realm I must similarly divest myself of all irrationality. As long as I desire particular objects, I have failed to do this. But when I discover maxims that can be universalized and contain nothing personal or subjective, I may be assured that when I act on them, prompted solely by respect for reason, I am free. Kant assumes that universality is the mark of rationality, while the particular and subjective are irrational. As long as I have a will of my own, I am not free! Thus freedom and autonomy à la Kant involve emancipation from our individuality and subjectivity.

MPP1-416 KANT'S ETHIC BREEDS AUTHORITARIANISM

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.198

The logical emptiness of the test of the categorical imperative is itself of social importance. Because the Kantian notion of duty is so formal that it can be given almost any content, it becomes available to provide a sanction and a motive for the specific duties which any particular social and moral tradition may propose. Because it detaches the notion of duty from the notions of ends, purposes, wants, and needs it suggests that, given a proposed course of action, I may only ask whether, in doing it, I can consistently will that it shall be universally done, and not ask what ends or purposes it serves. Anyone educated into the Kantian notion of duty will, so far, have been educated into easy conformism with authority.

MPP1-417 KANT REQUIRES OBEDIENCE TO TYRANNY
Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.74-75

Kant builds up an obligation to obey the law from principles of moral autonomy and natural right, and then comes to the extraordinary conclusion that these starting points require an absolute and exception-less obligation to the law, even the law of a tyrant, irrespective of whether that law infringes in some particularly important way upon natural rights.

MPP1-418 KANT'S ETHIC WAS COMPATIBLE WITH NAZISM

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, A SHORT HISTORY OF ETHICS, 1966, p.208

First uttering imperatives to us and then offering us a test of self-consistent universalizability, as we have already noticed in discussing Kant, lets in almost any action. It is not irrelevant to note here that the moral basis on which Eichmann himself claimed to have been educated was that of the categorical imperative.

MPP1-419 MOST NAZIS SAW THEIR ACTS AS FOLLOWING KANTIAN ETHICS

Joshua Halberstam, Professor of Philosophy, Long Island University, SOCIAL THEORY AND PRACTICE, Spring 1988, p.41

Every encounter with the Holocaust ends with the same exasperated cry: how could they? How could people throw terrified babies into the flames of burning pits? Even more startling, more frightening, is that these Nazis did not see themselves as amoral barbarians but as moral agents acting within the moral code. Typically, that moral code was Kantian ethics.

MPP1-420 EICHMANN BELIEVED IN A KANTIAN THEORY OF DUTY

Joshua Halberstam, Professor of Philosophy, Long Island University, SOCIAL THEORY AND PRACTICE, Spring 1988, p.45-6

It is no accident that Eichmann appealed to Kant in justifying his behavior-all his life he tried to follow the teachings of Kant and the categorical imperative, he told his interrogator. At his trial, Eichmann offered more than one interpretation of the categorical imperative. First, Eichmann claimed to subscribe to the categorical imperative as popularly presented in German schools. "It is one's duty," Eichmann explained "to be loyal, disciplined and live an orderly life." Later in the proceedings, Eichmann proffered a different, and this time more accurate, formulation of the categorical imperative. Eichmann now understood the maxim as enjoining one to "set an example within the framework of the legislation of the laws." Kantian experts themselves disagree on the proper reading of the categorical imperative. But Eichmann's appeal to Kant was not gratuitous either; he did capture the essential feature of the ethics of duty.

MPP1-421 KANT'S ETHIC REPUDIATES HUMAN FEELING

Joshua Halberstam, Professor of Philosophy, Long Island University, SOCIAL THEORY AND PRACTICE, Spring 1988, p.47

Thus Kant wrenches morality from human feeling. And untethered from "melting compassion," morality can now be pressed into the service of duty. To be sure, Kant's duties are intricately connected to noble human concerns. Indeed, one aspect or formulation of the categorical imperative invokes the doctrine of the "kingdom of ends" which proscribes using any individual as a means to further other goods. The rational autonomy of each person must be respected, and only persons-creatures possessing rational autonomy-can be deemed moral agents deserving moral respect. But what of Jews? What if Jews only appear human accidentally (in the Aristotelian sense) but in essence are Sub-human? What if, in actuality, Jews are vermin, parasites, the Devil incarnate? If so, the categorical imperative does not apply.

MPP1-422 KANT'S ETHIC DOESN'T UPHOLD THE VALUE OF SYMPATHY

Joshua Halberstam, Professor of Philosophy, Long Island University, SOCIAL THEORY AND PRACTICE, Spring 1988, p.50

Consider, for example, the Kantian claim, noted above, that the only kindness that matters morally is "acts" of kindness not feelings of kindness; since our sympathy cannot be the object of a command it cannot have moral worth. Thus, a world where no one's plight mattered to anyone, where all were coldly indifferent to human suffering, would nonetheless be a morally perfect Kantian world as long as everyone went about his or her duties and assisted those in need. The domain of morality does not include human sentiments-a community of calculating machines not only could adopt the same Kantian moral code but, presumably, would do a better job at it than humans with their sloppy emotions.

MPP1-423 KANT'S DENIAL OF SENTIMENT LEADS TO AUSCHWITZ

Joshua Halberstam, Professor of Philosophy, Long Island University, SOCIAL THEORY AND PRACTICE, Spring 1988, p.52

Kant does not entail Auschwitz. That charge would be an outrageous calumny. But Kant leads to Auschwitz. He leads to other places as well-some heroic and ennobling. But any moral theory which begins by disregarding human sentiment, caring and sympathy, might well end in crematoria. In the legend, God takes hold of compassion and creates a world. In the twentieth century the Nazis renounce compassion and almost destroy that world.

MPP1-424 KANT'S ETHIC FAILS TO GENERATE MORAL AGREEMENT

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.210-211
That people may not necessarily agree with one another even when they use the same moral principle is not a problem specific to Kant's theory but can and does arise in every moral theory. However, it is still true that Kant seemed to promise more than other philosophers, particularly in the matter of adjudicating morally problematic maxims. As it turns out, in helping us resolve many of the most troubling contemporary moral problems, this promise seems to remain largely unfulfilled.

MPP1-425 KANT'S ETHIC LACKS PRACTICAL UTILITY
Robert Coates Judge, San Diego Mayor's Task Force on the Homeless, *A STREET IS NOT A HOME*, 1990, p.240

Kant's Categorical Imperative has much going for it. It is easy to remember. It makes sense, at least superficially. And it is useful. But it can get one into trouble. Applying a rule universally can be dangerous for anyone who does not have a universal understanding of the facts, of cause and effect, of the outcome of our acts. No one does have all those things. The Categorical Imperative is just about as useful as is the opinion that the Earth is flat. For most situations it works well, but, if one were to use it all the time, ruthlessly, one would get into deep trouble. For one thing, it lacks compassion. For another, it presumes one has all the facts before action begins. In actual practice, one must adjust plans when one meets the unexpected. A more pragmatic, heuristic approach is necessary when dealing with a complex issue like homelessness.

MPP1-426 KANT'S ETHIC NEGLECTS LOVE AS A BASIC VALUE

Walter Kaufmann, professor of philosophy, Princeton, *DISCOVERING THE MIND: GOETHE, KANT, AND HEGEL*, 1980, p.156

Finally, it is noteworthy that Kant's untenable model of the human mind has no place at all for love, unless it is assimilated to 'pathological interests.' Kant never showed how much that passes as love is really no more than a configuration of pathological interests. He simply failed to consider love. The reason seems clear: In his own adult experience he found no love, and he assumed his own mind was typical. But the discovery of the mind requires some understanding of love and art.

MPP1-427 KANT'S ETHIC CONDEMNS SEXUAL PLEASURE

Roger Sullivan, philosopher, University of South Carolina, *IMMANUEL KANT'S MORAL THEORY*, 1989, p.202

Finally, in the *METAPHYSICS OF MORALS*, Kant once again condemns sexual activity 'for mere animals pleasure, without regard to its purpose,' because doing so is contradictory to the natural law and therefore means using oneself or another as merely as a thing, merely as a means to the gratification of one's desires.

MPP1-428 KANT'S ETHIC RESTS ON UNPROVED ASSUMPTIONS

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.196
Practical reason presupposes on Kant's view a belief in God, freedom, and immortality. God is required as a power capable of realizing the *SUMMUM BONUM*, of crowning virtue with happiness; immortality is required because virtue and happiness manifestly do not coincide in this life; and freedom is the presupposition of the categorical imperative. For it is only in acts of obedience to the categorical imperative that we are delivered from the bondage of our own inclinations.

MPP1-429 KANTIAN DUTIES ARE MAINLY NEGATIVE
Donald Marquis, philosopher, University of Kansas, *AGING AND THE ELDERLY*, 1978, p.344

The duty of benevolence turns out on Kant's *PRINCIPLES* (on this interpretation) to be a VERY imperfect duty; indeed, it is so imperfect that there are persons for whom it does not exist at all! Duty, on this account of things, does not consist primarily in helping others, but in leaving a man alone to see what he can make of himself.

MPP1-430 FOR KANT, POSITIVE DUTIES ARE LIMITED
Donald Marquis, philosopher, University of Kansas, *AGING AND THE ELDERLY*, 1978, p.343-44

Positive duties, duties which require some action, have a different, and more disputable, status in Kantian ethics. The duty of benevolence is such a duty for Kant. Kant calls this duty an imperfect duty. Its imperfection manifests itself in at least two ways: First, one cannot be benevolent to everyone (though one can refrain from lying to everyone). So the duty of benevolence CANNOT be 'perfectly' fulfilled in the way the duty not to lie or the duty not to kill can be. Secondly, the categorical imperative does not tell us how benevolent we ought to be even toward a particular person.

MPP1-431 KANT OPPOSES LEGISLATING MORALITY

George P. Fletcher, Columbia University Law School, *COLUMBIA LAW SCHOOL*, 1987, p.534

Kant's teachings enable us to fathom the claim that we cannot legislate morality. While the prevailing view today treats law and morality as intersecting sets of rules and rights, the Kantian view treats the two as distinct and nonintersecting. The moral does not petition for inclusion in the legal and the legal cannot determine the moral.

MPP1-432 FOR KANT, DUTIES OF BENEFICENCE AREN'T ABSOLUTE

Allen E. Buchanan, professor of philosophy, University of Arizona, *PHILOSOPHY AND PUBLIC AFFAIRS*, 1982

Similarly, at the level of common-sense morality, the considerations that underlie the duty of beneficence seem very general. One ought to help those in need because they are our fellow human beings in need-- not because of any preferences we have. Yet here, too, as in Kant's theory, it is usually said that there is much latitude in discharging the duty of beneficence. One may choose to help some and not others.

MPP1-433 KANT DENIED POLITICAL RIGHTS TO WOMEN AND THE POOR

Hans Reiss, Professor of German, University of Bristol, *KANT'S POLITICAL WRITINGS*, 1970, p.27

So Kant, perhaps understandably, differentiates between men of independence and those who have none. He classes those who are independent as active citizens and those who are dependent as passive citizens. Only active citizens have a right to vote and to legislate. Women are, on principle, disqualified. But any legislation should always be enacted and carried out as if the passive citizens too were participating, for, inherently, they have the same political right as active citizens. The requirements for independence are, for him, partly economic. A man must not be dependent on any one else economically, as a servant or as an employee, for otherwise he cannot freely and independently take part in politics.

MPP1-434 KANT'S IS THE MOST COMPELLING DEONTOLOGICAL THEORY

Joshua Halberstam, Professor of Philosophy, Long Island University, *SOCIAL THEORY AND PRACTICE*, Spring 1988, p.48

Kant's is not the only deontological duty-bound-theory in the history of moral philosophy. The variety of duties mankind has chosen as the final arbiters of morality matches the variety of causes it has chosen to serve. Kant's moral theory is, however, arguably the richest and most refined of such theories; and based as it is on the demands of reason alone (so construed) it is also the most intellectually satisfying deontological theory. Both because of its philosophical attractiveness and actual influence on human behavior it deserves special scrutiny. Nonetheless, the failure of its moral core-i.e. its reverence of duty-is not peculiar to Kant but another instance of a common moral confusion.

MPP1-435 COMPONENTS OF CLASSICAL UTILITARIANISM DEFINED

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983, p.334

The original utilitarian doctrine can, as Amartya Sen has suggested, be analyzed into three components. 1. Consequentialism--judging actions or policies in terms of their consequences of individual human beings. 2. Welfare--judging states of affairs or policies in terms of the level of satisfaction achieved, which is identified with utility; 3. Sum-ranking--the technical term for the summation of everyone's satisfaction to give a global utility total. Thus utilitarianism is a member of the family of moral doctrines which judge actions neither by their motives nor their intrinsic qualities, but by their consequences. It is a form of what used to be called teleological ethics and is occasionally known today by the ungainly term 'consequentialism.' The contrast with 'deontological' systems which judge actions exclusively by their conformity to some law or rule. It is possible to accept the consequential aspects of utilitarianism without accepting, or accepting in a very qualified form, the other two aspects.

MPP1-436 MILL'S UTILITARIANISM SUMMARIZED

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.167

Mill's account of utilitarianism may be summarized in the following five statements: (a) Pleasure is the only thing that is desirable. (b) The only proof that a thing is desirable is the fact that people do actually desire it. (c) Each person's own pleasure or happiness (to use Mill's more usual term) is a good to that person, so the general happiness is a good to everybody. (d) Men do desire other objects, but they desire them as a means to pleasure. (e) If one of two pleasures is preferred by those who are competently acquainted with both we are justified in saying that this preferred pleasure is superior in quality to the other.

MPP1-437 UTILITARIANISM IS THE LEADING SECULAR MORAL PHILOSOPHY

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.96

Utilitarianism has its roots in 18th century England, but it flowered in 19th-century England, particularly in the writings of Jeremy Bentham and John Stuart Mill. It greatly influenced liberal legislation in England and America and is probably the basic moral philosophy of most non-Christian humanists today. Utilitarianism is one of the most powerful and persuasive traditions of moral thought in our culture.

MPP1-438 UTILITARIANISM HAS INTUITIVE PLAUSIBILITY

Samuel Gorowitz, 'UTILITARIANISM' WITH CRITICAL ESSAYS, 1971, p.xiii

As a normative principle, the principle of utilitarianism has an enormous intuitive appeal. It calls for an agent to perform that action which will do more good for more people than any other, and it is hard to imagine how such an action could fail to be the right thing to do. Even though many objections to utilitarianism as a moral theory have been raised, this basic appeal remains for many people, who are inclined to try to meet the objections than to abandon what is initially such a plausible moral theory.

MPP1-439 NATURAL AND SOCIAL SCIENCES SUPPORT UTILITARIANISM

Leonard Ratner, University of Southern California Law School, *HOFSTRA LAW JOURNAL*, 1984, p.727

In the context of the information provided by biology, anthropology, economics, and other disciplines, a functional description of evolutionary utilitarianism identifies enhance per capita need/want fulfillment as long-term utilitarian-majoritarian goal, illuminates the critical relationship of self interest to that goal, and discloses the trial-and-error process of accommodation and priority assignment that implements it. The description confirms that process as arbiter of the tension between individual welfare and group welfare (i.e., between autonomy and reciprocity) and suggests a utilitarian imperative: that utilitarianism is unavoidable, that morality rests ultimately on utilitarian self interest, that in the final analysis all of us are personal utilitarians and most of us are social utilitarians.

MPP1-440 ALL MORAL SYSTEMS REST ON UTILITY

Leonard Ratner, University of Southern California Law School, *HOFSTRA LAW JOURNAL*, 1984, p.768

All systems of morality, however transcendental, rest ultimately on utilitarian self interest (i.e., on personal need/want fulfillment), because those who fashion such systems, like those who accept or reject them, cannot escape their own humanness. The physically controllable acts of each individual are the choice of that individual, though all of the consequences may not be foreseen or desired. Behavior choices are necessarily determined by the experience, feelings, habits, and attitudes; the concerns and beliefs; the needs and wants--in short, by the ultimate self-interest--of the individual.

MPP1-441 UTILITARIANISM IS GROUNDED IN HUMAN NATURE

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.125

The most we can do, Mill may have believed, is show that the moral standard is a plausible one and that it commends itself to a rational person. Interpreted in this way, Mill's argument might be the following: People do desire their own happiness. This desire does not make happiness the right moral goal, but it does show that a morality based on happiness is solidly grounded in human nature. Such a morality thus at least a possible candidate for a moral standard. Now if we combine this observation with the belief that a moral person has some obligation to others rather than merely to himself, we have some evidence to conclude that the happiness (or interest-satisfaction) of others is a legitimate moral goal.

MPP1-442 UTILITARIANISM MINIMIZES MISERY

H.B. Acton, professor of moral philosophy, University of Edinburgh, *KANT'S MORAL PHILOSOPHY*, 1970, p.62

The chief persuasive argument in favour of utilitarianism has always been that the dictates of any deontological ethics will always, on some occasions, lead to the existence of misery that could, on utilitarian principles, have been prevented.

MPP1-443 REJECTING UTILITARIANISM MAKES THE WORLD LESS HAPPY

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.24

I shall take the paradigm of utilitarianism to be hedonistic act utilitarianism, a theory that has come down to us through Jeremy Bentham and Henry Sidgwick. (There has been some controversy as to how far J. S. Mill's UTILITARIANISM fits this paradigm.) According to this paradigm, what it is right to do on any occasion is to maximize the total happiness (now and at all future items) of all sentient creatures, whether humans, other animals, or extra-terrestrials (should we ever have to do with these last). The theory has an obvious appeal. What could be better than to maximize happiness? Any theory that was not equivalent to hedonistic act utilitarianism would imply that on occasion one should make the world less happy than it would otherwise be.

MPP1-444 WORSENING THE WORLD TO OBEY A RULE IS RIDICULOUS

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.43

In reply, the utilitarian can point to the consequences of the conceptual gap between rightness and the production of the best possible consequences. If the deontologist is correct, it is theoretically possible that the performance of a duty could on a given occasion make the world a worse place than it would have been if the duty had not been performed. It might be argued that the very fact that a duty has been performed must mean that some good consequences will be brought about. But even if we grant that the mere fact of duty-performance is itself good, it still may be the case that the total state of the world after the duty-performance is worse than it would have been if the duty had not been performed. And if this is a consequence of the deontologists interpretation of moral rules his interpretation must be rejected as a bad case of rule-worship.

MPP1-445 UTILITARIANISM HELPS DEAL WITH WORLD THREATENING DISASTERS

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.27

In the context of the late twentieth century, when there is danger of the ultimate catastrophe of nuclear annihilation, not to mention huge problems of overpopulation and famine, I am inclined to think that on utilitarian grounds a utilitarian should try to get utilitarian thinking adopted very widely.

MPP1-446 UTILITARIANISM ACCOUNTS FOR VARYING CIRCUMSTANCES

Peter Singer, Center for Human Bioethics, Monash University, *PRACTICAL ETHICS*, 1993, p.3

The consequences of an action vary according to the circumstances in which it is performed. Hence a utilitarian can never properly be accused of a lack of realism, or of a rigid adherence to ideals in defiance of practical experience. The utilitarian will judge lying bad in some circumstances and good in others, depending on its consequences.

MPP1-447 UTILITARIANISM PROVIDES A BASIS FOR REASONED ARGUMENT

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.35

Bentham also put forward more positive arguments to support the view that the principle of utility was preferable to its rivals. Perhaps the most important argument was that his principle did make it possible to evaluate human behavior in ways that were not merely subjective: 'What one expects to find in a principle is something that points out some external consideration, as a means of warranting and guiding the internal sentiments of approbation and disapprobation: this expectation is but ill fulfilled by a proposition, which does neither more nor less than hold up each of those sentiments as a ground and standard of itself.' The principle of utility, by laying down that actions should be judged by reference to their effects in terms of pleasure and pain did require the application of an 'external' standard, and thus made moral questions depend on reasoned argument instead of mere sentiment and assertion.

MPP1-448 UTILITARIANISM SATISFIES PRESUMPTIONS OF FAIRNESS AND ALTRUISM

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977

In taking the GENERAL happiness as the standard of right action this proposal seems to satisfy at once the presumptions that moral actions should be unselfish and that moral principles should be fair.

MPP1-449 UTILITARIANISM SEEKS TO MAXIMIZE AGGREGATE SOCIAL GOOD

Gerald Winslow, Walla College, TRIAGE AND JUSTICE, 1982, p.87

IN ONE WAY OR ANOTHER, the utilitarian principles discussed in the preceding chapter prescribe good-maximizing strategies. In other words, the goal is to achieve the highest possible amount of some appointed good (for example, the number of candidates' lives saved, the welfare of the candidates' dependents, the total happiness of society) as measured by the AGGREGATE level of that good. The rightness of such strategies depends on the sum total of the good produced.

MPP1-450 WE'RE ETHICALLY OBLIGED TO OPTIMIZE THE INTERESTS OF ALL

Peter Singer, Center for Human Bioethics, Monash University, PRACTICAL ETHICS, 1993, p.12

Suppose I then begin to think ethically, to the extent of recognizing that my own interests cannot count for more, simply because they are my own, than the interests of others. In place of my own interests, I now have to take account of the interests of all those affected by my decision. This requires me to weigh up all these interests and adopt the course of action most likely to maximize the interests of those affected. Thus I must choose the course of action which has the best consequences, on balance, for all affected. This is a form of utilitarianism.

MPP1-451 UTILITARIANISM IS PSYCHOLOGICALLY SOUND

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.6

A further argument that he [Bentham] used was that moral systems other than his own provided DEFINITIONS of what conduct was right, but could not provide any substantial answer to the question of what MOTIVES anyone had to act accordingly. His own system, however, provided the means of explaining, in terms of pleasure and pain, not only how people ought to behave, but how they did behave and could be made to behave; and it was able to show that people had many motives, and could be supplied with others, for conforming their behaviour to the dictates of utility.

MPP1-452 UTILITARIANISM IS PSYCHOLOGICALLY SOUND

John Stuart Mill, utilitarian philosopher, 'UTILITARIANISM,' in THE UTILITARIANS, 1963, p.442

We have now, then, an answer to the question, of what sort of proof the principle of utility is susceptible. If the opinion which I have now stated is psychologically true--if human nature is so constituted as to desire nothing which is not either a part of happiness or a means of happiness, we can have no other proof, and we require no other, that these are the only things desirable. If so, happiness is the sole end of human action, and the promotion of it the test by which to judge of all human conduct; from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole.

MPP1-453 PLEASURE AND PAIN ARE THE SOURCE OF ALL ACTIVITY

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.17

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The principle of utility recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light.

MPP1-454 THE PRINCIPLE OF UTILITY SEEKS TO MAXIMIZE HAPPINESS

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.17-18

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.

MPP1-455 RIGHT AND WRONG ARE SIMPLY EXPRESSIONS OF UTILITY

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.19

Of an action that is conformable to the principle of utility one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be done. One may say also, that it is right it should be done; at least that it is not wrong it should be done: that it is a right action; at least that it is not a wrong action. When thus interpreted, the words ought, and right and wrong, and others of that stamp, have a meaning: when otherwise, they have none.

MPP1-456 THE PRINCIPLE OF UTILITY IS IMPOSSIBLE AND UNNECESSARY TO PROVE

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.19

To prove the rectitude of this principle is at once unnecessary and impossible. Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been meaning. Is it susceptible of any direct proof? it should seem not- for that which is used to prove every thing else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.

MPP1-457 ARGUMENTS AGAINST UTILITY PRESUPPOSE UTILITARIAN VALUES

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.20

When a man attempts to combat the principle of utility, it is with reasons drawn, without his being aware of it, from that very principle itself. His arguments, if they prove any thing, prove not that the principle is wrong, but that, according to the applications he supposes to be made of it, it is misapplied. Is it possible for a man to move the earth? Yes; but he must first find out another earth to stand upon.

MPP1-458 ASCETICISM IS SIMPLY MISAPPLIED UTILITARIANISM

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.27

The principle of asceticism, in its origin, was but that of utility misapplied. The principle of asceticism seems originally to have been the reverie of certain hasty speculators, who having perceived, or fancied, that certain pleasures, when reaped in certain circumstances, have, at the long run, been attended with pains more than equivalent to them, took occasion to quarrel with every thing that offered itself under the name of pleasure. Having then got thus far, and having forgot the point which they set out from, they pushed on, and went so much further as to think it meritorious to fall in love with pain. Even this, we see, is at bottom but the principle of utility misapplied.

MPP1-459 ONLY UTILITY CAN BE CONSISTENTLY PURSUED

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.27-8

The principle of utility is capable of being consistently pursued; and it is but tautology to say, that the more consistently it is pursued, the better it must ever be for humankind. The principle of asceticism never was, nor ever can be, consistently pursued by any living creature. Let but one tenth part of the inhabitants of this earth pursue it consistently, and in a day's time they will have turned it into a hell.

MPP1-460 UTILITARIANISM CHALLENGES MINDLESS AUTHORITY

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.11

Consequentialism also seems to provide a straightforward method for resolving moral questions. Finding the morally right answer becomes a matter of measuring changes in human welfare, not of consulting spiritual leaders, or relying on obscure traditions. Utilitarianism, historically, was therefore quite progressive. It demanded that customs and authorities which had oppressed people for centuries be tested against the standard of human improvement ('man is the measure of all things'). At its best, utilitarianism is a strong weapon against prejudice and superstition, providing a standard and a procedure that challenge those who claim authority over us in the name of morality.

MPP1-461 ONLY HAPPINESS IS DESIRED AS AN END IN ITSELF

John Stuart Mill, utilitarian philosopher, 'UTILITARIANISM', in *THE UTILITARIANS*, 1963, p.442

It results from the preceding considerations, that there is in reality nothing desired except happiness. Whatever is desired otherwise than AS A MEANS to some end beyond itself, and ultimately to happiness, is desired as itself a part of happiness, and is not desired for itself until it has become so. Those who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united; as in truth the pleasure and pain seldom exist separately, but almost always together, the same person feeling pleasure in the degree of virtue attained, and pain in not having attained more. If one of these gave him no pleasure, and the other no pain, he would not love or desire virtue, or would desire it only for the other benefits which it might produce to himself or to persons whom we cared for.

MPP1-462 HAPPINESS IS GOOD BECAUSE EVERYONE DESIRES IT.

John Stuart Mill, utilitarian philosopher, 'UTILITARIANISM', in *THE UTILITARIANS*, 1963, p.438-39

The sole evidence it is possible to produce that anything is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons.

MPP1-463 MORALITY IS REASONABLY RELATED TO HAPPINESS

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.126

This proposal has several obvious merits. It seems reasonable that morality, if it is to guide conduct, should have something to do with happiness. It seems natural to seek pleasure and to avoid pain and distress, but it also seems sensible to balance these against each other, to put up with a certain amount of pain in order to achieve a quantity of pleasure that outweighs it.

MPP1-464 NO PLEASURES ARE INTRINSICALLY BAD

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.26

When a state of mind is sometimes extrinsically good and sometimes extrinsically bad, we find it easy to distinguish between our intrinsic and extrinsic preferences for instances of it, but when a state of mind is always, or almost always, extrinsically bad, it is easy for us to confuse an extrinsic distaste for it with an intrinsic one. If we allow for this, it does not seem so absurd to hold that there are no pleasures which are intrinsically bad. Pleasures are bad only because they cause harm to the person who has them or to other people.

MPP1-465 UTILITARIANISM JUSTIFIES THE PREFERENCE FOR MORE COMPLEX PLEASURES

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.24

Leaving these more remote possibilities out of account, however, and considering the decisions we have to make at present, the question of whether the 'higher' pleasures should be preferred to the 'lower' ones does seem to be of slight practical importance. There are already perfectly good hedonistic arguments for poetry as against push-pin. As has been pointed out, the more complex pleasures are incomparably more fecund than the less complex ones: not only are they enjoyable in themselves but they are a means to further enjoyment. Still less, on the whole, do they lead to disillusionment, physical deterioration or social disharmony. The connoisseur of poetry may enjoy himself no more than the connoisseur of whisky, but he runs no danger of a headache on the following morning.

MPP1-466 HAPPINESS IS A MORE CREDIBLE GOOD THAN PLEASURE

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.167

It is certain also that utilitarianism has been made more plausible by its adherents using the term 'happiness' rather than the term 'pleasure', for it is much easier to include under happiness all these ends which men have regarded as morally worth attaining than to include them under the specific psychological quality of pleasantness

MPP1-467 BROADER CONCEPTS OF THE GOOD ENHANCE UTILITARIANISM

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.17

But hedonistic utilitarianism in its turn needs a correction. On reflection it seems clear that pleasure is not the only thing in life that we think good in itself, that for instance we think the posses is made by the substitution of 'productive of the greatest good' for 'productive of the greatest pleasure'.

MPP1-468 WE ALL SEEK TO MAXIMIZE UTILITY

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.10
 The good it seeks to promote - happiness, or welfare, or well-being - is something that we all pursue in our own lives, and in the lives of those we love. Utilitarians just demand that the pursuit of human welfare or utility (I will be using these terms interchangeably) be done impartially, for everyone in society. Whether or not we are God's children, or have a soul, or free will, we can suffer or be happy, we can all be better or worse off. No matter how secular we are, we cannot deny that happiness is valuable, since it is something we, value in our own lives.

MPP1-469 UTILITARIANISM ACCEPTS COMMON MORAL MAXIMS

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983, p.334

Many people may have instinctive deontological views and are shocked by consequentialist morality of any kind. An age-old objection to utilitarianism is that it runs counter to common ideas of good behavior embodied in maxims such as 'Do not punish the innocent', 'Keep promises', 'Do not break treaties' or 'Do not invade another country's territory.' In one sense this criticism is unfair, and was already rebutted in John Stuart Mill's *UTILITARIANISM* (first published in 1861). Utilitarians are not so foolish as to imagine that they have either the knowledge or the disinterestedness to assess directly the utility consequences of alternative courses either in private or public life. The maxims of commonsense morality embody the accumulated (if imperfect) wisdom of the generations; and their observance may do more to promote utility than any attempt to pursue it directly.

MPP1-470 UTILITARIANISM RELIES ON POPULAR MORAL IDEAS

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983 p.334

Professor Richard Hare has thrown light on the role of normal rules of behavior in a utilitarian system by drawing attention to two different levels of thinking, the first or 'intuitive' level and the second or 'critical' level. At the intuitive level we take for granted the maxims of popular morality and their public policy counterparts. *PRIMA FACIE* rules are necessary, as it is quite impractical to make a direct calculation of the utility effects of every decision; and the attempt to do so would probably be clouded by self-interest, prejudice as well as insufficient knowledge. John Stuart Mill pointed out that utilitarianism was not only consistent with, but required the 'intermediate generalisations' of popular morality.

MPP1-471 UTILITARIANISM CAN BE MADE CONSISTENT WITH ORDINARY MORAL RULES

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.47

We can now sum up our discussion by saying that it is possible to state utilitarianism in a way which does justice to our ordinary view on moral rules, provided we distinguish between empirical generalizations about the consequences of actions and institutional rules. Such a distinction enables us to incorporate the valid insights of deontology without committing us to the conceptual gap between rightness and good consequences which was the weak point of the theory. No crucial objection to utilitarianism can therefore be based on a consideration of moral rules in our moral outlook.

MPP1-472 UTILITY JUSTIFIES KEEPING PROMISES

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987

Thus if people who give their word normally keep it, a vast amount of trust and cohesion is facilitated which would not be facilitated if they were to reflect on each occasion whether they would keep it or not, or if they were not to make any undertakings at all. Value is thus optimised if as high a proportion of society as could ever be hoped to behave conscientiously keep their promises, except in cases where extreme evil would result from doing so, or where people gave their word under duress, and at the same time if promisers do not assess the consequences of keeping and breaking each and every promise.

MPP1-473 UTILITY JUSTIFIES SPECIAL SENTIMENTS

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983 p.338

There is one question which cannot, however, be avoided. This concerns not the general shape of the distribution of utility, but the supposed requirements of impartiality. Utilitarians, along with many other moral philosophers, endorse a general impartiality towards all our fellow human beings. How do we square this requirement with the greater sympathy which most people instinctively feel towards their family, friends and fellow countrymen than towards the unknown millions of the Third World? Utilitarian moralists are not so foolish as to condemn these very natural human feelings. They tend, however, to regard them as being no more than a useful rule of thumb maxims at the first or intuitive level. Richard Hare defends them as being in practice the best way to promote the interests of all the inhabitants of the world. For instance, if mothers were expected to care equally for all children, and not just their own, then children in general would almost certainly be less well provided for than they are now. Loyalty to country is a virtue only to the extent that it happens to promote the interests of all human beings.

MPP1-474 UTILITARIANISM UPHOLDS SPONTANEITY
 J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.44
 Nor is this utilitarian doctrine incompatible, as M.A. Kaplan has suggested it is, with a recognition of the importance of warm and spontaneous expressions of emotion. Consider a case in which a man sees that his wife is tired, and simply from a spontaneous feeling of affection for her offers to wash the dishes. Does utilitarianism imply that he should have stopped to calculate the various consequences of his different possible courses of action? Certainly not. This would make married life a misery and the utilitarian knows very well as a rule of thumb that on occasions of this sort it is best to act spontaneously and without calculation.

MPP1-475 DEMOCRACY IS JUSTIFIED ON UTILITARIAN GROUNDS

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.112

Most utilitarians have argued for democratic government as a means of achieving the utilitarian ideal. The best way to ensure that the maximum number of preferences is satisfied is for each individual to exercise control over the government by means of the vote. Democracy also tends to encourage the development of an active and responsible character. When citizens have the responsibility of deciding the policies of government, however indirectly, they tend also to develop capacities of self-determination that are more conducive to self-realization than the more docile and passive character traits fostered by nondemocratic political orders.

MPP1-476 UTILITARIANISM DOESN'T NEGATE SUPEROGATORY ACTIONS

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.122-23

If she wants to argue that utilitarian theory can make a place for superogatory actions, her argument might include the following: Praising those who perform superogatory acts is in accordance with utility but condemning those who fail to do so is not. The distinction between obligatory and superogatory acts could be based on the differing abilities of people to perform unusual acts of bravery and self-sacrifice. The interest of morality is not served by requiring people to perform too far beyond their ability, since this overtaxing would only inspire contempt for morality in general. Moreover, people who attempt risky acts are likely to fail, thus creating negative utility. On the other hand, when superogatory actions are performed, they should receive praise, because they do contribute to the well-being of others.

MPP1-477 CONSEQUENTIALISM JUSTIFIES SPECIAL ATTENTION TO FAMILY AND FRIENDS

Frank Jackson, Professor of Philosophy, Monash University, *ETHICS*, April 1991, p.481

We have seen that the good consequentialist should focus her attentions on securing the well-being of a relatively small number of people, herself included, not because she rates their welfare more highly than the welfare of others but because she is in a better position to secure their welfare. Typically, this will involve her settling on a relatively extended program of action which will take some resolution and strength of character to carry forward successfully. Before she starts she knows, if she is at all like most of us that the chances of success are much greater if she makes the relatively small group those who are her family and friends, rather than those she hardly knows.

MPP1-478 UTILITARIANISM NEED NOT ACCORD WITH COMMON SENSE MORALITY

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.25

As I construe it, hedonistic act utilitarianism is a **NORMATIVE** theory. It is not an account of our common ethical beliefs, since it may well conflict with them, nor is it put forward as an explanation of them. Indeed if the theory did not conflict in some measure with ordinarily accepted ethical ideas there would be little practical importance in putting it forward. Since hedonistic utilitarianism is put forward as a normative theory, the proponent of it must resist supposed refutations of it that depend on its conflict with common sense reactions.

MPP1-479 RELYING ON POPULAR INSTITUTIONS UNDERMINES MORAL DISCOURSE

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983 p.335

The second 'critical' level of thinking, is required (a) when the generally accepted principles appear to conflict (e.g. truth telling versus preventing suffering), (b) in determining exceptional cases when there seems to be an argument for waiving the rules, and above all (c) in the critical reflection on the validity of currently accepted first level **PRIMA FACIE** rules and their elaboration and development. It is the failure of to move to this second critical level, when it is clearly required, which makes so many policy arguments merely a heated exchange of slogans. If debate on an issue such as the 1982 Argentine invasion of the Falklands remains stuck at the level of 'They have invaded our territory', 'Britain has been knocked around enough'--or on the other side 'Do nothing without the UN', 'You will alienate world opinion', no rational discussion is possible.

MPP1-480 MORAL COMMON SENSE IS UNRELIABLE

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.101-02

If we consult what Smart calls our 'common moral consciousness,' it seems that there are MANY other considerations that are morally important. (In section 8.3 above, we looked at a few examples.) But I believe that the radical act-utilitarians are right to warn us that 'common sense' cannot be trusted. Many people once felt that there is an important difference between whites and blacks, so that the interests of whites are somehow more important. Trusting the 'common sense' of their day, they might have insisted that an adequate moral theory should accommodate this 'fact.' Today, no one worth listening to would say such a thing. But who knows how many OTHER irrational prejudices are still a part of our moral common sense.

MPP1-481 UTILITARIANISM AVOIDS MORAL PREJUDICES

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.102

The strength of Utilitarianism is that it firmly resists 'corruption' by possible irrational elements. By sticking to the Principle of Utility as the ONLY standard for judging right and wrong, it avoids all danger of incorporating into moral theory prejudices, feelings, and 'intuitions' that have no rational basis.

MPP1-482 THE MODERN WORLD RENDERS ORDINARY MORAL VALUES OBSOLETE

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.37

Sidgwick argued that conventional moral rules have grown up and survived, for the most part but not completely, because of their utility. However, we now live in a much more dangerous and quickly changing world than Sidgwick did, mainly because of the pace of technological change. A terrible instance of this is the rapid increase in the sophistication and destructiveness of military weapons. Developments in biology, with the possible application of such techniques as genetic engineering to humans, will obviously give rise to awesome and unprecedented decisions of social choice--if indeed decisions are made and the situation does not simply develop in an uncontrolled way. Further more, consider the problems connected with the population explosion (itself a product of medical and sanitary technology). It is likely therefore that useful as conventional ethical principles have been in the past, they may in the future sometimes be counter-productive. A striking example of this is the obvious inapplicability of the so-called Protestant work ethic to an age of automation and robotics.

MPP1-483 TORTURE IS SOMETIMES JUSTIFIED

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.148

It is probably a good utilitarian rule not to permit torture of prisoners; pain is an intrinsic evil, and the good that ensues, if any, seldom outweighs the pain caused, as well as the terror that would be produced every time someone was called to the police station, fearing that torture would be used. (The level of happiness in communist and fascist dictatorships in which torture is regularly used is surely lower than those in countries where the use of torture is outlawed.) Still, suppose that someone has planted an atomic device set to go off at a certain hour somewhere in your city, that you are the police chief and find the culprit, and the only way you can get the information out of him (as to where he placed the bomb) is through the use of torture. Wouldn't you use it to save the entire city? Most rules are not intended for such extraordinary situations, and those situations were not thought of when the rules were devised and promulgated.

MPP1-484 RIGHT AND WRONG DIVORCED FROM UTILITY SIMPLY EXPRESS PERSONAL BIAS

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.29

The various systems that have been formed concerning the standard of right and wrong, may all be reduced to the principle of sympathy and antipathy. One account may serve for all of them. They consist all of them in so many contrivances for avoiding the obligation of appealing to any external standard, and for prevailing upon the reader to accept of the author's sentiment or opinion as a reason for itself. The phrases different, but the principle the same.

MPP1-485 UTILITARIANISM IS HUMANITARIAN AND INDIVIDUALISTIC

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983, p.333

PRIMA FACIE, utilitarianism should be a highly humane doctrine. It accepts the need to deter wrong-doers who could bring misery on society; but punishment--as the infliction of suffering on human beings--is always an evil, even if a necessary one. But not only is it humanitarian, it is also, as the quotation from Bentham brings out, highly individualist in its methodology. Statements about nations or large abstractions such as the 'morale of the country' or 'the health of the economy' must be translatable into statements about individual human beings and their well-being before a judgment can be made.

MPP1-486 UTILITARIANISM DOESN'T TOTALLY ABSORB THE INDIVIDUAL

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.55

The idea that a consistent utilitarian would go mad with worry about the various effects of his actions is perhaps closely connected with a curious argument against utilitarianism to be found in Baier's book THE MORAL POINT OF VIEW. Baier holds that (act-) utilitarianism must be rejected because it entails that we should never relax, that we should use up every available minute in good works, and we do not ordinarily think this is so. The utilitarian has to effective replies. The first is that perhaps what we ordinarily think is false. Perhaps a rational investigation would lead us to the conclusion that we should relax much less than we do. The second reply is that act-utilitarianism premises do not entail that we should never relax. Maybe relaxing and doing a few good works today increases threefold our capacity to do good works tomorrow. So relaxation and play can be defended even if we ignore, as we should not, their intrinsic pleasures

MPP1-487 UTILITARIANISM ENTAILS RESPECT FOR PERSONS

R.S. Downie and Elizabeth Telter, philosophers, University of Glasgow, RESPECT FOR PERSONS, 1969, p.39

Now there is surely no point in organizing action to maximize happiness unless we think that happiness matters, and it is unintelligible to suppose that happiness matters without supposing that the people whose happiness is in question matter. But to say that they matter in this way is to say that they are objects of respect. Hence, the principle of utility presupposes that of respect for persons. Indeed, the requirements of ordinary morality which (we have just argued) give rise to the principle of utility are precisely those for which the attitude of sympathy provides a natural motivation (as we saw in Chapter I, p.24), and sympathy is an integral part of the attitude of respect.

MPP1-488 UTILITARIAN CALCULATIONS DOESN'T REDUCE THE VALUE OF INDIVIDUALS

Gerald Winslow, Walla College, TRIAGE AND JUSTICE, 1982, p.83

If this method seems cold and impersonal, Fletcher reminds us that ethics is for the 'tough-minded.' Besides, he contends, it is a mistake to think of such utilitarian decisions as diminishing a high regard for the life of each individual. 'It is not discounting the life of the individual, but balancing the interest of one individual against the interest of other INDIVIDUALS.'

MPP1-489 UTILITARIANISM DOESN'T UNIQUELY VIOLATE INDIVIDUAL INTEGRITY

Samuel Scheffler, philosopher, University of California, Berkeley, THE REJECTION OF CONSEQUENTIALISM, 1982, p.8-9

Different moral views do of course differ on the question of how bad things have to get from the impersonal standpoint before the agent is required to abandon his projects. But if the objection from integrity is interpreted as an objection to the in-principle dispensability of the agent's projects, then it must be regarded as a criticism of almost all non-egoistic theories, and not as an objection to which utilitarianism is distinctly vulnerable.

MPP1-490 UTILITARIANISM WON'T SACRIFICE INNOCENT INDIVIDUALS

Leonard Ratner, University of Southern California Law School, HOFSTRA LAW JOURNAL, 1984, p.752

Nor is 'social need,' i.e., the general welfare, a sacrificial altar for the immolation of 'innocent individuals.' Social need is derived from individual need, and effective social organization accommodates the tension between them. The need/want fulfillment of unoffending individuals must sometimes be subordinated to 'social need' but no more than necessary to enhance the need/want fulfillment of most individuals. The least intrusive method is the essential accommodation. In the long run, enhancement for the most results from carefully limited intrusion of the few.

MPP1-491 UTILITARIANISM WON'T SACRIFICE INNOCENT INDIVIDUALS

David Schaefer, professor of Political Science, Holy Cross, JUSTICE OR TYRANNY?, 1979, p.87

In objecting to utilitarianism, on the ground that it unjustly demands that some men sacrifice their own well being merely so that the average utility or net balance of satisfaction in their society can be increased, Rawls never shows that any actual political society acted or attempted to act on such a principle. There is a good reason for this: the proposal of such a sacrifice is not one to which any sane man would be likely to agree in practice, and consequently it is not one to which any advocate of some particular policy would appeal if he hoped to influence other men.

MPP1-492 UTILITARIANISM UPHOLDS JUSTICE EXCEPT IN CATASTROPHE

C.E. Harris, philosopher, Texas A&M, **APPLYING MORAL THEORIES**, 1986, p.123

The problem of justice requires more sophisticated treatment. The utilitarian can certainly argue that, in general, rules requiring justice have greater utility; they inspire confidence in the judicial system and a sense of safety and well-being among the citizenry. However, if two rules have a serious conflict between them, a different approach may be required. For example, the utilitarian might argue that a conflict exists between the rule 'Administer justice fairly' and the rule 'Do what is necessary to save the nation from disaster.' In such a case, the utilitarian would maintain, doing what leads to the greatest overall interest-satisfaction in the particular situation is justifiable, so that in the case of Jesus, Caiaphas was right to imply that one man's dying for the people was expedient. We must appeal, in other words, to act utilitarianism to resolve a conflict between two rules, when both are justified by utility.

MPP1-493 UTILITARIANISM CAN INCORPORATE RAWLS'S PRINCIPLES

J.J.C. Smart, philosopher, Australian National University, **UTILITARIANISM: FOR AND AGAINST**, 1973, p.37

However it must be conceded that these objections against fairness as an **ULTIMATE** principle must be rhetorical only, and that Rawls's principle could perhaps be incorporated in a restrained system of deontological ethics, which would avoid the artificiality of the usual form of deontology. There are in any case plenty of good utilitarian reasons for adopting the principle of fairness as an important, but not inviolable, rule of thumb.

MPP1-494 UTILITARIANISM SUPPORTS FORMAL JUSTICE

Samuel Freeman, Professor of Law, University of Pennsylvania, **PHILOSOPHY AND PUBLIC AFFAIRS**, Fall 1994, p.322

Almost any utilitarian view will provide a place for equal consideration via the precept of formal justice-treat similar cases similarly-in the ordinary administration of law (e.g., Sidgwick, *Methods*, p.380). And other requirements of fairness (equal rights of certain kinds, etc.) may be argued for on the basis of utility. These rules will occupy a central position in casuistry and common-sense moral reasoning on most utilitarian views.

MPP1-495 JUSTICE IS TOO SUBJECTIVE

John Stuart Mill, utilitarian philosopher, 'UTILITARIANISM', in **THE UTILITARIANS**, 1963, p.460-61

Not only have different nations and individuals different notions of justice, but in the mind of one and the same individual, justice is not some one rule, principle, or maxim, but many, which do not always coincide in their dictates, and in choosing between which he is guided either by some extraneous standard or by his own personal predilections.

MPP1-496 JUSTICE IS TOO SUBJECTIVE

John Stuart Mill, utilitarian philosopher, 'UTILITARIANISM', in **THE UTILITARIANS**, 1963, p.460

If justice be totally independent of utility, and be a standard per se, which the mind can recognize by simple introspection of itself; it is hard to understand why that internal oracle is so ambiguous, and why so many things appear either just or unjust, according to the light in which they are regarded.

MPP1-497 SOMETIMES INDIVIDUALS MUST BE SACRIFICED TO THE GENERAL GOOD

J.J.C. Smart, philosopher, Australian National University, **UTILITARIANISM: FOR AND AGAINST**, 1973, p.37

Rawls has suggested that we must maximize the general happiness only if we do so in a **FAIR** way. An **UNFAIR** way of maximizing the general happiness would be to do so by a method which involved making some people less happy that they might be otherwise. As against this suggestion a utilitarian might make the following rhetorical objection: if it is rational for me to choose the pain of a visit to the dentist in order to prevent the pain of a toothache, why is it not rational of me to choose a pain for Jones, similar to that of my visit to the dentist, if that is the only way in which I can prevent a pain, equal to that of my toothache, for Robinson? Such situations continually occur in war, in mining, and in the fight against disease, when we may often find ourselves in the position of having in the general interest to inflict suffering on good and happy men.

MPP1-498 SOMETIMES INDIVIDUALS MUST BE SACRIFICED TO THE GENERAL GOOD

J.J.C. Smart, philosopher, Australian National University, **UTILITARIANISM: FOR AND AGAINST**, 1973, p.71-72

No, I am not happy to draw the conclusion that McCloskey quite rightly says that the utilitarian must draw. But neither am I happy with the anti-utilitarian conclusion. For if a case really **DID** arise in which injustice was the lesser of two evils (in terms of human happiness and misery), then the anti-utilitarian conclusion is a very unpalatable one too, namely that in some circumstances one must choose the greater misery, perhaps the **VERY MUCH** greater misery, such as that of hundreds of people suffering painful deaths.

MPP1-499 UTILITARIANISM DOESN'T THREATEN LIBERTY

Holly Smith Goldman, University of Illinois, **JOHN RAWLS' THEORY OF SOCIAL JUSTICE**, 1980, p.353

It is frequently argued, with some plausibility that the principle of utility only allows grave infractions of personal liberty in social conditions which are significantly different from our own. Our code deems such infractions to be unjust. However, there is no reason to suppose that the currency of our code in social conditions significantly different from our own would promote human welfare. Thus it is invalid to apply our code to social circumstances unlike ours.

MPP1-500 UTILITARIANISM WOULD PROMOTE EQUALITY

Holly Smith Goldman, University of Illinois, JOHN RAWLS' THEORY OF SOCIAL JUSTICE, 1980, p.354

Thus a hundred dollars taken away from someone who has five million will produce greater utility when given to someone who only has five hundred. In light of this, utilitarians have argued that under conditions as we know them, utilitarianism would not produce radically unequal distributions of good or utility.

MPP1-501 EQUAL DISTRIBUTION OF UTILITY IS PREFERRED

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.27

However, it is clear from the 1831 definition of the greatest happiness principle that by then Bentham believed that the OPTIMAL GOAL included 'the provision of an equal quantity of happiness for every one', and thus that the maximization of happiness should be linked wherever possible to equality in its distribution.

MPP1-502 UTILITARIANISM JUSTIFIES WELFARE TRANSFERS

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.98

But in general he [Bentham] took the view that public provision for the indigent--those who lacked the necessities of life--had to be made through a transfer of resources from those more comfortably off: 'The title of the indigent, as indigent, is stronger than the title of the proprietor of a superfluity, as proprietor; since the pain of death, which would finally fall upon the neglected indigent, will always be a greater evil than the pain of disappointed expectation, which falls upon the rich when a limited portion of his superfluity is taken from him.

MPP1-503 MAJORITY TYRANNY WOULD BE ANTI-UTILITARIAN

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.85-86

In an 'Article on Utilitarianism' which he wrote (but did not publish) in 1829, he said that if one divided a political community into a majority and a minority and specified that only the feelings of the majority should be taken into account, the result--which would be the 'more palpable the greater the ratio of the number of the minority to that of the majority'--would be to reduce rather than to increase the aggregate stock of happiness. For the minority might be made to suffer any amount of UNHAPPINESS, and Bentham believed that the quantity of unhappiness which any person could experience in a given period of time was greater than the quantity of happiness. As a practical example, he asked what the effect on overall happiness would be if all the Roman Catholics in Great Britain were made slaves of all the Protestants, or if all the Protestants in Ireland were made slaves of the Roman Catholics. There could be no doubt, he maintained, about the answer.

MPP1-504 TRUE UTILITARIANISM WOULD RARELY SACRIFICE THE PRESENT

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983 p.349

It is possible for a utilitarian to go too far in his attempt to take seriously the PRIMA FACIE rules of conventional behavior which are in the last resort only aids, and to make the approach too sophisticated. Before embarking on a course which is certain to lead to death, injury and bereavement to many people on both sides of the conflict, it is best to ascertain whether those who are able to take a more detached and less emotionally charged view really think that warfare is the lesser evil. The true utilitarian will think many times before he accepts the visible and tangible suffering of people here and now for some problematic future benefit.

MPP1-505 THE FUTURE IS TOO UNCERTAIN TO JUSTIFY TYRANNY

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.63-64

Where the tyrants who cause atrocities for the sake of Utopia are wrong is, surely, on the plain question of fact, and on confusing probabilities with certainties. After all, one would have to be VERY SURE that future generations would be saved still greater misery before one embarked on such a tyrannical programme.

MPP1-506 UTILITARIANISM WOULDN'T JUSTIFY LARGE SCALE ATROCITIES

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.64

Moreover even if the future were clear to us, it is very improbable that large scale atrocities could be beneficial. We must not forget the immense side effects: the brutalization of the people who ordered the atrocities and carried them out. We can, in fact, agree with the most violent denouncer of atrocities carried out in the name of Utopia without sacrificing our act-utilitarian principles. Indeed there are the best of act-utilitarian reasons for denouncing atrocities. But it is empirical facts, and empirical facts only, which will lead the utilitarian to say this.

MPP1-507 SOMETIMES PRESENT LIVES SHOULD BE SACRIFICED

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.63

If it were known to be true, as a question of fact, that measures which caused misery and death to tens of millions of today WOULD result in saving from greater misery and from death hundreds of millions in the future, and if this were the only way in which it could be done, then it WOULD be right to cause these necessary atrocities. The case is surely no different in principle from that of the battalion commander who sacrifices a patrol to save a company.

MPP1-508 CRITICS OF UTILITARIANISM ASSUME THE SEPARATENESS OF PERSONS

Michael A. Mosher, University of Tulsa, *POLITICAL STUDIES*, June 1991, p. 286.

When John Rawls and Robert Nozick set out their different conceptions of justice and rights, they were allied in rejecting a previously dominant utilitarianism. Their reasons were also compatible. Utilitarianism overlooked an uncontested conviction: persons were separate.

MPP1-509 INDIVIDUALS AREN'T SEPARATE; THEY ARE PART OF COMMUNITIES

Michael J. Sandel, Professor of Government at Harvard, *LIBERALISM AND THE LIMITS OF JUSTICE*, 1982, p.179. But we cannot regard ourselves as independent in this way without great cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are-as members of this family or community or nation or people, as bearers of this history, as sons and daughters of the revolution, as citizens of the republic. Allegiances such as these are more than values I happen to have or aims I 'espouse at any given time'. They go beyond the obligations I voluntarily incur and the 'natural duties' I owe to human beings as such. They allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made but instead in virtue of those more or less enduring attachments and commitments which taken together partly define the person I am.

MPP1-510 INTIMATE RELATIONS DISPROVE THE SEPARATENESS OF PERSONS

Danah Zohar, Ph.D. in Philosophy and Religion at Harvard, *THE QUANTUM SELF*, 1990, p.127.

In all these cases the intimate relationship seems to result in two people's overlapping to such an extent that each takes on the other's inner content. They share an identity. The mechanism by which this happens also seems very closely related to the slightly less extreme sense of common empathy we feel with others. In empathy, we know that we are not the other person but we also know what it would be like to be him, to be in his place, feeling his emotions.

MPP1-511 THE SELF SHOULD BE UNDERSTOOD INTERSUBJECTIVELY

Michael J. Sandel, Professor of Government at Harvard, *LIBERALISM AND THE LIMITS OF JUSTICE*, 1982, p.144. A further feature of the intersubjective description of common assets is that it renders the dispossession of the person as it appears from the individualistic point of view less ultimately disempowering. While the argument from arbitrariness systematically deprives the subject, qua individual person, of its attributes and possessions, leaving a self so shorn of empirically identifiable features as to dissolve into abstraction (The person has disappeared; only attributes remain.), the notion of a wider subject of possession goes some way toward reconstituting the person and restoring its powers. If I cannot be the owner I can at least be the guardian of the assets located 'here', and what is more, a guardian for a community of which I count myself a member.

MPP1-512 THE SELF ISN'T CONTINUOUS OVER TIME

Michael A. Mosher, University of Tulsa, *POLITICAL STUDIES*, June 1991, p.298.

The self is at risk in its experience in that one can now legitimately see the point of speaking of successive selves, of the impending death of the self and its transformation into a successor self. It may be, for example, that the young man I was 20 years ago no longer exists. Of the persons presently existing, I am, possibly, the best successor candidate, his heir so to speak, though in the case of great discontinuity between the young man and myself, it might be better to say there are no true successor candidates, only bearers of memories belonging to another.

MPP1-513 PEOPLE DON'T HAVE ONE COHERENT IDENTITY

Michael A. Mosher, University of Tulsa, *POLITICAL STUDIES*, June 1991, p.297.

This means: a person is like a nation, in that for both identity simply consists in (and is no more than) physical and psychological connectedness (or continuity) of experiences over time. For some lives and some countries this will suffice. It is, however, an empirical question, and for other lives and other places, especially those in which there has been great discontinuity in experiences, the reductionist definition of the self and nation will not be enough to sustain our ordinary understanding of the coherence of a person's or a country's identity through the vicissitudes of experience. The ordinary view that each life necessarily has one coherent identity is mistaken: 'a person's life is less deeply integrated than most of us assume'.

MPP1-514 BRAIN BISECTIONS DISPROVE THE UNIFIED SELF

Derek Parfit, Professor of Philosophy at Oxford, *REASONS AND PERSONS*, 1984, p.245.

Some recent medical cases provide striking evidence in favor of the Reductionist View. Human beings have a lower brain and two upper hemispheres, which are connected by a bundle of fibres. In treating a few people with severe epilepsy, surgeons have cut these fibres. The aim was to reduce the severity of epileptic fits, by confining their causes to a single hemisphere. This aim was achieved. But the operations had another unintended consequence. The effect, in the words of one surgeon, was the creation of 'two separate spheres of consciousness'.

MPP1-515 THE LACK OF UNIFIED SELF UNDERMINES THE SEPARATENESS OF PERSONS

Derek Parfit, Professor of Philosophy at Oxford, *REASONS AND PERSONS*, 1984, p.339.

If some unity is less deep, so is the corresponding disunity. The fact that we live different lives is the fact that we are not the same person. If the fact of personal identity is less deep, so is the fact of non-identity. There are not two different facts here, one of which is less deep on the Reductionist View, while the other remains as deep. There is merely one fact, and this fact's denial. The separateness of persons is the denial that we are all the same person. If the fact of personal identity is less deep, so is this fact's denial.

MPP1-516 REJECTING THE IDEA OF A UNITARY SELF JUSTIFIES UTILITARIANISM

Michael A. Mosher, University of Tulsa, *POLITICAL STUDIES*, June 1991, p.299

The person who is asked to sacrifice himself on behalf of another in order to maximize average utility (the standard example which led Rawls and Nozick to reject utilitarianism) now looks more like a case the contractualists accept asking a young person to accept burdens which will benefit his successor self 20 years later. Upon the nonreductionist view, the important facts are that persons are separate and that each person is coherent and whole. The older person and the younger person are the same. For the reductionist there is only the fact of distance between selves and within selves. Both cases invoke distributive questions or neither do. It is as bad or as good to ask a young person to sacrifice himself for someone (his successor), who will not be himself, as it is to ask him to sacrifice himself for another at the present time. Parfit thinks both requests are permissible, because though the scope of distributive questions is now greater, upon the reductionist view, they matter less. Utilitarianism was banished by the doctrine that persons are separate. Parfit shows that the important feature of this doctrine is not so much that persons are separated but its presumption that the person is a coherent whole over time. Where this is not so, it begins to make more sense, Parfit believes, to concentrate upon the utilitarian's questions, which is minimizing suffering in units of experience (or maximizing benefits) with less regard for 'who' bears burdens, since the notion of 'who' is less coherent.

MPP1-517 CONSEQUENCES ARE GENERALLY PREDICTABLE

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.128

The truth of these positions depends upon two others, both of them sufficiently verified by experience: The one is, that in the ordinary course of things the consequences of actions commonly turn out conformable to intentions. A man who sets up a butcher's shop, and deals in beef, when he intends to knock down an ox, commonly does knock down an ox, though by some unlucky accident he may chance to miss his blow and knock down a man: he who sets up a grocers shop, and deals in sugar, when he intends to sell sugar, commonly does sell sugar: though by some unlucky accident he may chance to sell arsenic in the room of it.

MPP1-518 SITUATIONS ARE COMPARABLE

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.32-33

So far we are not asking for a SUMMATION or CALCULATION of pleasures and happiness. We are asking only for a comparison of total situations. And it seems clear that we can frequently make such a comparison and say that one total situation is better than another. For example, few people would not prefer a total situation in which a million people are well-fed, well-clothed, free of pain, doing interesting and enjoyable work, and enjoying the pleasures of conversation, study, business, art, humour, and so on, to a total situation where ten thousand such people only, or perhaps 999,999 such people plus one man with toothache, or neurotic, or shivering with cold. In general, we can sum things up by saying that if we are humane, kindly, benevolent people, we want as many people as possible now and in the future to be as happy as possible.

MPP1-519 PLEASURE AND PAIN CAN BE WEIGHED

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.99

This granted, the claim should be resisted that pleasure and pain cannot be weighed up together. There are, of course, no units by which both can be weighed; but instances of each can be assessed by the difference made to the satisfaction of basic and other human needs, or, in the case of intense or prolonged pains, by the basic need not to suffer misery of that kind, a need on a par with the other basic needs.

MPP1-520 THE WEIGHING PROCESS IS ADEQUATE IN PRACTICE

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.173-74

Yet even in such cases where pleasantness and unpleasantness are mixed we do often make estimates of the total balance of pleasantness or unpleasantness. The drunkard when he feels thoroughly bad on the morning after a drinking bout may be able to comfort himself that his evening's pleasure was 'worth it'--that the pleasantness of his drinking exceeded the unpleasantness of the after-effects. While it appears that there is no strictly mathematical way of adding pleasantness and subtracting unpleasantness from them, a vague statement can often be truly made that the consequences of one action are more pleasant or more unpleasant than the consequences of another.

MPP1-521 COMPARISONS OF UTILITY ARE UNAVOIDABLE

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983 p.336

Sometimes it is necessary to go further. If the amount of harm likely to be suffered by a representative member of the one million community is clearly far, far greater than that suffered by a representative member of the two million one, most people would want to reverse their initial decision as they would regard the suffering of the larger community as the lesser evil. However vague and imprecise the comparisons, they cannot be avoided; and the necessary estimates typically involve units such as real income, casualty numbers, accident risks and so on.

MPP1-522 COMPARISONS SHOULD BE AS PRECISE AS POSSIBLE

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p.52-53

He admitted that it was not possible to achieve the same degree of quantitative precision in morals and politics as was attainable in some other fields. None the less, he [Bentham] said, it was important that attention should be paid to questions of quantity and proportion on all occasions. However far this approach might fall short of perfect precision, 'at any rate, in every rational and candid eye, unspeakable will be the advantage it will have over every form of argumentation in which every idea is afloat, no degree of precision being ever attained because none is ever so much aimed at.'

MPP1-523 UTILITARIAN CALCULATIONS AREN'T UNIQUELY DIFFICULT

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.175

One thing can be said for the utilitarian calculus of hedonistic consequences; it is certainly no more complicated and probably less difficult than the practical application of any other ethical theory except a simple form of intuitionism. The application of Kant's categorical imperative in difficult cases would be even more difficult than that of the principle of utilitarianism. There is no easy road to translate ethical theory into rules for practical living.

MPP1-524 NUMBERS ARE RELEVANT TO MORAL COMPARISON

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983 p.336

For purposes of public policy it is necessary to assume that an evil affecting two million people is worse than a comparable evil affecting one million (e.g. a missile attack on a larger city). A benefit of given size for two million people has to be regarded as better than the same benefit for only one. These are judgments on which most people can agree even though they are unlikely to agree on the reasons for them, if 'reasons' be required at all.

MPP1-525 PROBABLE CONSEQUENCES ARE SUFFICIENT FOR MORAL CHOICE

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST 1973

If it is argued that any indeterminism in the universe entails that we can never know the outcome of our actions, we can reply that in normal cases these indeterminacies will be so numerous as approximately to cancel one another out, and anyway all that we require for rational action is that some consequences of our actions should be MORE PROBABLE than others, and this is something which no indeterminist is likely to deny.

MPP1-526 ORDINARY LIFE REQUIRES CONSTANT CALCULATION OF PROBABILITIES

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.40

If we are able to take account of probabilities in our ordinary prudential decisions it seems idle to say that in the field of ethics, the field of our universal and humane attitudes, we cannot do the same thing, but must rely on some dogmatic morality, in short on some set of rules or rigid criteria. Maybe sometimes we just will be unable to say whether we prefer for humanity an improbable great advantage or a probable small advantage, and in these cases perhaps we shall have to toss a penny to decide what to do. Maybe we have not any precise methods for deciding what to do, but then our imprecise methods must just serve their turn. We need not on that account be driven into authoritarianism, dogmatism, or romanticism.

MPP1-527 IGNORING PROBABILITIES IS INTOLERABLE
John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.140

Many people have rejected utilitarianism for the sole reason that it requires us, in estimating the rightness or wrongness of actions, to do something that no human being can possibly do. Utilitarians can reply that this is not their fault but the world's. The consequences of actions are so complex and far-flung that they cannot easily be calculated; people can't be as sure of others' experiences as of their own, and even their own can't be quantified. So our calculations, especially when they involve the far future, can't be very accurate--but that's the way things are, and we just have to do the best we can with what we have. The alternative, according to the utilitarians, would be not to consider the consequences of our actions at all, which is surely still worse.

MPP1-528 WE MUST EMPLOY OUR BEST PERCEPTION OF PROBABILITY

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.32

We never KNOW what act will in the long run be to our advantage. Yet it is certain that we are more likely in general to secure our advantage if we estimate to the best of our ability the probable tendencies of our actions in this respect, than if we act on caprice. And similarly we are more likely to do our duty if we reflect to the best of our ability on the PRIMA FACIE rightness or wrongness of various possible acts in virtue of the characteristics we perceive them to have, than if we act without reflection. With this greater likelihood we must be content.

MPP1-529 IMMEDIATE EFFECTS HAVE PRIORITY

J.J.C. Smart, philosopher, Australian National University, NEW DIRECTIONS IN ETHICS, 1986 p.25

The need to consider choices between infinite future courses of the universe might be thought to make utilitarianism impracticable. However it is plausible that the expected ethical consequences of our actions usually diminish rapidly to zero like ripples in a pond.

MPP1-530 CERTAIN CONSEQUENCES HAVE SPECIAL WEIGHT

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.175

Because the probabilities of the various consequences must also be considered, the virtual certainty of the deaths of large numbers of Soviet citizens and animals must be given special weight. We must also consider the equally certain increase in environmental damage. Against these certain negative consequences of retaliation, we must balance the more nebulous positive consequences, such as revenge, the possibility of eliminating or reducing the size of a second attack, and the greater chance (though not certainty) of living in freedom and rebuilding Western-oriented political order. Therefore we must conclude that an act-utilitarian analysis would find full-scale retaliation impermissible.

MPP1-531 SOMETIMES VERY LONG TERM CONSEQUENCES MUST BE CONSIDERED

J.J.C. Smart, philosopher, Australian National University, UTILITARIANISM: FOR AND AGAINST, 1973, p.65

An obviously important case in which, if he were a utilitarian, a person would have to consider effects into the far future, perhaps millions of years, would be that of a statesman who was contemplating engaging in nuclear warfare, if there were some probability, even a small one, that this war might end in the destruction of the entire human race. (Even a war less drastic than this might have important consequences into the fairly far future, say hundreds of years.) Similar long term catastrophic consequences must be envisaged in planning flight to other planets, if there is any probability, even a small one, that these planets possess viruses or bacteria, to which terrestrial organisms would have no immunity.

MPP1-532 IGNORING UTILITY COMPLETELY IS IMPOSSIBLE

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.101

There is a sense in which no moral philosopher can completely reject Utilitarianism. The consequences of one's actions--whether they promote happiness, or cause misery--must be admitted by all to be extremely important. John Stuart Mill once remarked that, insofar as we are benevolent, we must accept the utilitarian standard; and he was surely right.

MPP1-533 UTILITY RESOLVES CONFLICTING DUTIES

Tom Regan, professor of philosophy, North Carolina State, MATTERS OF LIFE AND DEATH, 1980, p.26

All but the most extreme nonconsequentialist can allow that an appeal to the Principle of Utility is always relevant even if not always decisive. Possibly utility has a role to play when the rights of innocent persons conflict. To illustrate this possibility, suppose that a hijacker has attached to an innocent hostage a time bomb that, if it goes off, will kill ten other innocent persons; and suppose that the only possible way to prevent the bomb from going off is to kill the hostage. What ought to be done? If we kill the hostage, we kill an innocent person; but if we do not kill the hostage, ten innocent persons will be killed. The innocence of the persons involved may not be enough to give us moral direction. Possibly an appeal to the Principle of Utility would.

MPP1-534 UTILITARIANISM ACCOUNTS FOR UNIQUE COMPONENTS OF MORAL CHOICE

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.164

The criterion of the general human welfare, which has great persuasiveness, is not emphasized by any of the other moral theories. Thus utilitarianism must be taken to have an important place in the moral analysis of actions.

MPP1-535 UTILITY CAN BE IMPORTANT ALONG WITH OTHER VALUES

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.343

Utilitarians often go too far in their attempts to demonstrate that it is only the principle of utility that is being used. Prof. Hare considers cases where total utility might, it seems, be increased by allowing a sadist his way, or a Nazi to free himself of the presence of Jews. He dismisses these cases as 'fantastic' examples, factually highly unlikely. But why it is important to show that perverse results would not occur? Either the expositor is using some yardstick other than utility with which to evaluate utilitarianism, or he is saying that current 'humanitarian' rules happen to be justified as a practical application of the principle of utility, but if they proved not to be so, they should be abandoned. We should not be ashamed of using some other notion, such as that of human dignity, to supplement the principle of utility and not attempt to govern our behaviour by one principle, whether utilitarian or otherwise. Utility can remain important in a pluralist set of values.

MPP1-536A UTILITARIANISM CAN BE COMBINED WITH RAWLSIAN JUSTICE

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.347

There are thus attractions in trying to combine a personal rights or primary goods system and the principle of utility in a hierarchy. An improved Rawlsian system of personal rights based on contractarian reasoning might be the most suitable for the basic constitutional and structural features of a society and utilitarianism may be a better basis for everyday policy. Such a synthesis would require an operational method of separating structural and constitutional changes from everyday policy, which would be far from easy to establish.

MPP1-536B UTILITARIANISM CAN BE COMBINED WITH RAWLSIAN JUSTICE

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.347

There are many issues--war and peace, foreign policy, crime and punishment, even the 'management of the economy'--which have a moral dimension and where principles of the Rawlsian type shed little light, but where utilitarianism has something to contribute.

MPP1-537 UTILITARIANISM IS CONSISTENT WITH THE SOCIAL CONTRACT

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.345

Contractarianism is, however, but a method of assessing principles of conduct. There is no guarantee that it will lead to one unique system. Some writers argue that a form of utilitarianism would arise from a contractualist process of reasoning.

MPP1-538 MILL'S ARGUMENTS FOR FREE EXPRESSION SUMMARIZED

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.528

We have now recognized the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion, on four distinct grounds; which we will now briefly recapitulate. First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of the truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied. Thirdly, even if the received opinion is not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct; the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from this reason or personal experience.

MPP1-539 GOOD JUDGEMENT EMERGES THROUGH CONSIDERING OPPOSED OPINIONS

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.494-5

In the case of any person whose judgement is really deserving of confidence, how has it become so? Because he has kept his mind to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt that the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this; nor is it in the nature of human intellect to become wise in any other manner.

MPP1-540 DISCUSSION IS KEY TO RECTIFYING MISTAKES

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.494

When we consider either the history of opinion, or the conduct of human life, to what is it to be ascribed that the one and the other are no worse than they are? Not certainly to the inherent force of the human understanding for, or any other matter not self-evident there are ninety-nine percent totally incapable of judging of it for one who is capable; and the capacity of the hundredth person is only comparative: for the majority of the eminent men of every past generation held many opinions now known to be erroneous, and did or approved numerous things which no one will now justify. Why is it, then, that there is on the whole a preponderance among mankind of rational opinions and rational conduct? If there really is this preponderance - which there must be unless human affairs are, and have always been, in an almost desperate state - it is owing to a quality of the human mind, the source of everything respectable in man either as an intellectual or as a moral being, namely, that his errors are corrigible. He is capable of rectifying his mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted.

MPP1-541 CONFIDENCE IN OUR OPINIONS REQUIRES DISPUTE

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.493-4
There is the greatest difference between presuming an opinion to be true because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for not permitting its refutation. Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.

MPP1-542 SILENCING OPINIONS ROBS THE HUMAN RACE

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.491

The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race: posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier truth, produced by its collision with error.

MPP1-543 SUPPRESSING OPINIONS FALSELY ASSUMES INFALLIBILITY

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.491

First: the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course deny its truth, but they are not infallible. They have no authority to decide the question for all mankind, and exclude every other person from the means of judging. To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion in an assumption of infallibility. Its condemnation may be allowed to rest on this common argument, not the worse for being common.

MPP1-544 WHOLE AGES ARE FALLIBLE

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, p.492

Yet it is as evident in itself as any amount of argument can make it, that ages are not more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions now generally will be rejected by future ages, as it is that many, once general, are rejected by the present.

MPP1-545 EACH INDIVIDUAL'S OPINIONS ARE SACROSANCT

John Stuart Mill, British Philosopher, ON LIBERTY, in THE UTILITARIANS, Anchor Books Edition, 1973, 1849, 491

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.

MPP1-546 MILL'S ARGUMENTS AGAINST CENSORSHIP
David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.86

The usual justification of censorship, Mill believes, is the suppression of probable falsehood (and the social value that this represents) or the suppression of unpopular and offensive or annoying views. Mill offers four reasons for maintaining free speech and opposing censorship.

(1) A censored opinion might be true (OL, II I-20, 41).

(2) Even if literally false, a censored opinion might contain part of the truth (OL, II 34-39, 42).

(3) Even if wholly false, a censored opinion would prevent true opinions from becoming dogma (OL, II 1-2, 7, 20-33, 43).

(4) As a dogma, an unchallenged opinion will lose its meaning (OL, II 26, 43).

MPP1-547 PATERNALISM LEADS TO ERROR AND ABUSE

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.85

Mill offers two general arguments against paternalism. First, State power is liable to abuse. Politicians are corruptible and will use a paternalistic license to limit the freedom of citizens in ways that promote their own interests and not those of the citizens whose liberty they restrict (OL, V 20-23). Second, even well-intentioned rulers will misidentify the good of citizens. Because an agent is a more reliable judge of his own good, even well-intentioned rulers will promote the good of the citizens less well than would the citizens themselves (OL, IV 4, 12).

MPP1-548 MILL'S POSITION IS OVERSTATED BUT STILL VALUABLE

Frederick Schauer, College of William and Mary Law professor, FREE SPEECH: A PHILOSOPHICAL ENQUIRY, 1982, p.24
Although Mill's argument is too strong, there is value in his observations. We achieve rational confidence in our views, confidence sufficient to justify action, in most instances by comparing those views to others already evaluated. We can sensibly prefer one view to others only by knowing what the others are. Having heard other views, we can have confidence in a view that has survived all currently available attacks. This at least increases the justification for acting on the surviving belief.

MPP1-549 MILL'S FORMULATION IS FUNDAMENTALLY SOUND

James Bakalar and Lester Grinspoon, Harvard Medical School Psychiatry Professors, DRUG CONTROL IN A FREE SOCIETY, 1988, p.1

In discussing drug control and freedom, it still makes sense to start with John Stuart Mill's essay ON LIBERTY, for all its flaws 'the clearest, most candid, most persuasive and most moving exposition of the point of view of those who desire an open and tolerant society'. Mill's basic principle is that the freedom of adults to live their own lives in their own way should be abridged only to protect others. No people who are 'in the maturity of their faculties' and capable of 'being guided to their own improvement by conviction or persuasion' should be forced to do anything just because it would be good for them, or forcibly prevented from doing anything just because it would be bad for them.

MPP1-550 THE HARM TO OTHERS STANDARD HELPS LIMIT LEGAL MORALISM

Herbert Packer, Stanford Law Professor, THE LIMITS OF THE CRIMINAL SANCTION, 1968, p.267

The 'harm to others' formula seems to me to have two uses that justify its inclusion in a list of limiting criteria for invocation of the criminal sanction. First, it is a way to make sure that a given form of conduct is not being subjected to the criminal sanction purely or even primarily because it is thought to be immoral. It forces an inquiry into precisely what bad effects are feared if the conduct in question is not suppressed by the criminal law.

MPP1-551 PATERNALISM VIOLATES THE DEVELOPMENTAL VALUE OF CHOICE

John Kleinig, Macquarie University Philosopher, PATERNALISM, ed. Rolf Sartorius, 1983, p.30

That we can sometimes know better than others what is good for them is not, for Mill, a strong enough reason for imposing on them. For even if they do not make the best choices, there is a value in choosing that will be lost if others intervene to set them right. This is one reason why Mill will go so far as, though no further than the subsidization of 'cultural' activities. It is important that options be available, but it is also important that choices not be predetermined. The practice of choosing is itself a means to the development of individuality, independently of what is chosen. Paternalism, for all its benevolence, ultimately erodes the qualities that are distinctive of 'character'. What it seeks to preserve it also causes to decay.

MPP1-552 MILL'S CONCEPT OF HAPPINESS RECONCILES HIS UTILITARIANISM AND HIS LIBERTARIANISM

Robert Hoag, Professor of Philosophy, Berea College, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.192

This approach to Mill's theory of value is significant in at least two respects. First, it "puts Mill's discussion of higher and lower pleasures in a very different light" (Berger, p.38). In particular, it renders moot the traditional criticism that Mill's qualitative hedonism is inconsistent because he permits some pleasures to be more valuable even if they are not more pleasant. If Mill holds that things are desirable not only in virtue of pleasure, then he can consistently maintain the superiority of some pleasures in relation to happiness, even though they may not be more pleasant. Secondly, if happiness, not pleasure, is the ultimate standard of value, then individuality and freedom may be supremely valuable even if they do not promote pleasure. Mill's appeals to individuality in On Liberty, for example, need not be inconsistent with his utilitarianism and theory of value.

MPP1-553 MILL'S DEFENSE OF LIBERTY AND UTILITY ARE CONSISTENT

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.68

I think that these two familiar charges of inconsistency are mistaken and that both mistakes rest on a misunderstanding of Mill's theory of value. Mill can be shown to reject hedonism consistently; instead, he defends (consistently) a conception of human happiness whose dominant component consists in the exercise of one's rational capacities. This deliberative conception of happiness not only provides a better account of his claims in Utilitarianism but also explains how he can provide a strong defense of an individual right to certain liberties on utilitarian grounds. If so, these interpretive claims are important not just for our understanding of Mill, but because they outline a distinctive and resourceful form of utilitarianism.

MPP1-554 MILL REJECT PURE HEDONISM

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.76

I conclude that we should read the higher pleasures doctrine as the claim that activities and pursuits that exercise our higher capacities are intrinsically more valuable than voluptuous activities and pursuits rather than as a claim about the greater value of certain mental states. This reading explains Mill's claim that the doctrine of higher pleasures transcends the quantitative hedonist claim about the greater extrinsic value of intellectual pursuits (114), but it also makes his position antihedonist. Higher activities have intrinsic, not simply extrinsic, value that is not dependent on their causing pleasure, though, of course, taking pleasure in such activities is also valuable.

MPP1-555 MILL OFFERS A NONHEDONISTIC VIEW OF HAPPINESS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.82-3

There is no puzzle if Mill is speaking of objective pleasures. Because he often uses the word "pleasure" to refer, not to any mental state, but to the activities that typically produce pleasurable mental states (II 1, 5, 7, 8; IV 5; cf. Section 3), he can consistently say that happiness consists in pleasure-objective pleasure-and offer an objective conception of happiness whose dominant component is the exercise of deliberative capacities. And this is just what he does. His defense of higher pleasures in the paragraphs immediately following this initial statement of utilitarianism should be read as an important articulation of this initial statement that yields a nonhedonistic conception of happiness.

MPP1-556 MILL'S THEORY DOESN'T MAKE LIBERTY AN END IN ITSELF

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.88

If this interpretation is right, Mill cannot be claiming that liberty is intrinsically valuable. He insists that his defense of liberty applies only to those who have rational capacities and are in a position to exercise them effectively:

It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. . . . Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussions. (OL, I 10)

This restriction makes no sense if liberty itself is a dominant intrinsic good, for then it should always be valuable to accord people liberty-a claim that Mill here denies. This restriction makes perfect sense if the liberties in question, though not intrinsically valuable, are necessary conditions of realizing dominant goods, for then there will be, or need be, no value to liberty where, as in these circumstances, other necessary conditions for the realization of these higher values (namely, sufficient rational development) are absent.

MPP1-557 MILL CAN CONSISTENTLY DEFEND SOCIAL WELFARE LEGISLATION

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.91

Some of the goods provided by such social welfare legislation-in particular, personal security, a decent minimum standard of living, and education-are important preconditions of exercising one's capacities for practical deliberation well. In this way, Mill can defend the importance of access to certain positive conditions for realizing dominant components of happiness in much the same way that I have claimed he can and does defend claims to certain negative conditions-certain freedoms of thought and action (cf. OL, V 12-13; U, V 25; A, V/128). If Mill can defend negative rights to these liberties of thought and action (see Section 13), he can also defend positive rights to these basic goods.

MPP1-558 SOCIAL WELFARE LEGISLATION DOESN'T INFRINGE ON FUNDAMENTAL FREEDOMS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.91

If Mill is to defend the latter form of social welfare legislation at all, and if he is to avoid a conflict between positive and negative rights in the case of social welfare legislation of the former type (granting access to basic goods), then he must also claim that the liberties restricted by these sorts of social welfare legislation are less important liberties than those restricted by paternalistic and moralistic legislation. He can begin to do this if he can distinguish, as I have suggested he can, the importance of different liberties in terms of their role in practical deliberation and if he can show that permissible social welfare legislation restricts less important liberties in small and predictable ways and does not constrain practical deliberation significantly. Social welfare legislation may restrict some people's freedom to dispose of their gross income and assets as they please, but it does not significantly constrain anyone's ability to choose or implement projects and plans that express her own deliberations, as paternalistic and moralistic legislation does.

MPP1-559 MILL'S DELIBERATIVE CONCEPTION OF HAPPINESS RECONCILES HIS LIBERTARIANISM AND HIS UTILITARIANISM

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.92

Once we recognize the way in which Mill's defense of basic liberties relies on his deliberative conception of happiness, it is less clear that there is an inconsistency between his utilitarianism and his defense of a right to certain liberties. Mill holds a pluralistic theory of welfare in which higher activities are dominant components. Exercise of higher capacities has greater value than other intrinsic goods such as pleasure or the satisfaction of desire, and magnitudes of it cannot be exchanged one-for-one with magnitudes of these other goods without significant loss of value. Indeed, as we have seen (Section 3), Mill thinks that the higher activities have value that is infinitely or lexically greater than that of mere pleasures, because he claims that their value cannot be outweighed by any quantity of lower pleasures.

MPP1-560 LIBERTIES NEEDED TO EXERCISE RATIONAL FACULTIES, ENJOY RIGHTS STATUS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.92

Even though liberty is not intrinsically valuable, some liberties are necessary conditions to the realization of the dominant component in human welfare, namely, the exercise of rational capacities. For this reason the liberties that are essential to the exercise of rational capacities are themselves dominant (though not intrinsic) goods and have the status of rights; they trump or defeat claims that we could promote lesser goods (e.g., pleasure or preference satisfaction) by interfering with these liberties. Recognizing a right to these liberties, therefore, is the way to maximize value.

MPP1-561 BASIC RIGHTS MUST BE SECURE TO PURSUE HAPPINESS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.94

This interpretation of Mill's conception of rights is confirmed by his discussion of the connections among justice, rights, and utility in chapter V of Utilitarianism:

Justice is a name for certain classes of moral rules which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice—that of a right residing in an individual—implies and testifies to this more binding obligation. (V 32; cf. V 33, 37-38)

That some of these "essentials of well-being" are necessary conditions of realizing value is clear in Mill's discussion of the foundation in security that many of our basic rights have (V 25). Just as security from attack is a necessary condition of pursuing other goods, so too are basic liberties necessary conditions for exercising those higher capacities whose exercise is a dominant component in human happiness.

MPP1-562 FOR MILL, RIGHTS TRUMP OTHER NON-RIGHTS-BASED CONSIDERATIONS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.95

A basic liberty can be infringed, according to this interpretation, if and only if its exercise would more seriously infringe other important intrinsic goods or other necessary conditions of intrinsic value (e.g., liberties or basic well-being) held by others or by the agent herself. These things too act as trumps over considerations of lesser goods, and so should be construed as rights; they constrain what the agent may do to herself or others. Indeed, these restrictions on liberty apply in just those cases where the agent's exercise of freedom would constitute "harms," in Mill's technical sense. That is, he thinks that someone can have her basic liberties interfered with only if doing so is necessary to prevent her from depriving someone of interests in which that person has rights (OL, IV 3, 10, 12). Though rights act as trumps, they are not absolute; they can be overridden if they conflict with other rights.

MPP1-563 MILL RESPECTS FAIR DISTRIBUTION OF RIGHTS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.102

In particular, Mill's deliberative conception of the good allows him to respect important distributional aspects of rights that teleological theories are alleged not to be able to accommodate. This account does not represent rights as nonteleological side-constraints. But this fact cannot by itself be thought to be an objection to that account without begging the question against the possibility of an adequate teleological account of rights.

MPP1-564 MILL JUSTIFIES RIGHTS ON A UTILITARIAN BASIS

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.103

Mill's deliberative conception of happiness drives his version of utilitarianism and accounts for its most distinctive features and resources. His version of utilitarianism promises to accommodate rights - both negative rights to particular liberties and to protection from harms and positive rights to the conditions of basic well-being. These positive and negative conditions are necessary to the realization of dominant goods, namely, the exercise of deliberative capacities. As such, claims to these conditions have the dialectical force of trumps in moral and political debate; this will be part of promoting Mill's weighted set of values. If so, Mill's deliberative views about happiness promise a plausible explanation of the logic and content of individual rights on a utilitarian basis. Here, his version of utilitarianism has resources not available to traditional (e.g., hedonistic) forms of utilitarianism. These resources make his moral and political theory both more distinctive and more coherent than is generally recognized.

MPP1-565 THE ULTIMATE END OF LAW IS HAPPINESS
Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.162

The end of law is, to augment happiness. The general object which all laws have, or ought to have, in common, is to augment the total happiness of the community; and therefore, in the first place, to exclude, as far as may be, every thing that tends to subtract from that happiness: in other words, to exclude mischief.

MPP1-566 THE HAPPINESS OF THE COMMUNITY SHOULD BE THE SOLE GOAL OF LEGISLATION

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.33

It has been shown that the happiness of the individuals, of whom a community is composed, that is their pleasures and their security, is the end and the sole end which the legislator ought to have in view: the sole standard, in conformity to which each individual ought, as far as depends upon the legislator, to be made to fashion his behaviour.

MPP1-567 A GOOD MOTIVE DOESN'T NEUTRALIZE HARMFUL EFFECTS

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.159

Where an act is pernicious in its primary consequences, the secondary mischief is not obliterated by the goodness of the motive; though the motive be of the best kind. For, notwithstanding the goodness of the motive, an act of which the primary consequences are pernicious, is produced by it in the instance in question, by the supposition.

MPP1-568 THE GOODNESS OF AN INTENTION DEPENDS ON ITS CONSEQUENCES

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.116

An intention is good or bad, according to the material consequences that are the objects of it. So far is it from the goodness of the intention's being to be known only from the species of the motive. But from one and the same motive, as we have seen, may result intentions of every sort of complexion whatsoever. This circumstance, therefore, can afford no clue for the arrangement of the several sorts of motives.

MPP1-569 MOTIVES ARE GOOD OR BAD DEPENDING ON THEIR EFFORTS

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.101

With respect to goodness and badness, as it is with everything else that is not itself either pain or pleasure, so is it with motives. If they are good or bad, it is only on account of their effects: good, on account of their tendency to produce pleasure, or avert pain: bad, on account of their tendency to produce pain, or avert pleasure. Now the case is, that from one and the same motive, and from every kind of motive, may proceed actions that are good, others that are bad, and others that are indifferent.

MPP1-570 "GOOD" MOTIVES AREN'T SUFFICIENT TO PRODUCE A GOOD ACTION

Jeremy Bentham, British Philosopher, PRINCIPLES OF MORALS AND LEGISLATION, 1789, p.31

There are two things which are very apt to be confounded, but which it imports us carefully to distinguish: -the motive or cause, which, by operating on the mind of an individual, is productive of any act: and the ground or reason which warrants a legislator, or other by-stander, in regarding that act with an eye of approbation. When the act happens, in the particular instance in question, to be productive of effects which we approve of, much more if we happen to observe that the same motive may frequently be productive, in other instances, of the like effects, we are apt to transfer our approbation to the motive itself, and to assume, as the just ground for the approbation we bestow on the act, the circumstance of its originating from that motive. It is in this way that the sentiment of antipathy has often been considered as a just ground of action. Antipathy, for instance, in such or such a case, is the cause of an action which is attended with good effects: but this does not make it a right ground of action in that case, any more than in any other.

MPP1-571 GOOD GOVERNMENT CAN ENHANCE MORAL SENSIBILITY

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.66-7

Under a well constituted, or even under a well-administered though ill-constituted government, men's moral sensibility is commonly stronger, and their moral biases more conformable to the dictates of utility: their religious sensibility frequently weaker, but their religious biases less unconformable to the dictates of utility: their sympathetic affections more enlarged, directed to the magistrate more than to small parties or to individuals, and more to the whole community than to either: their antipathetic sensibilities less violent, as being more obsequious to the influence of well-directed moral biases, and less apt to be excited by that of ill-directed religious ones: their antipathetic biases more conformable to well-directed moral ones, more apt (in proportion) to be grounded on enlarged and sympathetic than on narrow and self-regarding affections, and accordingly, upon the whole, more conformable to the dictates of utility.

MPP1-572 CONSENSUAL ACTS SHOULDN'T BE PUNISHED

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.163

Cases in which punishment is groundless. These are, IV. 1. Where there has never been any mischief: as in the case of consent. Where there has never been any mischief: where no mischief has been produced to any body by the act in question. Of this number are those in which the act was such as might, on some occasions, be mischievous or disagreeable, but the person whose interest it concerns gave his consent to the performance of it. This consent, provided it be free, and fairly obtained, is the best proof that can be produced, that, to the person who gives it, no mischief, at least no immediate mischief, upon the whole, is done. For no man can be so good a judge as the man himself, what it is gives him pleasure or displeasure.

MPP1-573 EACH INDIVIDUAL IS THE BEST JUDGE OF SELF-INTEREST

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.281

It is a standing topic of complaint, that a man knows too little of himself. Be it so: but is it so certain that the legislator must know more? It is plain, that of individuals the legislator can know nothing: concerning those points of conduct which depend upon the particular circumstances of each individual, it is plain, therefore, that he can determine nothing to advantage.

MPP1-574 VICTIMLESS CRIMES CAN'T BE DETERRED
Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.281

With what chance of success, for example, would a legislator go about to extirpate drunkenness and fornication by dint of legal punishment? Not all the tortures which ingenuity could invent would compass it: and, before he had made any progress worth regarding, such a mass of evil would be produced by the punishment, as would exceed, a thousandfold, the utmost possible mischief of the offense.. The great difficulty would be in the procuring evidence; an object which could not be attempted, with any probability of success, with out spreading dismay through every family, tearing the bonds of sympathy asunder, and rooting out the influence of all the social motives.

MPP1-575 DUTIES TO OTHERS ARE BOTH POSITIVE AND NEGATIVE

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.274

Now the happiness of one's neighbour may be consulted in two ways: 1. In a negative way, by forbearing to diminish it. 2. In a positive way, by studying to increase it. A man's duty to his neighbour is accordingly partly negative and partly positive: to discharge the negative branch of it, is probity: to discharge the positive branch, beneficence.

MPP1-576 COMMUNITY INTERESTS DON'T EXIST APART FROM INDIVIDUAL INTERESTS

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.18

It is in vain to talk of the interest of the community, without understanding what is the interest of the individual. A thing is said to promote the interest, or to be for the interest, of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.

MPP1-577 THE INTEREST OF THE COMMUNITY IS THE SUM OF ITS MEMBERS' INTERESTS

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.18

The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. When it has a meaning, it is this. The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what? - the sum of the interests of the several members who compose it.

MPP1-578 PUNISHMENT IS ONLY LEGITIMATE TO PREVENT GREATER EVIL

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.162

But all punishment is mischief: all punishment in itself is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil.

MPP1-579 PUNISHMENT IS ILLEGITIMATE IF GROUNDLESS, INEFFECTIVE, UNPROFITABLE, OR NEEDLESS

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.162

It is plain, therefore, that in the following cases punishment ought not to be inflicted. 1. Where groundless. Where it is groundless: where there is no mischief for it to prevent; the act not being mischievous upon the whole. 2. Ineffective.. Where it must be ineffective: where it cannot act so as to prevent the mischief. 3. Unprofitable. Where it is unprofitable, or too expensive: where the mischief it would produce would be greater than what it prevented. 4. Or needless. Where it is needless: where the mischief may be prevented, or cease of itself, without it: that is, at a cheaper rate.

MPP1-580 REJECTING UTILITY LEADS TO EXCESSIVE PUNISHMENT

Jeremy Bentham, British Philosopher, *PRINCIPLES OF MORALS AND LEGISLATION*, 1789, p.29-30

The principle of sympathy and antipathy is most apt to err on the side of severity. It is for applying punishment in many cases which deserve none: in many cases which deserve some, it is for applying more than they deserve. There is no incident imaginable, be it ever so trivial, and so remote from mischief, from which this principle may not extract a ground of punishment. Any difference in taste: any difference in opinion: upon one subject as well as upon another. No disagreement so trifling which perseverance and altercation will not render serious. Each becomes in the other's eyes an enemy, and, if laws permit, a criminal. This is one of the circumstances by which the human race is distinguished (not much indeed to its advantage) from the brute creation.

MPP1-581 UTILITARIANISM DOESN'T ACCOUNT FOR MORAL COMPLEXITY

Bernard Williams, Professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.149-50

Single-mindedness consists in having too few thoughts and feelings to match the world as it really is. In private life and the field of personal morality it is often possible to survive in that state--indeed, the very statement of the problem for that case is over-simple, since the question of what moral demands life makes is not independent of what one's morality demands of it. But the demands of political reality and the complexities of political thought are obstinately what they are, and in face of them the simple-mindedness of utilitarianism disqualifies it totally.

MPP1-582 UTILITARIANISM EXHIBITS UNPARALLELED MORAL CLUMSINESS

Samuel Scheffler, philosopher, University of California, Berkeley, *THE REJECTION OF CONSEQUENTIALISM*, 1982, p.3

More generally, they accuse utilitarianism of relentless insensitivity to the nature of a person, and suggest that it has forfeited any serious claim to account for the complex and varied considerations that intrude on the moral life, and which give rise to several tests of our decency. Indeed, utilitarianism has gained a reputation for moral clumsiness that is unparalleled among ethical theories. Bernard Williams, writing that 'the simple-mindedness of utilitarianism disqualifies it totally', suggests that '[t]he day cannot be too far off in which we hear no more of it.'

MPP1-583 MORAL RELATIVISM UNDERMINES UTILITARIANISM

Michael Bayles, professor of philosophy, Brooklyn College, *CONTEMPORARY UTILITARIANISM*, 1968, p.2

The main meta-ethical doctrine incompatible with utilitarianism is ethical relativism or the belief that it is improper to judge one normative theory to be more correct than another because no method exists by which one can rationally choose between them.

MPP1-584 UTILITARIANISM IS CONTRARY TO HUMAN NATURE

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.168

The impersonality of utilitarianism is captured in the following analysis of it: '[The Utilitarian] has no defenses against utility black holes that suck up aid at prodigious rates. Therefore he must eschew serious commitment to any end other than attainment of utility in any guise it may take. A world populated by utilitarians would be one in which everything matters somewhat and nothing very much. This, of course, is the world he recommends. It is one in which individuality is neither present nor missed. It is a world thoroughly unlivable for beings such as ourselves. . . '

MPP1-585 THE CONTEMPORARY CONSENSUS REJECTS UTILITARIANISM

Robert George, visiting fellow of New College, Oxford, *LAW AND PHILOSOPHY*, 1989, p.245-46

Most contemporary liberal political philosophers, however, are wary of the utilitarian approach. Their chief concern is that it does not provide a sufficiently secure foundation for individual rights. They worry that many individual rights could be overridden if they were left to stand or fall on the basis of considerations of utility. Claiming to reject utilitarianism, they have developed liberal political theories based on principles of what Mill call 'abstract right.' The idea here is that basic individual rights are not derived from a consideration of what makes the community better off; on the contrary such rights exist and should be honored even when their exercise makes the community generally worse off.

MPP1-586 UTILITARIANISM IS USUALLY INTERPRETED HEDONISTICALLY

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.236

So concepts like 'pleasure' and 'happiness' are stretched and extended in all directions until they are used simply to name whatever men aim at. By this extension they become useless for evaluative and moral purposes. For in evaluation, and especially in moral evaluation, we are not only engaged in grading and in choosing between alternative objects which we already desire; we are also engaged in grading and choosing between the cultivation of alternative dispositions and desires. The injunction 'Pursue happiness!' when HAPPINESS has been given the broad, undifferentiated sense which Bentham and Mill give to it is merely the injunction 'Try to achieve what you desire.' But as to any question about rival objects of desire, or about alternative and competing desires, this injunction is silent and empty. And this is equally true whether the happiness which I am to cultivate is to be my own or that of the greatest number.

MPP1-587 UTILITARIANISM IS USUALLY INTERPRETED HEDONISTICALLY

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.125

One such view is extreme or act utilitarianism. This holds that where an agent has a choice between courses of action (or inaction) the right act is that which will produce the most happiness, not just for the agent himself but for all who are in any way affected. The greatest possible total happiness or 'utility'--or, as it is sometimes rather misleadingly put, 'The greatest happiness of the greatest number'--is proposed as the criterion of right action, and happiness is usually interpreted hedonistically as a balance of pleasure over pain

MPP1-588 PLEASURE ISN'T THE ONLY GOAL

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.239-240
Now it can only be such if PLEASURE is being treated as the name of one possible object of desire among others; for if it is simply an expression equivalent to 'whatever men desire,' then the assertion is a vacuous tautology and will not serve Mill's argumentative purposes. Yet if PLEASURE is the name of one specific object of desire (the wine, women, and song sense)--as it often is--then it is certainly false that all men desire it (puritans do not) or that it is the only desired goal. It is thus on the haziness of this central concept that Mill founders and not on the transition from IS to OUGHT.

MPP1-589 PLEASURE ISN'T THE ONLY THING THAT WE DESIRE

G.E. Moore, Professor of Philosophy, Cambridge University, *PRINCIPIA ETHICA*, 1903, p.70

I assume it to be perfectly obvious that the idea of the object of desire is not always and only the idea of a pleasure. In the first place, plainly, we are not always conscious of expecting pleasure, when we desire a thing. We may be only conscious of the thing which we desire, and may be impelled to make for it at once, without any calculation as to whether it will bring us pleasure or pain.

MPP1-590 THE DISTINCTION BETWEEN HIGHER AND LOWER PLEASURES SHOWS THAT PLEASURE ISN'T THE ONLY GOOD

G.E. Moore, Professor of Philosophy, Cambridge University, *PRINCIPIA ETHICA*, 1903, p.79

Mill's judgment of preference, so far from establishing the principle that pleasure alone is good, is obviously inconsistent with it. He admits that experts can judge whether one pleasure is more desirable than another, because pleasures differ in quality. But what does this mean? If one pleasure can differ from another in quality, that means, that a pleasure is something complex, something composed, in fact, of pleasure in addition to that which produces pleasure. For instance, Mill speaks of 'sensual indulgences' as 'lower pleasures.' But what is a sensual indulgence? It is surely a certain excitement of some sense together with the pleasure caused by such excitement. Mill, therefore, in admitting that a sensual indulgence can be directly judged to be lower than another pleasure, in which the degree of pleasure involved may be the same, is admitting that other things may be good, or bad, quite independently of the pleasure which accompanies them. A pleasure is, in fact, merely a misleading term which conceals the fact that what we are dealing with is not pleasure but something else, which may indeed necessarily produce pleasure, but is nevertheless quite distinct from it.

MPP1-591 DISTINGUISHING QUALITATIVELY AMONG PLEASURES PROVES PLEASURE ISN'T THE ONLY GOOD

G.E. Moore, Professor of Philosophy, Cambridge University, *PRINCIPIA ETHICA*, 1903, p.80

I have pointed out that, if you say, as Mill does, that quality of pleasure is to be taken into account, then you are no longer holding that pleasure alone is good as an end, since you imply that something else, something which is not present in all pleasures, is also good as an end. The illustration I have given from colour expresses this point in its most acute form. It is plain that if you say 'Colour alone is good as an end,' then you can give no possible reason for preferring one colour to another. Your only standard of good and bad will then be 'colour'; and since red and blue both conform equally to this, the only standard, you can have no other whereby to judge whether red is better than blue.

MPP1-592 PSYCHOLOGICAL HEDONISM UNDERMINES ETHICS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.161

If a psychological hedonist were to go a step further than psychological hedonists usually do, and maintain that men always do those actions which bring the greatest possible amount of pleasantness to themselves, then there could be no theory of ethics at all, for men will always act in a certain way and would be unable to act in any other.

MPP1-593 MOST PSYCHOLOGISTS REJECT HEDONISM

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.165

We have already maintained that if psychological hedonism were true, egoistic hedonism would be the only possible theory of ethics, and so the strongest argument which an egoistic hedonist could produce would be a demonstration of the truth of psychological hedonism. In our study of the psychology of willing, however, we saw good reason for holding that psychological hedonism is an untrue theory unacceptable to most psychologists, and so the main support of egoistic hedonism has been removed.

MPP1-594 HEDONISM OPPOSES OUR ETHICAL INTUITIONS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.165

The most powerful argument against ethical hedonism is the fact that its teachings are directly opposed to our intuition and the long-established view of morality maintained by the 'common sense' of all mankind. Many people may see directly the rightness of seeking the pleasure of other people. No one in his senses imagines that it is his moral duty to seek his own pleasure.

MPP1-595 COMMON SENSE INTUITIONS DISPROVE HEDONISM

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.94-5

If we consider each state by itself, and ask what is the judgment of Common Sense as to its goodness as an end, quite apart from its goodness as a means, there can be no doubt that Common Sense holds many much less pleasant states to be better than many far more pleasant: that it holds, with Mill, that there are higher pleasures, which are more valuable, though less pleasant, than those which are lower. Prof. Sidgwick might, of course, maintain that in this Common Sense is merely confusing means and ends: that what it holds to be better as an end, is in reality only better as a means. But I think his argument is defective in that he does not seem to see sufficiently plainly that, as far as intuitions of goodness as an end are concerned, he is running grossly counter to Common Sense; that he does not emphasise sufficiently the distinction between immediate pleasantness and conduciveness to pleasure.

MPP1-596 EVEN HEDONISTS HAVE CONTRARY INTUITIONS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.165

As a matter of history, many hedonists, who have advocated egoistic hedonism, have been at pains to try to show that the conduct which leads to the agent's own greatest pleasure is also the conduct which leads to the greatest pleasure of the whole human race. We shall see later that there is no proof that this is the case, but the very fact that hedonists do attempt to use such an argument suggests that they are not prepared to go against the common-sense judgment of ordinary people that it is better for a man to seek pleasures for others than for himself. Even the least virtuous can remember some one occasion when he did some action because he thought of it as his duty, without thinking it at all likely that it would bring him pleasure; and one such case shows that egoistic hedonism is not a true theory.

MPP1-597 PLEASURE ISN'T ULTIMATELY SATISFYING

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.165

If this common-sense view needs confirmation, it is surely supplied by the experience of deliberate pleasure-seekers in all ages that the 'pleasures of life' do not give the satisfaction which they promise, and leave those who pursue them with the discovery that 'all is vanity and vexation of spirit'. The mere getting of pleasure for oneself is not satisfying to the natural aspirations of the human mind as a whole.

MPP1-598 THE 'GOOD' AND THE 'PLEASANT' ARE SEMANTICALLY DISTINCT

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.163

A moralist may adopt ethical hedonism for any one of three reasons. (a) He may hold that the terms 'good' and 'pleasant' have exactly the same connotation or meaning, so that one may be used for the other indifferently, or more probably he will hold that 'good' has the same meaning as 'productive of pleasant consequences'. (He will be referring of course only to the strictly ethical use of the term 'good'.) If this view were correct, it is difficult to understand how people come to argue as to whether hedonism is a theory or not, and their discussions are not merely discussions as to the meaning of terms.

MPP1-599 WE DESIRE OBJECTS, NOT ASSOCIATED PLEASURES

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.169

Mill saw that the object which we seek originally as a means to pleasure may come by association to be itself the object of our seeking, just as the miser who originally seeks money for good things that it can buy comes to seek money for itself. This whole argument is a reversing of what modern psychology suggests to be the facts of the case; the desire for particular objects comes first, and the desire for the pleasantness derived from them comes later by a kind of association of 'conditioning'. Man naturally desires food when he is hungry; to eat for the sake of pleasure rather than for satisfying hunger is a later development.

MPP1-600 PLEASURE ISN'T ALL THAT IS VALUABLE IN AN EXPERIENCE

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.170

The more reasonable explanation is that while pleasantness is present in every experience which we call good, it is not the only element of value in such an experience. This view is more probable, because as we have already seen, pleasantness is always an abstraction. What we actually experience is a concrete mental state of which pleasantness is only one element discovered by analysis. It is not even true to say that the value of the whole mental state of which pleasantness is only one element discovered by analysis. It is not even true to say that the value of the whole mental state can be measured by the amount of pleasantness that it contains, for we have already seen that malice becomes more evil in proportion as it is more intensely pleasant. It is surely a reasonable inference that elements other than pleasantness contribute to the goodness of the superior 'pleasures' like the enjoyment of art or communion with God.

MPP1-601 WE DON'T DESIRE PLEASURE IN ITSELF

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.95

It seems to me, then, that if we place fairly before us the question: Is consciousness of pleasure the sole good? the answer must be: No. And with this the last defense of Hedonism has been broken down. In order to put the question fairly we must isolate consciousness of pleasure. We must ask: Suppose we were conscious of pleasure only, and of nothing else, not even that we were conscious, would that state of things, however great the quantity, be very desirable? No one, I think, can suppose it so.

MPP1-602 WE DON'T VALUE PLEASURE IN ISOLATION

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.94

If we apply either to pleasure or to consciousness of pleasure the only safe method, that of isolation, and ask ourselves: Could we accept, as a very good thing, that mere consciousness of pleasure, and absolutely nothing else, should exist, even in the greatest quantities? I think we can have no doubt about answering No. Far less can we accept this as the sole good. Even if we accept Prof. Sidgwick's implication (which yet appears to me extremely doubtful) that consciousness of pleasure has a greater value by itself than Contemplation of Beauty, it seems to me that a pleasurable Contemplation of Beauty has certainly an immeasurably greater value than mere Consciousness of Pleasure. In favour of this conclusion I can appeal with confidence to the 'sober judgment of reflective persons.'

MPP1-603 CONSENSUS OPPOSES ETHICAL HEDONISM

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.176

With most men cool reflection is likely to conclude that such experiences as the contemplation of beauty or the system of volitions that constitute a developed moral character, or the knowledge of truth or communion with God or the consciousness of freedom or fellowship with one's friends, would still be good, even if the pleasantness which is their normal accompaniment under present conditions were absent. The matter is, as Sidgwick saw, one for honest introspection, and each man can give only his own verdict. It certainly would seem more in accordance with common opinion to hold that actions leading to perfection of character or to increased fellowship with others are better than actions which merely bring pleasure to their doer.

MPP1-604 HEDONISM DOESN'T EXPLAIN THE SENSE OF OBLIGATION

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.216

Most men feel an obligatoriness about actions like truth-speaking and honesty in their dealings which they do not feel about the goods to which these actions may admittedly lead. Which of the hedonists in actual life feels with the same obligatoriness that he ought to seek pleasure as he feels that he ought to speak the truth.

MPP1-605 THE PLEASURE MACHINE PROBLEM DISPROVES UTILITARIANISM

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.147

Suppose that there were developed a convenient and easily-operated device for stimulating the pleasure centre in one's brain; people might well spend most of their time hooked up to--and hooked on--such a machine, obtaining pleasure directly instead of obtaining it, as they do at present, only indirectly through sex or sport or social intercourse or books or music or controversy or country walks or a host of other activities and entertainments. In this manner happiness considered as a balance of pleasures over pains, might be maximized: but would this be a desirable state of affairs? We are free to say firmly that we do not so regard it, whereas for the utilitarian this is at least an embarrassment. If he is unwilling to accept this, he has to find some plausible reason for rejecting it.

MPP1-606 THE IDEA OF AN EXPERIENCE MACHINE PROVES THAT EXPERIENCE ISN'T ALL THAT MATTERS

Robert Nozick, Professor of Philosophy at Harvard, *ANARCHY, STATE AND UTOPIA*, 1974, p.44.

We learn that something matters to us in addition to experience by imagining an experience machine and then realizing that we would not use it. We can continue to imagine a sequence of machines each designed to fill lacks suggested for the earlier machines. For example, since the experience machine doesn't meet our desire to be a certain way, imagine a transformation machine which transforms us into whatever sort of person we'd like to be (compatible with our staying us). Surely one would not use the transformation machine to become as one would wish, and thereupon plug into the experience machine! So something matters in addition to one's experiences and what one is like.

MPP1-607 THE EXPERIENCE MACHINE PROVES HEDONISM ISN'T THE HIGHEST GOOD

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.13

Robert Nozick has developed an even stronger argument against welfare hedonism (Nozick 1974: 42-5; cf. Smart 1973: 18-21). He asks us to imagine that neuropsychologists can hook us up to a machine which injects drugs into us. These drugs create the most pleasurable conscious states imaginable. Now if pleasure were our greatest good, then we would all volunteer to be hooked for life to this machine, perpetually drugged, feeling nothing but happiness. But surely very few people would volunteer. Far from being the best life we can lead, it hardly counts as leading a life at all. Far from being the life most worth leading, many people would say that it is a wasted life, devoid of value. In fact, some people would prefer to be dead than to have that sort of life. Many people in the United States sign 'living wills' which demand that they be taken off life support systems if there is no hope of recovery, even if those systems can remove pain and induce pleasure. Whether or not we would be better off dead, we would surely be better off undrugged, doing the things we think worth doing in life. And while we hope we will be happy in doing them, we would not give them up, even for guaranteed happiness.

MPP1-608 THE PROBLEM OF SADISTIC PLEASURES UNDERMINES UTILITARIANISM

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.238

The concept of public happiness has obviously legitimate application in a society where the consensus is that the public happiness consists in more and better hospitals and schools; but what application has it in a society where the public happiness is found by the public itself to consist in the mass murder of Jews? If in a society of twelve people, ten are sadists who will great pleasure from torturing the remaining two, does the principle of utility enjoin that the two should be tortured? Nothing could have been further from the thought of Bentham and Mill. But this only makes it clearer than they are not consistent utilitarians, that they rely on an implicit appeal to other norms, which they covertly use to define the greatest happiness.

MPP1-609 EXCLUDING ANTI-SOCIAL PREFERENCES DILUTES UTILITARIANISM

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.343

Anyone with liberal value judgments will therefore have to qualify his utilitarianism by the exclusion of some interdependence effects. Wants arising from non-benign interdependence effects are disguised form of coercion which arise from the desire to regulate the way other people spend their lives from envy of their well-being or success. Many utilitarian writers are willing to make this qualification. According to John Harsanyi's formulation 'All clearly anti-social preferences, such as sadism, envy, resentment and malice should be excluded from the social utility function.' But once such qualifications are made it is admitted that other principles are being used to qualify utilitarianism, which thus loses its status as a single ultimate guide to moral conduct in favour of a tacit pluralism. Critics such as Sen and Williams remark on the amount of 'doctoring or idealisation' of choice-based preferences in which utilitarian writers indulge.

MPP1-610 HAPPINESS RELIES ON NON-UTILITARIAN QUALITIES

Bernard Williams, professor of philosophy, Cambridge, UTILITARIANISM: FOR AND AGAINST, 1973, p.131

First, many of the qualities that human beings prize in society and in one another are notably non-utilitarian, both in the cast of mind that they involve and in the actions they are disposed to produce. There is every reason to suppose that people's HAPPINESS is linked in various ways to these qualities. It is no good the utilitarian saying that such happiness does not count. For as we have already seen in this connexion, modern utilitarianism is supposed to be a system neutral between preferences that people actually have, and here are some preferences which some people actually have. To legislate them out is not to pursue people's happiness, but to remodel the world towards forms of 'happiness' more amenable to utilitarian ways of thought.

MPP1-611 THE GOODNESS OF THINGS PROVIDES HAPPINESS; NOT VICE VERSA

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.92

We value all sorts of things, including artistic creativity and friendship, for their own sakes. It makes us happy to have them, but only because we ALREADY think them good. (We do not think them good BECAUSE they make us happy--this is what I meant when I said that Hedonism 'gets things the wrong way around'.) Therefore we think it a misfortune to lose them, independently of whether or not the loss is accompanied by unhappiness. In this way, Hedonism misunderstands the nature of happiness. Happiness is not something that is recognized as good and sought for its own sake, with other things appreciated only as a means of bringing it about. Instead, happiness is a response we have to the attainment of things that we recognize AS goods, independently and in their own right.

MPP1-612 DESIRING SOMETHING DOESN'T PROVE IT'S GOOD

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.167-68

WHAT IS GOOD IS WHAT MEN ACTUALLY DESIRE. This statement of course commits what Dr Moore calls the 'naturalistic fallacy,' in supposing, as it appears to do, that good can be defined in terms of what men desire. Even if it were a fact, as unfortunately it is not, that men do always desire what is good, this is not the fact to which we are drawing attention when we call something good.

MPP1-613 DESIRING SOMETHING DOESN'T PROVE IT'S GOOD

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.125

If Mill intended his arguments to be a 'proof' of the utilitarian moral standard, he was certainly mistaken. Saying that something is 'desirable' in the sense that it IS DESIRED by people has an entirely different meaning than saying that something is 'desirable' in the sense that it SHOULD BE DESIRED; people may certainly desire what they should not desire.

MPP1-614 PREFERENCE DOESN'T MAKE SOMETHING VALUABLE

Will Kymlicka, Professor of Philosophy, University of Toronto, CONTEMPORARY POLITICAL PHILOSOPHY, 1990, p.15

Utilitarianism of the preference-satisfaction variety says that something is made valuable by the fact that lots of people desire it. But that is wrong, and indeed backwards. Having the preference does not make it valuable-on the contrary, its being valuable is a good reason for preferring it. And if it is not valuable, then satisfying my mistaken preference for it will not contribute to my well-being.

MPP1-615 DESIRES CAN BE BAD AS WELL AS GOOD

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.67

Is it merely a tautology when the Prayer Book talks of good desires? Are not bad desires also possible? Nay, we find Mill himself talking of a 'better and nobler object of desire' (p.10), as if, after all, what is desired were not ipso facto good, and good in proportion to the amount it is desired.

MPP1-616 MILL'S USE OF 'DESIRABLE' IS TOO AMBIGUOUS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.168

Even if we were to hold that Mill is not defining 'good' in the sense objected to by Dr Moore, but merely stating a fact about it, we would still have to admit that Mill has committed in his argument the ordinary verbal fallacy of ambiguity of term. In common English use 'desirable' gives plausibility to the above statement of Mill's theory. Mill, however, explicitly uses 'desirable' to mean what people do actually desire as in the proposition (b) in the above paragraph, but the fact that men do actually desire it is no proof of a thing being desirable in the common use of the term.

MPP1-617 MILL'S USE OF 'DESIRABLE' IS TOO AMBIGUOUS

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.168

Mill explicitly refers to the analogy of 'desirable' with words such as 'visible' and 'audible'. In these cases it is true that 'visible' means 'able to be seen', so the fact that people actually do see a thing is sufficient proof that it is visible; and it is true that 'audible' means 'able to be heard', so that the fact that people do actually hear a thing is sufficient proof that it is audible. 'Desirable' however, is in the English language not similar to 'visible' or 'audible', but to words like 'detestable' which implies not that a thing is detested but that it OUGHT to be detested. This mistake of Mill led him to break the rule that we cannot infer directly from what men actually do what they ought to do; any breach of this rule certainly commits a naturalistic fallacy.

MPP1-618 THE DESIREABLE ISN'T THAT ABLE TO BE DESIRED

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.67

Well, the fallacy in this step is so obvious, that it is quite wonderful how Mill failed to see it. The fact is that 'desirable' does not mean 'able to be desired' as 'visible' means 'able to be seen.' The desirable means simply what ought to be desired or deserves to be desired; just as the detestable means not what can be but what ought to be detested and the damnable what deserves to be damned.

MPP1-619 MILL ONLY JUSTIFIES EGOISM, NOT UTILITARIANISM

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.105

In order to think that what his arguments tend to prove is not Egoism but Utilitarianism, Mill must think that he can infer from the proposition 'Each man's happiness is his own good,' the proposition 'The happiness of all is the good of all'; whereas in fact, if we understand what 'his own good' means, it is plain that the latter can only be inferred from 'The happiness of all is the good of each.' Naturalistic Hedonism, then, logically leads only to Egoism.

MPP1-620 PERSONAL DESIRES DON'T JUSTIFY AN INTERPERSONAL ETHIC

C.E. Harris, philosopher, Texas A&M, APPLYING MORAL THEORIES, 1986, p.125

Another problem with Mill's argument, when taken as a proof, is that the fact that each person's happiness is a good for that person does not lead to the conclusion that promoting the general happiness is a moral obligation. People might be content to pursue their own happiness rather than the well-being of the majority.

MPP1-621 PERSONAL DESIRES DO NOT JUSTIFY AN INTERPERSONAL ETHIC

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.171

Mill certainly committed the logical fallacy of composition as he passed from egoistic hedonism to utilitarianism. To infer from the statement that each person's happiness is a good to each particular person the conclusion that the general happiness is a good to the whole number of persons is no more a valid argument than to suppose that because each man in a city has the right to open the door of his own house it follows that all in the city have the right of opening the doors of any house they may fancy.

MPP1-622 MILL'S HEDONISM DENIES HIS UTILITARIANISM

William Lillie, professor of philosophy, King's College, AN INTRODUCTION TO ETHICS, 1957, p.168

MEN ALWAYS DESIRE PLEASURE. This indicates that Mill based his ethical hedonism on psychological hedonism; but we have already shown that if psychological hedonism were true, the only possible theory for a moralist would be egoistic hedonism and not utilitarianism. If a man were so made that he could only seek his own pleasure and nothing else, it would be impossible for him to seek the pleasure of other men which utilitarianism maintains that he ought to do.

MPP1-623 EVEN MILL DIDN'T REALLY BELIEVE IN HEDONISM

Walter Kaufmann, professor of philosophy, Princeton, THE FAITH OF A HERETIC, 1978, p.291-92

Again, the question arises how we know that concern for the greatest possible happiness of the greatest possible number should guide our conduct. Luther, as we have seen--and only he, for that matter--taught that 'to suffer wrong destroys no one's soul, nay, it improves the soul.' And John Stuart Mill himself said it was better to be Socrates dissatisfied than a happy fool. If we could achieve the greatest possible happiness for the greatest possible number by instituting some such state as Aldous Huxley's in his BRAVE NEW WORLD or George Orwell's in his NINETEEN EIGHTY-FOUR, ought we to do that? Is it right to sacrifice man's moral, intellectual, artistic, cultural potential to his happiness? John Stuart Mill, to his credit, would have said unhesitatingly: No.

MPP1-624 UTILITARIANISM ASSUMES TOO MUCH ALTRUISM

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.130

We cannot require that the actions of people generally should even pass the test of being such as to maximize the happiness of all, whether or not this is their motive. Even within a small village or commune it is too much to expect that the efforts of all members should be wholly directed towards the promoting of the well-being of all. And such total cooperation is out of the question on the scale of a nation state, let alone where the 'all' are to be the whole human race, including its future or possible future members, and perhaps all other sentient beings as well.

MPP1-625 UTILITARIANISM ASSUMES TOO MUCH ALTRUISM

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.132

Even what we recognize as unselfishness or benevolence is equally incompatible with UNIVERSAL concern. It takes the form of what Broad called self-referential altruism--concern for others, but for others who have some special connection with oneself; children, parents, friends, workmates, neighbours in the literal, not the metaphorically extended sense. Wider affections than these usually centre upon devoted to some special cause--religious, political, revolutionary, nationalist--not upon the welfare of human beings, let alone sentient beings, in general.

MPP1-626 APPLICATION OF THE UTILITARIAN PRINCIPLE IS IMPRACTICAL

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.129

However, even if all the difficulties and indeterminacies mentioned in the last section were resolved, by argument or by decision, there would still be a fatal objection to the resulting act utilitarian system. It would be wholly impracticable. The system can, indeed, be looked at in several different ways, but this charge can be sustained against each interpretation in turn. Suppose, first, that it is considered as a morality in the broad sense, as an all-inclusive theory of conduct. Then, when utility or the general happiness is proposed as the immediate criterion of right action, is it intended that each agent should take the happiness of all as his goal? This, surely, is too much to expect.

MPP1-627 APPLICATION OF THE UTILITARIAN PRINCIPLE IS IMPRACTICAL

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.133

But could not human nature be changed? I do not know. Of course, given the techniques of mass persuasion adolescents can be turned into Red Guards or Hitler Youth or pop fans, but in each of these we have only fairly superficial redirection of what are basically the same motives. It is far more doubtful whether any agency could effect the far more fundamental changes that would be needed to make practicable a morality of universal concern. Certainly no ordinary processes of education can bring them about.

MPP1-628 PRECLUSION OF SELF-INTEREST MAKES UTILITARIANISM IMPRACTICAL

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.132

But why, it may be asked, are such moralities of universal concern impracticable? Primarily because a large element of selfishness--or, in an older terminology, self-love--is a quite ineradicable part of human nature. Equally, if we distinguish as Butler did the particular passions and affections from self-love, we must admit that they are inevitably the major part of human motivation, and the actions which express and realize them cannot be expected in general to tend toward the GENERAL happiness.

MPP1-629 UNREALISTIC UTILITARIAN IDEALS UNDERMINE PRACTICAL MORALITY

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.131-32

To put forward as a morality in the broad sense something which, even if it were admirable, would be an utterly impossible ideal is likely to do, and surely has in fact done, more harm than good. It encourages the treatment of moral principles not as guides to action but as a fantasy which accompanies actions with which it is quite incompatible. It is a commonplace that religious morality often has little effect on the lives of believers. It is equally true, though not so frequently pointed out, that utilitarian morality is often treated as a topic of purely academic discussion, and is not taken any more seriously as a practical guide. In both cases the mistake is the same. To identify morality with something that certainly will not be followed is a sure way of bringing it into contempt--practical contempt, which combines all too readily with theoretical respect.

MPP1-630 UNREALISTIC UTILITARIAN IDEALS UNDERMINE PRACTICAL MORALITY

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.339

Too many moralists have paid lip service to the idea of the whole human race counting equally (sometimes including generations yet unborn) and then gone on to concentrate on policies affecting exclusively their own communities. Ordinary people are then presented with the false choice of either giving equal value to every inhabitant of the earth or to give no value at all to those outside their immediate circle or country. The result of paying lip service to impartial benevolence is too often in practice the total neglect of those outside our own group.

MPP1-631 SATISFACTION UTILITARIANISM IS STILL PROBLEMATIC

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.145

If utility is identified with the amount of satisfaction of desires, the measurement and interpersonal comparison of utility becomes somewhat easier. But there are still some puzzles. Do we simply lay it down that each person is to be considered as having the same total force of desire, though different persons distribute their desires differently between objects? Or do we allow that one person may have stronger desires all round than another, so that his satisfactions and frustrations contribute more, positively or negatively, to general utility? If so, how is overall strength of desire to be measured? But what is of more fundamental importance is that our other objections apply equally to this version of utilitarianism.

MPP1-632 CHOICE UTILITARIANISM IS NOT REALLY UTILITARIAN

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.341

The 'choice utilitarianism' of the economists has, however, ceased to be utilitarianism as originally understood. People can make choices which turn out to provide them with sorrow rather than satisfaction. The act of choice, at certain times for certain people and beyond a certain limit, may be painful. Sometimes too people will knowingly sacrifice their own well-being for altruistic reasons or in pursuit of honour or revenge. A utilitarian may of course treat 'revealed preferences' as an index of satisfaction to be used for lack of anything better. In that case however his attachment to choice is but an expedient, and he cannot challenge Aldous Huxley's Brave New World in which a happiness-inducing drug 'soma' is administered to the population. Alternatively, he may attach importance to the act of choice itself (over and above any utilitarian weighting given to it by individuals), in which case he is not longer a utilitarian in Bentham's sense.

MPP1-633 SATISFACTION UTILITARIANISM JUSTIFIES ARTIFICIAL DESIRES

J.L. Mackie, philosopher, Oxford, ETHICS: INVENTING RIGHT AND WRONG, 1977, p.147

Corresponding embarrassments can be created for the desire-satisfaction version of utilitarianism. We can think of devices--physiological or psychological or propagandist--for generating easily-satisfied desires and suppressing awkward and expensive ones. People will be able more fully to get what they desire if they are made to desire what they are going to get. But we need not equate human well-being with artificially-maximized satisfaction of desires.

MPP1-634 PEOPLE AREN'T JUST SATISFACTION CONTAINERS

Norman Daniels, professor of philosophy, Tufts, PHILOSOPHY AND PUBLIC AFFAIRS, Spring 1981, p.163

In Rawls' case, a full argument involves the claim that adopting a satisfaction scale commits us to an unacceptable view of persons as mere 'containers' for satisfaction, one that departs significantly from our moral practice.

MPP1-635 PEOPLE AREN'T JUST SATISFACTION CONTAINERS

Charles Fried, Harvard Law School, RIGHT AND WRONG, 1978, p.63

John Rawls makes the same point, arguing that 'moral personality and not the capacity for pleasure and pain . . . [is] the fundamental aspect of the self . . . The essential unity of the self is . . . provided by the concept of right.'

MPP1-636 MAXIMIZING EITHER NET OR AVERAGE UTILITY PRODUCES ABSURD OUTCOMES

Robert Nozick, Professor of Philosophy at Harvard, ANARCHY, STATE AND UTOPIA, 1974, p.41-2.

Would it be all right, on the utilitarian view, to kill people painlessly, in the night provided one didn't first announce it? Utilitarianism is notoriously inept with decisions where the number of persons is at issue. (In this area, it must be conceded, epistemic is hard to come by.) Maximizing the total happiness requires continuing to add persons so long as their net utility is positive and is sufficient to counterbalance the loss in utility their presence in the world causes others. Maximizing the average utility allows a person to kill everyone else if that would make him ecstatic, and so happier than average.

MPP1-637 MILL COMMITS THE NATURALISTIC FALLACY

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.66

Mill has made as naive and artless a use of the naturalistic fallacy as anybody could desire. 'Good,' he tells us, means 'desirable,' and you can only find out what is desirable by seeking to find out what is actually desired. This is, of course, only one step towards the proof of Hedonism; for it may be, as Mill goes on to say, that other things beside pleasure are desired. Whether or not pleasure is the only thing desired is, as Mill himself admits (p.58), a psychological question, to which we shall presently proceed. The important step for Ethics is this one just taken the step which pretends to prove that 'good' means 'desired.'

MPP1-638 SATISFYING OUR PREFERENCES ISN'T ALWAYS GOOD

Will Kymlicka, Professor of Philosophy, University of Toronto, CONTEMPORARY POLITICAL PHILOSOPHY, 1990, p.14-5

Satisfying our preferences does not always contribute to our well-being. Suppose that we are ordering food for lunch, but some of us want pizza, while others want Chinese food. If the way to satisfy the most preferences is to order pizza, then this sort of utilitarianism tells us to order it. But what if, unbeknownst to us, the pizza we ordered is poisoned, or just rancid? Ordering it now would not promote our welfare. What is good for us can be different from the preferences we currently have. Marxists emphasize this in their theory of false consciousness-e.g. workers have been socialized in such a way as to be unable to see their real interest in socialism. But the same problem arises in less dramatic or controversial ways. We can just lack adequate information, as in the pizza example, or have made mistakes in calculating the costs and benefits of a particular action. Preferences, therefore, do not define our good. It is more accurate to say that our preferences are predictions about our good.

MPP1-639 PLEASURE ISN'T THE SOLE REASON WE ENJOY THINGS

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.12-3
The first view, and perhaps the most influential in the utilitarian tradition, is the view that the experience or sensation of pleasure is the chief human good. It is the one good which is an end in itself, to which all other goods are means. Bentham, one of the founders of utilitarianism, said, in a famous quote, that pushpin is as good as poetry if it gives the same intensity and duration of pleasure. If we do prefer poetry to pushpin, if we think it a more valuable thing to do with our time, it must be because it gives us more pleasure. This is a dubious account of why we prefer some activities over others. It is a cliché, but perhaps a true one, that poets often find writing to be painful and frustrating, yet they think it is valuable. This goes for reading poetry as well—we often find poetry disturbing rather than pleasurable. Bentham might respond that the writer's happiness, like the masochist's, lies precisely in these apparently unpleasant sensations. Perhaps the poet really finds pleasure in being tortured and frustrated. I doubt it.

MPP1-640 MILL'S DISTINCTION BETWEEN HIGHER AND LOWER PLEASURES FAILS

G.E. Moore, Professor of Philosophy, Cambridge University, *PRINCIPIA ETHICA*, 1903, p.78

It will be seen that Mill's test for one pleasure's superiority in quality over another is the preference of most people who have experienced both. A pleasure so preferred, he holds, is more desirable. But then, as we have seen, he holds that 'to think of an object as desirable and to think of it as pleasant are one and the same thing' (p.58). He holds, therefore, that the preference of experts merely proves that one pleasure is pleasanter than another. But if that is so, how can he distinguish this standard from the standard of quantity of pleasure? Can one pleasure be pleasanter than another, except in the sense that it gives more pleasure?

MPP1-641 HYPOTHETICAL EXAMPLES CONSTITUTE VALID MORAL ARGUMENTS

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.98-99

The first line of defense contains more bluster than substance. While it can plausibly be maintained that MOST acts of false witness and the like have bad consequences in the real world, it cannot reasonably be asserted that ALL such acts have bad consequences. Surely, in at least some real-life cases, one can bring about good results by doing things that moral common sense condemns. Therefore, in at least some real-life cases Utilitarianism will come into conflict with commonsense. Moreover, even if the antiutilitarian arguments had to rely exclusively on fictitious examples, those arguments would nevertheless retain their power; for showing that Utilitarianism has unacceptable consequences in hypothetical cases is a perfectly valid way of pointing up its theoretical defects.

MPP1-642 THE UTILITARIAN ATTITUDE TOWARD RULES VIOLATES COMMON JUDGMENTS

R.S. Downie and Elizabeth Tetler philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.43

The objection of the deontologist—and it seems a valid one—is that, if the existence of moral rules admits of no justification other than the utilitarian one so far provided, we ought to have no hesitation at all about ignoring a rule if we think we can thereby bring about the best possible consequences; but this is simply not our ordinary attitude towards moral rules.

MPP1-643 UTILITARIANISM DESTROYS THE CONCEPT OF GOOD AND EVIL

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.241

Utilitarianism which appears under the pretext of offering a criterion, among other things, for distinguishing good and evil, is in fact offering us a revision of those concepts, such that if we accepted it we could allow that no action, however vile, was evil in itself and prohibited as such. For all actions are to be assessed in terms of their consequences, and if the consequences of an action are going to be productive of the general happiness, then that action, whether it is the execution of the innocent or the murder or rape of children, would be justified.

MPP1-644 UTILITARIANISM DEPARTS FROM JUDEO-CHRISTIAN MORALITY

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.110

In some important areas of duties to self, utilitarianism leads to different conclusions than traditional Hebrew-Christian morality. We have seen that natural-law ethics condemns suicide and euthanasia as violations of the sanctity of human life. A moment's consideration of this issue shows that the utilitarian will take a very different stance from a natural-law theorist. Just as we must count a desire to go on living as a reason against killing, so we must count a desire to die as a reason for killing. One can have a preference for dying as well as a preference for living.

MPP1-645 UTILITARIANISM JUSTIFIES KILLING THE INNOCENT

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.122

Our moral intuitions may also seem to conflict with utilitarianism in the area of justice. When Jesus of Nazareth was killed, Caiaphas, the Jewish high priest, justified the killing with the claim that Jesus' crucifixion, however unjust, would avert a greater disaster--possibly a rebellion against the Jewish authorities or a Roman persecution of the Jewish people. Consider the rule 'Judges may not depart from the law, except if, by doing so, they can avert a major calamity to their nation or to the world.' A rule utilitarian might object that such a rule would so discredit the judiciary that public life would be greatly injured, but such might not be the case. Some might even sleep better knowing that their judges would not be overscrupulous in applying the law during a national emergency. Thus a rule utilitarian might be forced to admit that a miscarriage of justice is morally justified.

MPP1-646 UTILITARIANISM JUSTIFIES MERCY KILLING

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.165

Besides the overall problem of the difficulty of living up to the ideal, there is a special problem in utilitarianism about taking life. Consider a person who is old, sick, and alone in the world; it seems overwhelmingly probable (though we would need more facts than just these to make it so) that her life from this point on will contain much more pain, misery, and sadness than pleasure, joy, and gladness. If you can kill her painlessly--say, by giving her a quick-acting poison just before she goes to sleep, thus ensuring that she will never wake up--wouldn't you be doing her a favor? You would be decreasing the amount of suffering in the world. Yet we don't view the matter in this way at all. 'No moral person,' according to one writer, 'would justify a murder by saying, 'It wasn't really a painful death,' or 'His soul went to a good place,' or 'He won't be missed,' or 'He wouldn't really have been happy if he had lived.'"

MPP1-647 UTILITARIANISM JUSTIFIES INFANTICIDE

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.111

These same arguments apply to a newborn baby. A week-old baby is not a rational and self-conscious being. In fact, by the standards we have developed, the life of a newborn baby is of less value than the life of an adult pig, dog, or chimpanzee, and killing a newborn baby cannot be regarded as having the same degree of seriousness.

MPP1-648 UTILITARIANISM JUSTIFIES TORTURE

John Dinwiddy, reader in Modern History, University of London, *BENTHAM*, 1989, p.111

Among other positions adopted by Bentham in applying his principle of utility, there are some which will seem, at least to many people, less congenial. Cases in point are his views on torture and infanticide. He was prepared to argue in his manuscripts that in certain circumstances torture might be justified, and that it could not therefore be absolutely proscribed. He did not endorse any of the ways in which torture was actually used in the Europe of his time, but he posited a set of general requirements which, if they were all met, might justify the use of torture to extract information that was vital to the public interest.

MPP1-649 UTILITARIANISM NEGLECTS THE PERSONAL NATURE OF DUTY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.207

Duty, said Ross, has a much more PERSONAL character than the utilitarian account permits. Ross does not deny that we should attempt to maximize good and minimize evil, but this is not our only duty. We all have special duties for special reasons to special people. We have duties to our parents, our children, our benefactors, and to those to whom we have made commitments which we do not have to those outside these special relationships. And such duties are not just (as utilitarians would have it) instances of the general duty to maximize good.

MPP1-650 UTILITARIANISM NEGLECTS THE IMPORTANCE OF FAMILY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.205

Two men are trapped inside a burning building, and you are the only person nearby; there is time to rescue (at most) one of them. One of them is your father, and the other one is a great scientist who is well on the way to finding a cure for arthritis. Which one should you rescue? The utilitarian would not hesitate: far more good will be done by rescuing the scientist. And yet, your father is the one you know and love, to whom you owe an enormous debt of gratitude for all he has done for you, sacrificing so that you could go to college, doing without things so that you could have them. The scientist, on the other hand, is a stranger to you. Is it really obvious that you should rescue him and let your father die? Most people in this situation wouldn't hesitate to try to rescue their father first; would they really be committing a moral wrong by doing so?

MPP1-651 UTILITARIANISM NEGLECTS THE IMPORTANCE OF FAMILY

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.339

An impartially benevolent utilitarian will try to justify giving more weight to family and friends than to unknown millions in the Third World, by saying that we can do more for them. But this is not self-evident. It is conceivable that we could do more to promote human satisfaction ('we' being those above a certain level in the world income scale) if we gave every minute of our non-working time to Ox-fam.

MPP1-652 UTILITARIANISM UNDERMINES THE NOTION OF 'FAULT'

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.161

Or again, if my car collides with yours, and the accident is my fault, should I decline to pay if I discover that you are pretty well off and can afford the expense of repair more easily than I can? Our ordinary moral consciousness seems to deliver a different verdict: the person who is at fault should pay, without regard to who will be happier as a result. Should the calculation of happiness and unhappiness for each alternative (either you pay, or I pay) even be considered in a case of this kind? (Courts certainly do not think so.) It has seemed to many people that utilitarianism is mistaken in the view that our only duty is to maximize utility.

MPP1-653 UTILITARIANISM DESTROYS THE IDEA OF SUPEROGATORY ACTS

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.163

In utilitarianism there is no room for SUPEROGATORY ACTS, that is, acts over and above the call of duty. If you do more than you need to, more than anyone expects of you, if you do something especially noteworthy or heroic, there is no category in utilitarianism to cover such an act. If it is something that you CAN do and if it is the very best thing that could be done (has the best expectable consequences), then it is what you OUGHT to do, and anything less would be a wrongful act.

MPP1-654 UTILITARIANISM NEGLECTS THE VALUE OF PROMISE KEEPING

John Hospers, philosopher, University of Southern California, HUMAN CONDUCT, 1982, p.161

The rightness of all acts can't be judged by their utility alone, according to critics. I hire someone to type a paper for me. When the work is done and the time comes for me to pay, should I pay the typist only if there is no other act in the world that I could have done which had no better consequences? Would it be right to refuse to pay him and give the money to charity instead? When I make a promise, should it be with the understanding that I should keep it only if there is no other action I could take instead which would maximize utility? Most of us certainly do not think so.

MPP1-655 ORDINARY MORAL CONVICTIONS SHOULD ENJOY RESPECT

W.D. Ross, philosopher, Oxford, THE RIGHT AND THE GOOD, 1930, p.41

The existing body of moral convictions of the best people is the cumulative product of moral reflection of many generations, which has developed an extremely delicate power of appreciation of moral distinctions; and this the theorist cannot afford to treat with anything other than the greatest respect.

MPP1-656 UTILITARIANISM USES INDIVIDUALS AS MEANS

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.120

Kant abjured 'the serpent-windings of Utilitarianism' because, he said, the theory is incompatible with human dignity. In the first place, it has us calculating how to use people as means to an end, and this (he says) is morally impermissible. If we imprison the criminal in order to secure the well-being of society, we are merely USING him for the benefit of others. This violates the fundamental rule that 'one man ought never to be dealt with merely as a means subservient to the purpose of another.'

MPP1-657 UTILITARIANISM FAILS TO ACCOUNT FOR 'JUST DESERTS'

James Rachels, professor of philosophy, University of Alabama, Birmingham, THE ELEMENTS OF MORAL PHILOSOPHY, 1986, p.102

Consider, for example, the matter of what people deserve. A person who has worked hard in her job may deserve a promotion more than some one who has loafed, and it would be unjust for the loafer to be promoted first. This is a point that we would expect any fair-minded employer to acknowledge; we would all be indignant if we were passed over for promotion in favor of someone who had not worked as hard or as well as we. Now utilitarians might agree with this, and say that it can be explained by their theory--they might argue that it promotes the general welfare to encourage hard work by rewarding it. But this does not seem to be an adequate explanation of the importance of desert. The woman who worked harder has a superior claim to the promotion, NOT because it promotes the general welfare for her to get it, but BECAUSE SHE HAS EARNED IT. The reason she should be promoted has to do with HER merits. This does not appear to be the kind of consideration a utilitarian could admit.

MPP1-658 RESPECTING INDIVIDUAL DESERT IS KEY TO AUTONOMY

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.103

There is a reason for promoting the woman who has worked harder--because that is the principal way we have of treating individuals as autonomous, responsible beings. If in fact people have the power to choose their own actions, in such a way that they are RESPONSIBLE for those actions and what results from them, then acknowledging their deserts is just a way of acknowledging their standing as autonomous individuals. In treating them as they deserve to be treated, we are responding to the way they have freely chosen to behave. Thus in some instances we will not treat everyone alike, because people are not just members of an undifferentiated crowd. Instead, they are individuals who, by their own choices, show themselves to deserve different kinds of responses.

MPP1-659 UTILITARIANISM UNDERMINES INDIVIDUAL INTEGRITY

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.99

A feature of utilitarianism is that it cuts out a kind of consideration which for some others makes a difference to what they feel about such cases: a consideration involving the idea, as we might first and very simply put it, that each of us is specially responsible for what HE does, rather than for what other people do. This is an idea closely connected with the value of integrity. It is often suspected that utilitarianism, at least in its direct forms, makes integrity as a value more or less unintelligible. I shall try to show that this suspicion is correct.

MPP1-660 UTILITARIANISM DENIES CONCRETE INDIVIDUALITY

Robert Olson, philosopher, *THE MORALITY OF SELF-INTEREST*, 1965, p.51

A strictly utilitarian definition of the good has moral and political implications that offend the sensibilities of everyone who believes in the worth or sanctity of the concrete, living individual. Most human beings are, in fact, offended by demands that the individual sacrifice his ultimate well-being for the sake of the community. This is not simply because they suspect hypocrisy or sham here but also because they believe on moral grounds in the individual's right to the pursuit of happiness.

MPP1-661 UTILITARIANISM DOESN'T RESPECT THE INDIVIDUAL

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.243

The basic flaw in utilitarianism, as many persons see it, is that it has no respect for the INDIVIDUAL: individuals count a part of a total, an aggregate; but as units of that aggregate their liberties and rights can be sacrificed and their very lives snuffed out on the altar of 'social betterment.'

MPP1-662 UTILITARIANISM DENIES MOST HUMAN MOTIVES

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.133

Thus Bernard Williams has argued that in becoming capable of acting out of universal concern, people would have to be stripped of the motives on which most of what is of value in human life is based--close affections, private pursuits, and many kinds of competition and struggle.

MPP1-663 UTILITARIANISM ALIENATES US FROM OURSELVES

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.103-04

Because our moral relation to the world is partly given by such feelings, and by a sense of what we can or cannot 'live with', to come to regard those feelings from a purely utilitarian point of view, that is to say, as happenings outside one's moral self, is to lose a sense of one's moral identity; to lose, in the most literal way, one's integrity. At this point utilitarianism alienates one from one's moral feelings; we shall see a little later how, more basically, it alienates one from one's actions as well.

MPP1-664 UTILITARIANISM UNDERMINES INDIVIDUAL GOALS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.168

As a result of this 'impersonality,' each individual's goals, no matter how precious to him or her, are subject to veto if working for someone else's goal has greater utility. Suppose you have a research project which interests you and which you want very much to pursue. But if someone else's project is more important or would increase general utility more than yours, utilitarianism might well require you to abandon your own and assist in the other person's. Your own ideas would be at the mercy of anyone else who could demonstrate the superior utility of his or her own.

MPP1-665 UTILITARIANISM REQUIRES UNMITIGATED SELF-SACRIFICE

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.163

As we have seen, utilitarianism is a universalistic moral principle and not an altruistic one; you are to consider yourself as one among many. But you are only one person and others ARE many, so when your act affects a large number of people, the difference between considering 10,000 people (utilitarianism) and considering 9,999 (all except yourself--altruism) becomes very small indeed. And thus, if it is your duty to maximize good WHEREVER it may occur, your life could, in fact, be mortgaged to every needy and hungry person around the globe, no matter how hard you work and save, no matter how many hungry people you help across the globe, no matter how many of their lives you may save by sacrificing everything you earn working fifteen hours a day, there are always millions more of the needy and hungry, waiting for help.

MPP1-666 UTILITARIANISM UNDERMINES RESPECT FOR INDIVIDUALS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.167

It seems, from the preceding discussion of killing, that people, as individuals, don't really count in utilitarianism. What counts is the total amount of good produced. As moral philosopher W.D. Ross noted: 'For a utilitarian it is morally indifferent whether by your act you produce x units of pleasure for A and y units of pain on B, confer $x - y$ units of pleasure on one of them, since in each case you produce a net increment of $x - y$ units of pleasure . . . But we think the principle of 'do evil to no one' more pressing than the principle of 'do good to everyone.'

MPP1-667 INDIVIDUAL INTEGRITY OUTWEIGHS AGGREGATE UTILITY

Charles Fried, Harvard Law School, *RIGHT AND WRONG*, 1978, p.34

The contrasting view gives content to the notion that it is the individual person who is the ultimate entity of value, so that even a person's happiness is only important because it is that person's happiness. Happiness is not a kind of undifferentiated abstract plasma waiting to be attached to a particular person but the aim and outcome of individual CHOICE, the success of the self in realizing its own values through its choices and efficacy. Accordingly, the maintenance of the integrity of the individual as the locus of valuation and choice is more important than the abstractions of happiness, pleasure or excellence.

MPP1-668 UTILITARIANISM VIOLATES THE INTEGRITY OF PERSONS

Norman Daniels, Professor of Philosophy at Tufts University, *JUST HEALTH CARE*, 1985, p.38.

In Rawls's full argument for his view, the argument against the satisfaction scale turns on its incompatibility with a plausible view of the nature of persons. The satisfaction scale forces us to view persons as mere 'containers' for satisfaction. It leaves us no basis for not wanting to be whatever person, construed as a set of preferences, has a higher level of satisfaction. To borrow a term from Bernard Williams (1973), the satisfaction scale undermines the integrity of persons.

MPP1-669 UTILITARIANISM EXCLUDES BACKWARD LOOKING CONSIDERATIONS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.306

Justice, unlike utility, is past-looking, not future-looking. Justice requires that people be treated in accord to their deserts, and their deserts depend on their past record. If someone deserves punishment for committing murder, it is because in the past he or she committed the murder. If someone deserves a reward for extraordinary merit, it is because he or she has earned it in the past.

MPP1-670 UTILITARIANISM EXCLUDES BACKWARD LOOKING

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.97

The fact that someone did not commit a crime is a good reason why he should not be punished. The fact that someone once did you a favor may be a good reason why you should now do him a favor. The fact that you did something to hurt someone be a reason why you should now make it up to her. These are all facts about the past that are relevant to determining our obligations. But Utilitarianism makes the past irrelevant, and so it seems deficient for just that reason.

MPP1-671 UTILITARIANISM JUSTIFIES PUNISHING THE INNOCENT

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973 p.69-70

It is not difficult to show that utilitarianism could, in certain exceptional circumstances, have some very horrible consequences. In a very lucid and concise discussion note, H.J. McCloskey has considered such a case. Suppose that a sheriff of a small town can prevent serious riots (in which hundreds of people will be killed) only by 'framing' and executing (as a scapegoat) an innocent man.

MPP1-672 UTILITARIANISM JUSTIFIES PUNISHING THE INNOCENT

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.240

Clearly, even on the best and most charitable interpretation of the concept of the greatest happiness of the greatest number, there are occasions where its use as a criterion would lead us to recommend courses of action which conflict sharply with what ordinarily we think we ought to do. A typical case was propounded by a later critic of utilitarianism, E.F. Carrington. The hanging of an innocent man may well redound to the public happiness if certain conditions are satisfied: that is he is publicly believed, although not by us, his would-be executioners, to be guilty of murder, let us say, and that his execution will act as a deterrent, preventing the deaths of sundry innocent people in the future. Surely on a utilitarian view we ought therefore to hang him.

MPP1-673 UTILITARIANISM VALUES THE CRIMINAL AS MUCH AS THE VICTIM

Robert Nozick, philosopher, Harvard, *ANARCHY, STATE, AND UTOPIA*, 1974, p.61

This utilitarian suggestion equates the unhappiness the criminal's punishment causes him with the unhappiness a crime causes its victim. It gives these two unhappinesses the same weight in calculating a social optimum. So the utilitarian would refuse to pay the penalty for a crime, even though the greater penalty (well below any retributive upper limit) would deter more crimes, so long as it increases the unhappiness of those penalized more, even slightly, than it diminishes the unhappiness of those it saves from being victimized by the crime, and of those it deters and saves from punishment.

MPP1-674 UTILITARIANISM JUSTIFIES KILLING THE ELDERLY

Donald Marquis, philosopher, University of Kansas, *AGING AND THE ELDERLY*, 1978, p.350

What the utilitarian attempts to increase, then, is the figure arrived at by totaling the value of the lives of each and every member of the population divided by the number of members of the population. This version of utilitarianism, which might be called 'average utilitarianism,' does not have procreative consequences. Unfortunately, it has worse consequences. For we can increase the average value of the lives of the population merely by ending the less valuable lives. Surely the elderly would be the group most abused by such a policy.

MPP1-675 UTILITARIANISM ALLOWS SOME TO BENEFIT FROM UNJUST SUFFERING

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.145

This version, indeed, brings out particularly clearly what is one of the characteristic features of utilitarianism, its allowing of replacements. If all that matters, in the end, is the total amount of satisfaction of desires, the satisfying of one desire can be replaced with the satisfying of another. And, more dramatically, the satisfying of one person's desires can be replaced by the satisfying of another's. It is this that leaves room for the charge that utilitarianism not merely allows but enjoins, in some circumstances, that the happiness of some people should be purchased at the cost of the undeserved and uncompensated misery of others.

MPP1-676 UTILITARIANISM JUSTIFIES INTOLERABLE INSTITUTIONS

Holly Smith Goldman, University of Illinois, *JOHN RAWLS' THEORY OF SOCIAL JUSTICE*, 1980, p.377

Rawls cites a third feature of the original position which makes it rational for the parties to employ the maximum strategy: the use of other choice rules (for example, the rule of maximizing expected utility) would lead to conceptions of justice (for example, utilitarianism) which would permit intolerable institutions (such as slavery and serfdom which the parties could hardly accept).

MPP1-677 UTILITARIANISM UNDERMINES MINORITY RIGHTS

Leonard Ratner, University of Southern California Law School, *HOFSTRA LAW JOURNAL*, 1984, p.762-63

Richard Posner perceives the traditional utilitarian goal of maximum happiness or pleasure as: (1) justifying monstrous majoritarian preferences because it provides no moral basis for preferring good pleasures over bad ones, and (2) creating moral uncertainty because it depends on changing empirical data, apparently extends to animals as well as people, attempts to weigh interpersonal utility, and perhaps seeks to maximize total rather than per capita happiness.

MPP1-678 UTILITARIANISM UNDERMINES MINORITY RIGHTS

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.105

Suppose that there is in a certain society a racial minority. Considering merely the ordinary interests of the other citizens, as opposed to their sentiments, this minority does no particular harm; we may suppose that it does not confer any great benefits either. Its presence is in those terms neutral or mildly beneficial. However, the other citizens have such prejudices that they find the sight of this group even the knowledge of its presence, very disagreeable. Proposals are made for removing in some way this minority. If we assume various quite plausible things (as that programmes to change the majority sentiment are likely to be protracted and ineffective) then even if the removal would be unpleasant for the minority, a utilitarian calculation might well end up favouring this step, especially if the minority were a rather small minority and the majority were severely prejudiced, that is to say, were made very severely uncomfortable by the presence of the minority.

MPP1-679 UTILITARIANISM NEGLECTS THE DISADVANTAGED

Samuel Scheffler, philosopher, University of California, Berkeley, *THE REJECTION OF CONSEQUENTIALISM*, 1982, p.10

What is the relation between this objection to consequentialist theories and the objection to utilitarianism based on distributive justice? Because it is concerned to maximize TOTAL AGGREGATE satisfaction or utility, classical utilitarianism demands that we channel resources to the relatively well-off whenever that will lead to the required victimization. As a result, it is alleged, classical utilitarianism will frequently require us to ignore the misery of a few people and concentrate instead on increasing the pleasures of the many simply in order to maximize aggregate satisfaction.

MPP1-680 UTILITARIANISM NEGLECTS THE DISADVANTAGED

Gordon Tullock, Virginia Polytechnic Institute, *ECONOMICS OF INCOME REDISTRIBUTION*, 1983, p.7

Let us, for example, take a fairly clear-cut case in which income generates rather little utility: people who are seriously and permanently crippled, such as multiple sclerosis victims. It is fairly obvious that the marginal utility derived from each dollar put in the support of such people is low. If we were attempting to maximize total utility, we would surely cut back on our expenditures to them and increase our expenditures to the beach boys of Malibu. I take it that there will be not one single reader of this book who is in favor of that policy.

MPP1-681 UTILITARIANISM WOULD REQUIRE SACRIFICES TO UTILITY MONSTERS

Robert Nozick, philosopher, Harvard, *ANARCHY, STATE, AND UTOPIA*, 1974, p.41

Utilitarian theory is embarrassed by the possibility of utility monsters who get enormously greater gains in utility from any sacrifice of others than these others lose. For, unacceptably, the theory seems to require that we all be sacrificed in the monster's maw, in order to increase utility.

MPP1-682 UTILITARIAN CALCULATIONS GENERALLY IGNORE JUSTICE

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.120

In making utilitarian calculation, no abstract considerations of justice can be brought into the picture. Justice is important for the utilitarian only insofar as policies are perceived to be just or unjust affect the interests of individuals.

MPP1-683 JUSTICE OUTWEIGHS UTILITY

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.35

Or again, suppose that A is a very good and B a very bad man, should I then, even when I have made no promise, think it self-evidently right to produce 1,001 units of good for B rather than 1,000 for A? Surely not. I should be sensible of a *PRIMA FACIE* duty of justice, i.e., if producing a distribution of goods in proportion to merit, which is not outweighed by such a slight disparity in the total goods to be produced.

MPP1-684 UTILITARIAN PRINCIPLES OF JUSTICE WOULD CAUSE SOCIAL INSTABILITY

John Rawls, Professor of Philosophy at Harvard, *A THEORY OF JUSTICE*, 1971, p.178.

Their [the utilitarian] conception of justice is threatened with instability unless sympathy and benevolence can be widely and intensely cultivated. Looking at the question from the standpoint of the original position, the parties recognize that it would be highly unwise if not irrational to choose principles which have consequences so extreme that they could not accept them in practice. They would reject the principle of utility and adopt the more realistic idea of designing the social order on a principle of reciprocal advantage.

MPP1-685 UTILITARIANISM WOULD SACRIFICE INNOCENT LIVES TO MAXIMIZE SOCIAL WELFARE

Jonathan Culver, editor, *UTILITARIANISM AND ITS CRITICS*, 1990, p.120

A similar question about the utilitarian view of killing is raised by the "survival lottery" devised by John Harris. Suppose two people are in danger of dying through organ failure, and donors are not available. Would it be right to kill a healthy person whose organs could be used to save the two? We can imagine a system in which the person whose number came up in the lottery would be killed and used as donor. Utilitarians, like other people show little enthusiasm for this proposal. But there is a question whether their theory gives adequate reasons for opposing it. There would of course, be horrors associated with such a survival lottery. But would no number of lives saved outweigh this in the utilitarian calculation?

MPP1-686 UTILITARIANISM JUSTIFIES PUNISHING THE INNOCENT

Robert Nozick, Professor of Philosophy at Harvard, *ANARCHY, STATE AND UTOPIA*, 1974, p.28-9.

This still would require us to violate someone's rights when doing so minimizes the total (weighted) amount of the violation of rights in the society. For example, violating someone's rights might deflect others from their intended action of gravely violating rights, or might remove their motive for doing so, or might divert their attention, and so on. A mob rampaging through a part of town killing and burning will violate the rights of those living there. Therefore, someone might try to justify his punishing another he knows to be innocent of a crime that enraged a mob, on the grounds that punishing this innocent person would help to avoid even greater violations of rights by others, and so would lead to a minimum weighted score for rights violations in the society.

MPP1-687 UTILITARIANISM JUSTIFIES SLAVERY

Holly Smith Goldman, University of Illinois, *JOHN RAWLS' THEORY OF SOCIAL JUSTICE*, 1980, p.352

Thus it has sometimes been held that utilitarianism could justify either slavery or serfdom, or other serious infractions of liberty, for the sake of greater social benefits. According to Rawls, our considered judgments of justice reject such social systems.

MPP1-688 UTILITARIANISM JUSTIFIES PATERNALISTIC TOTALITARIANISM

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.237-38

The concept of happiness is, however, morally dangerous in another way; for we are by now well aware of the malleability of human beings of the fact that they can be conditioned in a variety of ways into acceptance of, and satisfaction with, almost anything. That men are happy with their lot never entails that their lot is what it ought to be. For the question can always be raised of how great the price is that is being paid for the happiness. So the concept of the greatest happiness of the greatest number could be used to defend any paternalistic or totalitarian society in which the price paid for happiness is the freedom of the individuals in that society to make their own choices.

MPP1-689 UTILITARIANISM JUSTIFIES COERCION AND REPRESSION

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.139

In both these cases, the social reality will appear very differently to the utilitarian elite from the way it appears to the ruled. This situation is inherently manipulative, and would very probably demand institutions of coercion or severe political restriction to sustain itself.

MPP1-690 UTILITARIANISM JUSTIFIES MANIPULATIVE GOVERNMENT

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.138

If we insist on being told from what actual social spot the utilitarian judgments are being made, and if we form some definite picture of utilitarian decision being located in government, while the populace to a significant extent is non-utilitarian in outlook, then it must surely be that government in that society is very importantly manipulative.

MPP1-691 RESPECT FOR ENVOIOUS DESIRES MAKES UTILITARIANISM ILLIBERAL

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983, p.342

The Sen paradox is but one example of many potential conflicts. A fully fledged utilitarian would take into account the desires of some mature citizen for compulsory haircuts for long-haired youths (desires reflected in police practice in Singapore). He would also take account of the desires of other citizens for restrictions on the number of overseas villas or yachts the wealthy can possess. (This is not a question of the distribution of income and wealth but of the freedom of people to spend whatever wealth they have.) These linkages of one person's well-being to the behaviour of others, whether reflecting envy or aesthetic or 'moral' views are labeled 'interdependence effects' in the economic literature, and it is their recognition which can make utilitarianism an illiberal doctrine. If negative interdependence effects are taken into account in public policy, people will be penalized for carrying out private personal acts, which affect others only through thinking making it so.

MPP1-692 UTILITARIANISM IGNORES FAIR DISTRIBUTION

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.142-43

In this light, utilitarianism does emerge as absurdly primitive, and it is much too late in the day to be told that questions of equitable or inequitable distribution do not matter because utilitarianism has no satisfactory way of making them matter. On the criterion of maximizing average utility, there is nothing to choose between any two states of society which involves the same number of people sharing in the same aggregate amount of utility, even if in one of them it is relatively evenly distributed, while in the other a very small number of have a very great deal of it; and it is just silly to say that in fact there is nothing to choose here.

MPP1-693 UTILITARIANISM DOESN'T PRECLUDE GROSS INEQUALITY

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.47-48

So far we have suggested that rights are claims of privilege, asserting an inequality which, if justifiable at all, is justifiable in terms of majority interest. But is extreme inequality morally justified if it promotes the general welfare? If this were so, it would justify building the happiness of the majority on the sufferings of the minority. An example of this would be a society where there are a few slaves in proportion to the free community, and it seems that the majority of society will be more prosperous under this arrangement than if the slaves are freed. We would, however, be likely to criticize this society, on the grounds that it is UNJUST or inequitable; it therefore seems that we judge such situations not only in terms of the amount of benefit but also in terms of the way the benefit is distributed, and may prefer a situation where it is reasonably equally distributed to one where the total benefit is higher but the disparities between the best off and the worst off are great.

MPP1-694 UTILITARIANISM DOESN'T PRECLUDE GROSS INEQUALITY

Samuel Brittan, assistant editor, FINANCIAL TIMES of London, OXFORD ECONOMIC PAPERS, 1983, p.337

More fundamentally, to build a justification for the redistribution on the principle of diminishing marginal utility involves extremely questionable value judgments. For many policy purposes people have to be treated in broad categories. Policymakers can reasonably assume that a representative individual earning \$5,000 per annum will value an additional pound more than a representative person earning \$100,000 (The rich are different. They have more money.) But once we have knowledge of individual cases, it would be no surprise at all to find a particular poor man so physically handicapped or dispirited, and with so little power of enjoyment, that his welfare is little affected by changes in income over a considerable range. A particular rich man may be, on the other hand, a riotous liver with a huge unsatisfied capacity for enjoyment. Do we then make a reverse transfer from poor to rich?

MPP1-695 EQUALITY COMPETES WITH UTILITY AS VALUE

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, RESPECT FOR PERSONS, 1969, p.55

We then suggested another kind of claim which competes with and perhaps takes precedence over what one might call institutional claims, and modifies the claim of utility--namely, the claim of equality. This too can be expressed in the language of rights; it asserts that the right of every man to some basic necessities, however much society at large might benefit by depriving him of them, and it further asserts the right of everyone to equal treatment in all respects unless inequality can be justified by relevant differences. This demand for a minimum degree of equality in a system of social organization embodies the idea that each individual matters IN HIMSELF as a person quite apart from any special features which may distinguish him. Hence, equality, no less than utility, presupposes the principle of respect for persons.

MPP1-696 EQUALITY IS ALSO A VALID PRINCIPLE

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, RESPECT FOR PERSONS, 1969, p.48-49

We have raised the question of equal distribution of benefit in connexion with an institution or system of rights and duties, but the same question can arise in connexion with the consequences of an individual action; it sometimes seems that the best consequences overall can be secured only at the price of the suffering of a few. Again, it seems that in judging such situations we take account not only of the total of benefit but also of the way in which it is distributed. In short, we judge consequences not only by a principle of utility but also by a principle of equality.

MPP1-697 ETHICAL HEDONISM DOESN'T JUSTIFY THE GREATEST GOOD FOR THE GREATEST NUMBER

G.E. Moore, Professor of Philosophy, Cambridge University, PRINCIPIA ETHICA, 1903, p.107

Its best-known formula is that the result by which actions are to be judged is 'the greatest happiness of the greatest number.' But it is plain that, if pleasure is the sole good, provided the quantity be equally great, an equally desirable result will have been obtained whether it be enjoyed by many or by few, or even if it be enjoyed by nobody.

MPP1-698 UTILITARIANISM DOESN'T GIVE PERSONS EQUAL CONCERN

Samuel Freeman, Professor of Law, University of Pennsylvania, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.334

This indicates what is wrong with the common claim that utilitarians emphasize procedural equality and fairness among persons, not substantive equality and fairness in results. On the contrary, utilitarianism, rightly construed, emphasizes neither procedural nor substantive equality among persons. Desires and experiences, not persons, are the proper objects of equal concern in utilitarian procedures. Having in effect read persons out of the picture at the procedural end, before decisions on distributions even get underway, it is little wonder that utilitarianism can result in such substantive inequalities. What follows is that utilitarian appeals to democracy and the democratic value of equality are misleading. In no sense do utilitarians seek to give persons equal concern and respect.

MPP1-699 UTILITARIANISM RULES OUT NO ENDS AS INADMISSABLE

Samuel Freeman, Professor of Law, University of Pennsylvania, PHILOSOPHY AND PUBLIC AFFAIRS, Fall 1994, p.340

Moreover, once the principle of utility has been applied the balance of satisfactions decided, utilitarians even have a basis for encouraging some ends and traits of character, and discouraging others. But we have no way of knowing beforehand what these admissible and inadmissible ends and traits are. Whether toleration of diverse religious confessions, or nondiscrimination against racial minorities, are desirable or not is a factual question, wholly contingent on the content and weight of peoples' desires at the time. Nothing internal to the substantive content of the principle of utility restricts the ends that make up individual and collective good. Restrictions on ends that subsequently do arise are just those needed to maximize aggregate utility. This is a consequence of giving equal weight to equally intense interests? No concept of impermissible ends is defined, from the outset, by the utilitarian principle of right.

MPP1-700 UTILITARIANISM JUSTIFIES UTOPIAN ATROCITIES

Alasdair MacIntyre, professor of Social Philosophy, University of Essex, *A SHORT HISTORY OF ETHICS*, 1966, p.240

For by allowing the principle of utility to override our existing principles--such as that a man ought not to be hanged for a crime which he has not committed--we remove one more barrier to using the concept of the general happiness to license any enormity. That it can be so used has been amply demonstrated in this century; in particular the high-minded are apt to use totalitarianism as a justification to excuse their responsibility for involvement in the large-scale crimes of their societies, such as Auschwitz or Hiroshima.

MPP1-701 UTILITARIANISM JUSTIFIES UTOPIAN ATROCITIES

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.141

The problem of calculating probabilities is particularly troublesome when large-scale social movements are involved. Revolutionaries often believe that if only they had their way, the world would be a better place, and there would be no more hunger, no more injustice, and so on. Of course they first have to kill and imprison a few thousand people who might oppose them; but what's a few thousand when millions are going to be benefited? Fired up by this thought, they do undertake the means: some people are killed, others imprisoned, an a police state is formed ('only temporarily, of course') to get the Great Plan into action. But the glorious end that is envisioned never comes to pass (indeed, the planners usually have only the haziest idea of what it will be like). The evil has been done, but the good never comes from it; people have been sacrificed in vain.

MPP1-702 UTILITARIANISM JUSTIFIES RIGHTS VIOLATIONS

Donald Marquis, philosopher, University of Kansas, *AGING AND THE ELDERLY*, 1978, p.351

The difficulties with a utilitarian justification of policies of beneficence toward the elderly will come as no surprise to those familiar with the literature of moral philosophy. Although on the face of it the utilitarian principle seems to be a plausible first principle of ethics and although it promises a relief from an ethics of overly rigid rules, it appears to generate moral claims that are quite literally incredible. In particular, utilitarianism appears to generate 'obligations' that violate human rights.

MPP1-703 UTILITARIANISM JUSTIFIES RIGHTS VIOLATIONS

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.96

The moral to be drawn from this argument is that Utilitarianism is at odds with the idea that people have RIGHTS that may not be trampled on merely because one anticipates good results. This is an extremely important notion, which explains why a great many philosophers have rejected Utilitarianism. In the above cases, it is Ms. York's right to privacy that is violated; but it would not be difficult to think of similar cases in which other rights are at issue--the right to freedom of religion, to free speech, or even the right to life itself. It may happen that good purposes are served, from time to time, by ignoring these rights. But we do not think that our rights SHOULD be set aside so easily. The notion of a personal right is not a utilitarian notion. Quite the reverse: it is a notion that places limits on how an individual may be treated, regardless of the good purposes that might be accomplished.

MPP1-704 RIGHTS OUTWEIGH UTILITY

Ronald Dworkin, New York University law school, *TAKING RIGHTS SERIOUSLY*, 1978, p.269

If someone has a right to something, then it is wrong for the government to deny it to him even though it would be in the general interest to do so. This sense of a right (which might be called the anti-utilitarian concept of a right) seems to me very close to the sense of a right principally used in political and legal writing and argument in recent years. It marks the distinctive concept of an individual right against the State which is the heart, for example, of constitutional theory in the United States.

MPP1-705 RIGHTS OUTWEIGH UTILITY

Allen E. Buchanan, professor of philosophy, University of Arizona, *PHILOSOPHY AND PUBLIC AFFAIRS*, Winter 1984, p.56

Recent rights-theorists have also emphasized a third feature of rights, or at least of basic rights or rights in the strict sense: valid rights-claims 'trump' appeals to what would maximize utility. In other words, if A has a right to X, then the mere fact that infringing A's right would maximize overall utility or even A's utility is not itself a sufficient reason for infringing it.

MPP1-707 UTILITARIANISM VIOLATES KANTIAN MORALITY

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*. 1986 p.121

It is worth noting that Utilitarianism has been faulted for violating both of Kant's principles. There is nothing in the basic idea of Utilitarianism that limits punishment to the guilty, or that limits the amount of punishment to the amount deserved. If the purpose of punishment is to secure the general welfare, as Utilitarianism says, it could sometimes happen that the general welfare will be served by 'punishing' someone who has NOT committed a crime--an innocent person. Similarly, it might happen that the general welfare is promoted by punishing people excessively--a greater punishment might have a greater deterrent effect. But both of these are, on their face, violations of justice, which Retributivism would never allow.

MPP1-708 THE UTILITARIAN CALCULUS IS IMPOSSIBLE
J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.139

The utilitarian calculus is a myth, and not, I think, a helpful one. There are and no doubt always will be considerable differences between people about what they value or think worthwhile in human life, about what could be called their concepts of happiness or EUDAIMONIA; and if we say, with Aristotle, that everyone aims at EUDAIMONIA we run the risk of deceiving ourselves by a mere verbal trick into thinking that human purposes are more unitary than they are or ever will be.

MPP1-709 UTILITARIAN CALCULATIONS ARE TOO COMPLEX

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.174

For a practical estimate of the desirability of one action rather than another according to the utilitarian view, we would need to take into account not only the pleasantness or the consequences of the actions but also the probability of these consequences actually occurring. The figure for comparison would be theoretically the amount of unpleasantness can be measured as a number of units, and students of probability tell us that often no numerical value can be given to a probability; we can often say that one event is more probable than another but we can make no estimate of the degree of probability of either in a quantitative form.

MPP1-710 UTILITY IS TOO VAGUE A PRINCIPLE

John Rawls, professor of philosophy, Harvard, *A THEORY OF JUSTICE*, 1971, p.320

But to the extent that the principle of utility is given a role, the vagueness in the idea of average (or total) well-being is troublesome. It is necessary to arrive at some estimate of utility functions for different representative persons and to set up an interpersonal correspondence between them, and so on. The problems in doing this are so great and the approximations are so rough that deeply conflicting opinions may seem equally plausible to different persons.

MPP1-711 UTILITY DOESN'T PROVIDE A CLEAR DECISION PRINCIPLE

W.D. Ross, philosopher, Oxford, *THE RIGHT AND THE GOOD*, 1930, p.23-24

For when we have to choose between the production of two heterogeneous goods, say knowledge and pleasure, the 'ideal utilitarian' theory can only fall back on an opinion, for which no logical basis can be offered, that one of the goods is the greater; and this is no better than a similar opinion that one of two duties is the more urgent. And again, when we consider the infinite variety of the effects of our actions in the way of pleasure, it must surely be admitted that the claim which HEDONISM sometimes makes, that it offers a readily applicable criterion of right conduct, is quite illusory.

MPP1-712 LACK OF DATA UNDERMINES UTILITARIANISM

Bernard Williams, professor of philosophy, Cambridge, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.136-37

Again, utilitarianism has an appeal because it is, at least in its direct forms, a one-principle system which offers one of the simplest and most powerful methods possible for eliciting a result: its commitment in this regard can also be seen as minimal, in that it makes least demand on ancillary principles. It does, however make enormous demands on supposed empirical information, about people's preferences and that information is not only largely unavailable, but shrouded in conceptual difficulty; but that is seen in the light of a technical or practical difficulty, and utilitarianism appeals to a frame of mind in which technical difficulty, even insuperable technical difficulty is preferable to moral unclarity, no doubt because it is less alarming.

MPP1-713 MEASUREMENT PROBLEMS UNDERMINE UTILITARIANISM

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.35

This implies that whatever the good and the bad are, they are capable of being measured and balanced against each other in some quantitative or at least mathematical way. Jeremy Bentham recognized this most explicitly when he tried to work out a calculus of pleasures and pains using seven dimensions: intensity, duration, certainty, propinquity, fecundity, purity, and extent. John Stuart Mill, partly in reaction, sought to introduce quality as well as quantity into the evaluation of pleasures; but, if one does this, it is hard to see how the utilitarian standard is to be stated, and Mill never did make this clear. It follows from this understanding of utilitarianism that there are insuperable difficulties in the way of measuring and balancing goods and evils, and there certainly are difficulties, then this fact will constitute a serious objection to utilitarianism.

MPP1-714 PLEASURES CAN'T BE QUANTITATIVELY WEIGHED

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.172

There is no doubt that we often do compare two simple experiences with regard to the degree of their pleasantness. We say 'An apple is more pleasant to eat than a quince', or 'I enjoyed this novel more than that'. This does not mean however that a quantitative measurements can be made of units of pleasantness in the way that we measure weights or lengths in standard units.

MPP1-715 INTERSUBJECTIVE VALUE COMPARISONS ARE UNWORKABLE

William Lillie, professor of philosophy, King's College, *AN INTRODUCTION TO ETHICS*, 1957, p.174

The situation is even more complicated for the utilitarian than for the egoistic hedonist because the utilitarian has to consider not only the pleasant and unpleasant experiences resulting to one man from an action, but the pleasant and unpleasant experiences resulting to all men. And here there certainly can be no practical way of comparing the pleasantness and unpleasantness of two men. I can have no knowledge whether my neighbor's toothache feels more unpleasant to him than my toothache to me.

MPP1-716 INTERSUBJECTIVE VALUE COMPARISONS ARE UNWORKABLE

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.127

Again, is it really possible to measure quantities of pleasure and pain even for the same person at different times and in different sorts of experience? Is pleasure even sufficiently of the same category as pain to be measurable on the same scale and so to allow a quantity of one to balance a quantity of the other? Interpersonal measurement presents even greater difficulties, and the problem becomes still more acute if the pleasures and pains of non-human animals are taken into account. It can be argued that utilitarianism only appears to avoid the arbitrariness of some rival methods of ethics. It only pretends to provide a unitary decision procedure, and arbitrariness breaks out within any serious attempt to implement it, in whatever decisions are made in answer to some of these questions and in estimates of the comparative amounts of pleasure and pain that various courses of action will produce.

MPP1-717 CONSEQUENCES ARE HARD TO DETERMINE

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.162

The greatest hindrance to the usefulness of utilitarianism is the problems one often encounters in ascertaining the consequences of proposed courses of action. Utilitarians defend themselves by arguing that this difficulty is a limitation of human knowledge, not of utilitarian theory, but the end result is still that we often cannot determine what is right or wrong from a utilitarian standpoint.

MPP1-718 CONSEQUENCES ARE TOO HARD TO DETERMINE

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.126

The utilitarian's ability to resolve moral problems is limited, due to our ignorance of the full consequences of the general adoption of many moral rules.

MPP1-719 AGGREGATING GOODS AND HARMS IS IMMORAL

Hastings Center Research Group, *LIFE SPAN*, 1979, p.54

The aggregating tendency of the utilitarian formulas is a source of controversy, because adding fifty years to one life would be the same as adding ten years to five lives. If adding to the GNP were to be objective, adding \$100,000 for one individual would be the same as adding \$1,000 for one hundred individuals. There is substantial ethical doubt about the legitimacy of aggregating goods and harms for the purposes of public policy considerations.

MPP1-720 SPECIFIC RULES ARE MORE APPLICABLE THAN THE PRINCIPLE OF UTILITY

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.136

Conscientious feelings can attach themselves far more readily and more firmly to such specific rules as those of justice—for example, rules against invading what are recognized in a particular society as someone's rights, of keeping agreements, of not punishing the innocent, and in general of making judicial and other analogous decisions impartially, by reference to relevant considerations alone. There are then, good reasons why such specific rules, rather than a general utilitarian principle, should form the core of morality in the narrow sense.

MPP1-721 INTERPERSONAL COMPARISONS OF UTILITY ARE IMPOSSIBLE

Jonathan Glover, editor, *UTILITARIANISM AND ITS CRITICS*, 1990, p.3.

Some of the objections to utilitarianism are practical. It is said to be unworkable. We can predict only some of the consequences of our actions. We have no way of measuring happiness. We cannot say, for instance, that the birth of a child gives the parents three hundred and seven times the happiness they would get from a holiday in France. There are further difficulties about comparing the happiness of different people. The weighing of consequences seems more often a matter of vague intuition of scientific calculation.

MPP1-722 UTILITY AS RATIONAL PREFERENCE IS TOO VAGUE

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.16

This fourth account seems right—the chief human good is the satisfaction of rational preferences. But while this view is unobjectionable, it is extremely vague. It puts no constraints on what might count as 'utility'. Happiness at least had the merit of being in principle measurable. We all have a rough idea of what would increase happiness, what would increase the ratio of pleasurable to painful sensations. A pleasure machine would do that best. But once we view utility in terms of satisfying informed preferences, we have little guidance. For one thing, there are many different kinds of informed preferences, with no obvious way to aggregate them. How do we know whether to promote love, poetry, or pushpin if there is no single overarching value like happiness to measure them by? Moreover, how do we know what preferences people would have if they were informed and rational? For example, philosophers debate whether we should put less weight on desires we will have in the future. Is it irrational to care more about what happens to me today than about what will happen to me tomorrow? The issues involved are complex yet we need an answer in order to begin the utilitarian calculations.

MPP1-723 MODERN UTILITARIANISM IS APOLITICAL

Samuel Freeman, Professor of Law, University of Pennsylvania, *PHILOSOPHY AND PUBLIC AFFAIRS*, Fall 1994, p.331-2

The drift of modern utilitarian theory is just the other way: utilitarianism is not seen as a political doctrine, to be appealed to by legislators and citizens, but a nonpublic criterion of right that is indirectly applied [by whom is a separate issue] to assess the nonutilitarian public political conception of justice.

MPP1-724 MODERN UTILITARIANISM ISN'T A PRINCIPLE OF POLITICAL DECISION MAKING

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.45-6

As a result, modern utilitarians downplay the extent to which utilitarianism should be used as a critical principle, or as a principle of political evaluation at all. Some utilitarians say we should only resort to utilitarian reasoning when our everyday precepts lead to conflicting results; others say that the best world, from a utilitarian point of view, is one in which no one ever reasons in an explicitly utilitarian manner. Williams claims that this sort of utilitarianism is self-defeating—it argues for its own disappearance. This is not self-defeating in the technical sense, for it does not show that the morally right action is not, after all, the one that maximizes utility. But it does show that utilitarianism is no longer being offered as the correct language for political debate. Politics should be debated in the non-utilitarian language of everyday morality—the language of rights, personal responsibilities, the public interest, distributive justice, etc. Utilitarianism, on some modern views of it, leaves everything as it is—it stands above, rather than competes with, everyday political decision-making.

MPP1-725 SOPHISTICATED UTILITARIANISM DOESN'T YIELD CLEAR POLITICAL PRINCIPLES

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.47

Modern utilitarians are right to insist that utility is not reducible to pleasure, and that not all kinds of utility are measurable or commensurable, and that it is not always appropriate even to try to measure these utilities. However, the price of this added sophistication is that utilitarianism does not immediately identify any set of policies as distinctly superior. Modern utilitarianism, despite its radical heritage, no longer defines a distinctive political position.

MPP1-726 UTILITARIANISM YIELDS FUNDAMENTALLY OPPOSED JUDGEMENTS

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.46
 The problem is that 'the winds of utilitarian argumentation blow in too many directions' (Sher 1975: 159). For example, while some utilitarians argue that utility is maximized by massive redistribution of wealth, due to the declining marginal utility of money, others defend laissez-faire capitalism because it creates more wealth. This is not just a question of predicting how different economic policies fare in terms of an agreed-upon scale of utility. It is also a question about how to define the scale-what is the relationship between economic goods and other components of the human good (leisure, community, etc.)? It is also a question of the role of utility calculations themselves-how reliably can we determine overall utility, and how important are established conventions? Given these disagreements about how and when to measure utility, utilitarianism is bound to yield fundamentally opposed judgements.

MPP1-727 CONTEMPORARY UTILITARIANISM REINFORCES SOCIAL CONFORMITY

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.45
 Contemporary utilitarians, on the other hand, are 'surprisingly conformist'-in fact they seem keen to show that utilitarianism leaves everything as it is (Williams 1972: 102). Whereas the original utilitarians were willing to judge existing social codes at the altar of human well-being, many contemporary utilitarians argue there are good utilitarian reasons to follow everyday morality uncritically. It may seem that we can increase utility by making exceptions to a rule of everyday morality, but there are utilitarian reasons for sticking to good rules under all circumstances. And even if it seems that the everyday rule is not a good one in utilitarian terms, there are utilitarian reasons for not evaluating rules in terms of utility. It is difficult to predict the consequences of our actions, or to measure these consequences even when known. Hence our judgements about what maximizes utility are imperfect, and attempts to rationalize social institutions are likely to cause more harm than good. The gains of new rules are uncertain, whereas existing conventions have proven value (having survived the test of cultural evolution), and people have formed expectations around them. Moreover, acting directly on utilitarian grounds is counterproductive, for it encourages a contingent and detached attitude towards what should be whole-hearted personal and political commitments.

MPP1-738 THERE ARE NO PURELY SELF-REGARDING ACTS

Amitai Etzioni, George Washington University Government Professor, *THE SPIRIT OF COMMUNITY*, 1993, p.8
 Reckless individuals, however, do not absorb many of the consequences of their acts. Drivers without seat belts are more likely than those wearing belts to lose control of their cars in an accident and hurtle into others. They are also more likely to die and leave their children for society to attend to and pick up the pieces. And, of course, they draw on our community resources, from ambulance services to hospitals, when they are involved in accidents, for which they pay at best a fraction of the cost. To insist that people drive safely and responsibly is hence a concern for the needs of others and the community; there is no individual right that automatically trumps those considerations.

MPP1-739 MILL'S DISTINCTION BETWEEN SELF AND OTHER-REGARDING ACTS IS INVALID

Robert Paul Wolff, Professor of Philosophy, University of Massachusetts, *THE POVERTY OF LIBERALISM*, 1968, p.23-4

The key to the distinction in Mill's several discussions is the term "interest." I am liable to others when I affect their "interests." Society may interfere only in those areas of my life in which it has or takes, an interest. Now this distinction between those aspects of my life which affect the interests of others, and those aspects in which they do not take an interest, is extremely tenuous, not to say unreal, and Mill does nothing to strengthen it. Mill takes it as beyond dispute that when Smith hits Jones, or steals his purse, or accuses him in court, or sells him a horse, he is in some way affecting Jones' interests. But Mill also seems to think it obvious that when Smith practices the Roman faith, or reads philosophy, or eats meat, or engages in homosexual practices, he is not affecting Jones' interests. Now suppose that Jones is a devout Calvinist or a principled vegetarian. The very presence in his community of a Catholic or a meat-eater may cause him fully as much pain as a blow to the face or the theft of his purse. Indeed, to a truly devout Christian a physical blow counts for much less than the blasphemy of a heretic. After all, a physical blow affects my interests by causing me pain or stopping me from doing something that I want to do. If the existence of ungodly persons in my community tortures my soul and destroys my sleep, who is to say that my interests are not affected? Since Mill himself assigns the pleasures and pains of the soul a superior rank over those of the body, he is hardly in a position to deprecate the spiritual suffering which the atheist by his mere existence inflicts upon the devout.

MPP1-740 IT ISN'T CLEAR EMPIRICALLY THAT TRUTH DEFEATS FALSEHOOD

Frederick Schauer, College of William and Mary Law Professor, *FREE SPEECH: A PHILOSOPHICAL ENQUIRY*, 1982 p.25
 Mill, Popper, and their followers have refined the argument from truth by explaining how knowledge is more likely to be gained in a society in which all views can be freely expressed. But they have still neglected the critical question--does truth, when articulated, make itself known? Does truth prevail when placed side-by-side with falsity? Does knowledge triumph over ignorance? Are unsound policies rejected when sound policies are presented? The question is whether the theory accurately portrays reality. It does not follow as a matter of logical entailment that truth will be accepted and falsehood rejected when both are heard. There must be some justification for assuming this to be an accurate description of the process, and such a justification is noticeably absent from all versions of the argument from truth.

MPP1-741 FREE SPEECH DOESN'T ADVANCE SCIENTIFIC KNOWLEDGE

Robert Paul Wolff, University of Massachusetts Philosopher, *THE POVERTY OF LIBERALISM*, 1968, p.15

The case of scientific knowledge also poses some problems for Mill's thesis. There is no doubt that the advance of science benefits humanity, excepting of course the development of weapons of mass destruction. But it is not so clear that scientific research demands an absolute freedom of speech and debate. Rather the evidence suggests that certain kinds of unfreedom place no obstacle in the way of science, while other kinds may indeed completely stifle fruitful investigations.

MPP1-742 SUPPRESSING OUTMODED SCIENTIFIC THEORIES DOESN'T HURT TRUTH

Robert Paul Wolff, University of Massachusetts Philosopher, *THE POVERTY OF LIBERALISM*, 1968, p.16

But it is not at all clear that any material harm can be expected from the suppression of those discarded theories which have been bypassed, and which are studied now only by philosophers or historians of science. Science is notoriously intolerant of its own history. No serious student of physics or astronomy wastes his time studying the writings of Aristotle, Ptolemy, or even Copernicus, Galileo, and Newton. Does anyone suppose that a bright young physicist must keep his belief in quantum mechanics alive by periodically rehearsing the crucial experiments which first gave rise to it? Is there a working chemist today who has at his fingertips the refutation of the phlogiston theory of combustion?

MPP1-743 SUPPORTING ABSURD VIEWS DOESN'T ADVANCE SCIENCE

Robert Paul Wolff, University of Massachusetts Philosopher, *THE POVERTY OF LIBERALISM*, 1968, p.16-7

Orthodox science is 'established' in our society in just the way that particular religious creeds have been established in earlier times. The received doctrine is taught in the schools, its expounders are awarded positions, fellowships, honors, and public acclaim; dissenting doctrines, such as systems of astrology, phrenology, divining, or clairvoyance, are excluded from places of instruction, denied easy access to media of communication, officially ridiculed, and--in the case of medical practices--even prohibited by law from translating their convictions into action. Despite these restrictions, which in the case of religion are taken as the very stigmata of an unfree society, science flourishes and human happiness is advanced. It is hard to believe that even the most dedicated liberal will call for the establishing of chairs of astrology in our astronomy departments, or insist that medical schools allot a portion of their curriculum to the exposition of chiropractic in order to strengthen our faith in the germ theory of disease.

MPP1-744 FREE SPEECH DOESN'T ADVANCE POLITICAL KNOWLEDGE

Robert Paul Wolff, Professor of Philosophy, University of Massachusetts, *THE POVERTY OF LIBERALISM*, 1968, p.18

The doctrine of freedom of speech finds its natural application in distinctively political goals of collective social action. But it is not to assist the advance of knowledge that free debate is needed. Rather, it is in order to guarantee that every legitimate interest shall make itself known and felt in the political process.' Every party to the decisions of government -which is to say, every citizen-must have the opportunity to argue his case and bring his pressure to bear. A voice silenced is a grievance unredressed or an interest denied a measure of satisfaction. Justice, not truth, is the ideal served by liberty of Speech. Indeed, it is just because norms and goals are not objects of knowledge, but rather of choice, that the greatest freedom of discussion with regard to them is necessary.

MPP1-745 NUCLEAR WEAPONS PROVE KNOWLEDGE ISN'T ALWAYS GOOD

Robert Paul Wolff, University of Massachusetts Philosopher, THE POVERTY OF LIBERALISM, 1968, p.11

Lest this dispute appear a quibble, we might reflect that only twenty-five years ago, a number of the world's leading nuclear physicists seriously debated whether it was possible and desirable to forestall the development of nuclear weapons by banding together in a league of silence. Leo Szilard sought to persuade his fellow scientists in the interests of humanity deliberately to refrain from pursuing the lines of investigation which, they had every reason to suspect, would shortly lead to the discovery of a practicable means for triggering a nuclear fission reaction. Szilard may have been too optimistic about his colleagues' ability to halt a major improvement in physics, but it is a matter of historical fact that they made their recommendations to proceed to President Roosevelt only because of their belief that key German physicists had already begun the race for the uranium bomb. When we consider the history of the past quarter-century, can we so readily echo Mill's confidence that the advance of knowledge serves the enlightened interests of humanity?

MPP1-746 UTILITARIANISM DOESN'T JUSTIFY FREE SPEECH

Robert Paul Wolff, University of Massachusetts Philosopher, THE POVERTY OF LIBERALISM, 1968, p.10-1

Now the paradox is clear. In order to decide, whether we should permit the growth of empirical knowledge, we must settle a question which is itself empirical, and hence a very part of that knowledge whose value we are attempting to estimate. If we allow the question to remain open until it has been decisively settled, then by that very postponement of decision we have come down on the side of advance of knowledge. On the other hand, if we close off investigation and opt for a static society, we deny ourselves additional data with which to improve our judgment on the issue. In short, so long as we restrict ourselves to the principle of utility, we cannot deal consistently with the question of the relation between knowledge and happiness. Hence, Mill's entire argument rests on an article of faith for which he advances no argument, and for which no utilitarian argument could suffice.

MPP1-747 UTILITARIANISM DOESN'T NECESSARILY JUSTIFY INCREASING KNOWLEDGE

Robert Paul Wolff, University of Massachusetts Philosopher, THE POVERTY OF LIBERALISM, 1968, p.10

Either an increase in knowledge tends toward an increase in human happiness, or it does not. If it does, then we ought to promote the growth of knowledge; if it does not, then we should stifle knowledge and strive to maintain a condition of happy ignorance. Now, the relation of knowledge to happiness is a matter of fact, not of principle, and cannot definitively be settled at any point in time. Hence, when we leave off speculating and make a social decision whether to allow free inquiry, we must perforce base our decision on provisional information. If the preponderance of evidence suggests that knowledge causes more unhappiness than it alleviates, then on utilitarian principles we ought to close down the research laboratories and universities, and content ourselves with repeating the old truths.

MPP1-748 MILL FAILS TO SHOW KNOWLEDGE MAKES PEOPLE HAPPY

Robert Paul Wolff, University of Massachusetts Philosopher, THE POVERTY OF LIBERALISM, 1968, p.9

The entire case, it will be remembered, is to rest on the estimation of future consequences and their tendency to promote the happiness or unhappiness of the members of society. The proof depends upon the premise, unmentioned by Mill but clearly essential for the argument, that knowledge makes men happy. This Baconian presupposition must underlie any utilitarian defense of free speech which does not content itself with pointing to the pleasure derived merely from speaking one's mind. If knowledge does not tend to increase human happiness, then of course there is no possible utilitarian ground for protecting the institutions which conduce to the discovery of new truths. Inasmuch as there is an old Christian tradition, according to which man's unhappiness in this world stems from his defiant tasting of the fruit of the tree of knowledge, one might expect Mill to make some effort to prove that knowledge brings happiness. Unfortunately, he makes no such attempt.

MPP1-749 BELIEF THAT FREEDOM ENHANCES SOCIAL WELFARE IS UNPROVEN

Robin Barrow, University of Leicester Lecturer in Philosophy of Education, UTILITARIANISM AND EDUCATION, 1975 p.118

Now certainly the Nazis inculcated (by non-rational means) beliefs which cannot be proved to be true, and which formed part of a system, most notably the belief that the Aryans were born to rule the world; likewise the Catholics teach that only Catholics shall enjoy God's grace in the fullness of time as a lynch pin to a whole system of ideas that has obvious repercussions on life. But Wilson's belief that it is wrong to brainwash people to believe in communism is itself merely part of the liberal-democratic ideology: a system of ideas based on the unsubstantiated lynch-pin that 'Freedom is a necessary condition for social and individual progress for the expansion and development of a personality or a society.'

MPP1-750 FREE SPEECH ISN'T KEY TO HAPPINESS

Frederick Schauer, College of William and Mary Law Professor, *FREE SPEECH: A PHILOSOPHICAL ENQUIRY*, 1982, p.49
 The view of freedom of speech as an intrinsic good is most commonly articulated in terms of a particular perception of human nature, and a particular perception of the ideal aspirations of mankind. This approach sees man as continually striving for improvement and self-development, and it sees free communication as an integral part of this objective. But this argument is fundamentally misguided. Equating freedom of speech with happiness, or holding it essential to pleasure, is simply false. Many people indeed believe that freedom to express their opinions is a primary component of their happiness. But others are as likely to be satisfied with other freedoms, or prefer the security or intellectual anesthesia that accompanies rigid controls on expression. The warning of the Grand Inquisitor in *THE BROTHERS KARAMAZOV* demands respect. It is not a necessary truth that people equate happiness with freedom in a broad sense. To equate happiness with a particular type of freedom is even less warranted.

MPP1-751 INFORMED CHOICE MAY NOT ENHANCE HAPPINESS

Robin Barrow, University of Leicester Lecturer in Philosophy of Education, *UTILITARIANISM AND EDUCATION*, 1975, p.98

Clearly, Mill believes that a society is better off, if people do the right thing because they understand what they are doing. But if the principle of utility is really to be the ultimate appeal on all ethical questions his belief may well be incorrect. If people do the right thing (i.e. that which most effectively contributes to the general happiness) it makes no difference whether they do it by habit or on sound and deliberate calculation, unless it can be shown that people are unhappy when they act on habit.

MPP1-752 LIMITS ON FREEDOM ENHANCE UTILITY

Robert Paul Wolff, Professor of Philosophy, University of Massachusetts, *THE POVERTY OF LIBERALISM*, 1968, p.29
 So the question becomes this: taking into consideration all the evidence of past social experiments in constraint and freedom, and weighing as accurately as possible the probable consequences of alternative courses of social action, is the totality of happiness in our society likely to be greater if society interferes with the private lives and personal choices of its members, or if it keeps hands off and allows each man to live his own life as he sees fit? So long as we confine ourselves to a case-by-case consideration of individuals, it seems plain that a bit of judicious meddling would considerably reduce the pain which imprudent persons inflict upon themselves; and of course, in the felicific calculus, a pain avoided is as good as a pleasure engendered.

MPP1-753 THE VALUE OF ORIGINALITY MUST BE JUDGED BY ITS CONSEQUENCES

Robin Barrow, University of Leicester Lecturer in Philosophy of Education, *UTILITARIANISM AND EDUCATION*, 1975, p.103

If originality is in itself good, then we are faced with the proposition that an individual is better than his neighbor in so far as he finds a novel way of being different to him. Since one presumes that Popper does not advocate this view (he certainly produces no argument for it), one must conclude that he values originality, like Mill, because he believes that a society that encourages originality will in fact be likely to produce worthwhile original ideas; but in this case, since we are distinguishing between worthwhile and unwholesome original ideas, the criteria for judging something worthwhile cannot involve the originality. Therefore freedom cannot be commended simply on the grounds that it leads to originality.

MPP1-754 GREAT ACHIEVEMENTS DON'T NECESSARILY LEAD TO HAPPINESS

Robin Barrow, University of Leicester Lecturer in Philosophy of Education, *UTILITARIANISM AND EDUCATION*, 1975, p.98

Emotionally this may sound attractive, but it is questionable whether much of it is entirely consistent with utilitarianism. The appeal for the accomplishment of great things resounds finely, but one would like to know what a great thing is, and whether it is necessary for the maximization of happiness. I do not know what sort of things Mill regards as great, but if happiness is to be our test, there is surely no reason to suppose that any of the things one might regard as great achievements, artistic or scientific, have made the world better. I question whether, for example, as a result of the Mona Lisa, the RING, the motor car and penicillin, people are necessarily any happier today than they were in fifth century Greece; this is because happiness is not dependent on any necessary conditions, as we have seen. Consequently, whatever attractions 'great achievements' may have for some of us, however much you or I need the motor car or the National Gallery for our happiness, there is no necessary need for these things for a happy community.

MPP1-755 MILL OVERSTATES THE VALUES OF GENIUS AND THE VALUE OF FREEDOM

Robin Barrow, University of Leicester Lecturer in Philosophy of Education, *UTILITARIANISM AND EDUCATION*, 1975, p.98

Mill's own highly individual personality seems to have led him to believe that we ought to have persons of genius in a society, and therefore 'ought to preserve the soil in which they grow. Genius can only breathe freely in an atmosphere of freedom'. By 'genius', Mill seems to mean primarily artistic genius, and it is obviously, at best, highly debatable whether such genius contributes enough to maximize happiness against the losses incurred in other respects by the preservation of a soil fit for it to grow in; there is also the empirical question of whether it is true that genius needs an atmosphere of freedom. To argue that it does presumably involves the claim that if there is any genius in the world today, it is not to be found in the work of Shostakovich and Rostropovich. Perhaps it also implies that the work of Homer, Michelangelo and Mozart is not the work of genius, since these artists worked within the framework of relatively closed societies, even turning out their accomplishment to commission.

MPP1-756 SOCIAL LIMITS BEST ENHANCE INDIVIDUALITY

Robert Paul Wolff, Professor of Philosophy, University of Massachusetts, *THE POVERTY OF LIBERALISM*, 1968, p.26-7

Even assuming that we can draw a sharp line between inner and outer, will we maximize happiness by resolutely refusing to place constraints upon the most destructive actions, so long as they are self-destructive, and hence harmful only to the agent himself? Indeed, we may wonder whether the absence of all constraint is conducive to the development of individuality itself, or whether perhaps judicious social limitations upon individual action might not actually be a better way of nurturing a truly autonomous person.

MPP1-757 UTILITARIAN ARGUMENTS CAN'T JUSTIFY ABSOLUTE SPEECH RIGHTS

Robert Paul Wolff, University of Massachusetts Philosopher, *THE POVERTY OF LIBERALISM*, 1968, p.12

Mill's arguments, like all utilitarian calculations of effects, are estimates of probable future consequences. Since such estimates rest upon past experience, it may be that we are one hundred years later, in a somewhat better position than Mill to judge the usefulness of unconstrained discussion as a spur to the advance of knowledge. Needless to say, even now our conclusions can only be tentative, for as Mill himself repeatedly reminds us in his *LOGIC*, empirical judgments are never certain. Indeed, we may wonder how Mill hoped to ground an absolute prohibition against the limitation of speech on merely conditional and probabilistic arguments.

MPP1-758 A CONSEQUENTIALIST VIEW OF FREE SPEECH JUSTIFIES SITUATIONAL LIMITS

Stanley Fish, Professor of Law and English at Duke University, *THERE'S NO SUCH THING AS FREE SPEECH*, 1994, p.14
What this means is that insofar as you hold to a consequentialist view of free speech--insofar as you have an answer to the question 'What is free speech for?' -- you are already committed to finding in a particular situation that that means in turn is that there is no such thing as free speech, because from the very start your sense of just how free speech should be is shadowed by your identification of, and obligation to, the good in whose name acts of speech are to be justified. 'Free speech' always means for consequentialists 'free speech so long as it furthers rather than subverts our core values': and when an exception to a free-speech policy is made, it is not an anomaly or an afterthought but a continuation of the logic that has ruled the policy from the beginning.

MPP1-759 MILL'S ARGUMENT ONLY JUSTIFIES BASIC LIBERTIES

David Brink, Professor of Philosophy, MIT, *PHILOSOPHY AND PUBLIC AFFAIRS*, Winter 1992, p.89

It would also seem that we can and should distinguish liberties that are central to the exercise of higher capacities from those that are not. For instance, restrictions on speech, writing, worship, association, and choice of profession violate liberties that are much more important than those restricted, say, by seat belt laws or traffic regulations, because the former restrict our practical deliberation about the sort of persons we will be, and so the exercise of our rational capacities, in much more significant ways than the latter restrictions do. If so, some liberties are more important than others, and it is these basic liberties, rather than liberty per se, that Mill's arguments defend.

MPP1-760 MILL'S ARGUMENT DOESN'T JUSTIFY UNRESTRICTED FREEDOM

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.88-9

As long as people have some rational capacities, Mill can claim that it is valuable that they be exercised, and this requires various freedoms of thought and action. This does not imply that everyone should have unrestricted freedom. Freedom can still be restricted when its exercise would harm important interests of others (harm principle) and perhaps when its exercise would cause substantial or irreversible self-injury or would otherwise substantially compromise the agent's ability to exercise her practical reason effectively in the future (weak paternalism). Mill is forced to qualify his blanket prohibition on paternalism in these ways in order to maintain his claim that no one should be free to sell herself into slavery: The ground for thus limiting his power of voluntarily disposing of his own lot is apparent, and is very clearly seen in this extreme case. . . . [B]y selling himself for a slave, he abdicates his liberty; he foregoes any future use of it beyond that single act. He, therefore, defeats in his own case, the very purpose which is the justification of allowing him to dispose of himself. (OL, V I I) Because it is the importance of exercising one's deliberative capacities that explains the importance of certain liberties, the usual reason for recognizing liberties provides an argument against extending liberties to do things that will permanently undermine one's future exercise of those same capacities.

MPP1-761 MILL'S CONCLUSIONS NEED TO BE QUALIFIED

David Brink, Professor of Philosophy, MIT, PHILOSOPHY AND PUBLIC AFFAIRS, Winter 1992, p.91-2

Thus, a proper understanding of Mill's defense of liberty requires us to modify or better articulate some of his conclusions. Paternalism is not always impermissible; weak paternalism is defensible. The harm principle is not the sole legitimate ground for restricting liberty; various forms of social welfare legislation are acceptable. And there are rights to basic liberties, but no right to liberty per se. These claims should seem well motivated once the nature of Mill's argument and its appeal to deliberative capacities is understood.

MPP1-762 UTILITARIANISM JUSTIFIES PATERNALISM Richard Wasserstrom, UCLA Philosopher, MORALITY AND THE LAW, 1971, p.2-3

Mill was not without his critics, even in his own time. The most famous of his contemporary opponents was Sir James Fitzjames Stephen, a distinguished historian and commentator upon the criminal law. Fourteen years after the appearance of ON LIBERTY, Stephen's book, LIBERTY, EQUALITY, FRATERNITY, was published. Its expressed central objective was to refute the fundamental theses of ON LIBERTY. Stephen's criticism of Mill was that the inappropriate uses of compulsion by society upon an individual could not be determined simply by deciding whether the individual's conduct was harmful to others. 'To me,' said Stephen, 'the question whether liberty is a good or a bad thing appears as irrational as the question whether fire is a good or a bad thing. It is both good and bad according to time, place, and circumstances...' 'If...the object aimed at is good, if the compulsion employed such as to attain it, and if the good obtained overbalances the inconvenience of the compulsion itself, I do not understand how, upon utilitarian principles, the compulsion can be bad.' This applies, Stephen argued, both to regulation of thought and discussion and to the regulation of morals, whether undertaken by public opinion or by the law. In particular, insisted Stephen, in the area of immoral behavior, the punishment of the grosser forms of vice constituted as legitimate an objective as did the prevention of harm to others.

MPP1-763 BENTHAM WAS A PATERNALIST

James Bakalar and Lester Grinspoon, Harvard Medical School Psychiatry Professors, DRUG CONTROL IN A FREE SOCIETY, 1988, p.2

Bentham had no objection to the exercise of paternalistic authority. He did not regard liberty as a good in itself, but only as a political instrument that was of value wherever it helped to achieve the overriding goal of the greatest happiness for the greatest number. He did not hesitate to recommend laws to prevent self-inflicted injury and punishment for what he called 'self-regarding' crimes.

MPP1-764 CONSENSUS AGREES THAT UTILITARIAN ARGUMENTS AGAINST PATERNALISM

Douglas Husak, Philosopher at Rutgers University, PHILOSOPHY AND PUBLIC AFFAIRS, 1980, p.27

It also is fair to say that most critics of paternalism have abandoned the attempt to formulate utilitarian objections to paternalism. It seems beyond dispute that many paternalistic interferences promote the good or welfare of the agent who is coerced, and do so without introducing disadvantages that outweigh the benefits. John Stuart Mill's ON LIBERTY, is thought to contain several utilitarian arguments showing that a great number of paternalistic interferences are unjustified. Yet the prospects of formulating a general utilitarian case against paternalism appear so remote that many philosophers who combine sympathy for Mill with an anti-paternalistic bias are prepared to read much of ON LIBERTY as a curious departure from utilitarianism.

MPP1-765 MILL'S ARGUMENTS REALLY SUPPORT SOFT PATERNALISM

Alan Goldman, University of Miami Philosopher, PHILOSOPHICAL TOPICS, Spring, 1990, p.65-6

Mill's two main arguments in ON LIBERTY establish that, at most, we are justified in soft paternalism toward individuals. It is an interesting debate whether they support the absolute prohibition against paternalism that he explicitly endorses in the beginning of the work, or whether, in light of the exceptions that he later allows a soft paternalistic stance is more in the spirit of his arguments. Our view is that they while the arguments can be taken to support the absolute prohibition, they, when taken with the exceptions he allows and when suitably corrected for factual errors, better support the soft paternalist's position.

MPP1-766 EVEN MILL ACCEPTS SOME PATERNALISTIC INTERVENTION

Joel Feinberg, University of Arizona Philosopher, RIGHTS, JUSTICE AND THE BOUNDS OF LIBERTY, 1980, p.122-3

Mill's earlier argument, if I understand it correctly, implies that a man should be permitted to mutilate his body, take harmful drugs, or commit suicide, provided only that his decision to do these things is voluntary and no other person will be directly and seriously harmed. But voluntarily acceding to slavery is too much for Mill to stomach. Here is an evil of another order, he seems to say; so the 'harm to others' principle and the VOLENTI maxim come to their limiting point here, and paternalism in the strong sense (unmediated by the voluntariness test) must be invoked, if only for this one kind of case.

MPP1-767 EVEN MILL MAKES EXCEPTIONS TO STRICT ANTI-PATERNALISM

Alan Goldman, University of Miami Philosopher, PHILOSOPHICAL TOPICS, Spring, 1990, p.66

The exceptions that Mill allows include restraining a person from crossing an unsafe bridge until he can be apprised of the danger, acting paternalistically toward children and incompetents, and refusing to honor contracts of individuals to sell themselves into slavery. The first disallows at least some free actions based on apparent error when the risks are sufficient; the second allows paternalism toward those who are incapable of rational choice, incapable of acting in accord with settled preferences and orderings among them; and the third allows a restraint on freedom in the name of maximizing longer run freedom for the individual.

MPP1-768 MILL'S LIBERATARIANISM ISN'T CONSISTENT WITH HIS UTILITARIANISM

Gerald Dworkin, MIT Philosopher, in MORALITY AND THE LAW, Ed. Richard Wasserstrom, 1971, p.117

As a Utilitarian, Mill has to show, in Fitzjames Stephen's words, that: 'Self-protection apart, no good object can be attained by any compulsion which is not in itself a greater evil than the absence of the object which the compulsion obtains.' To show this is impossible one reason being that it isn't true. Preventing a man from selling himself into slavery (a paternalistic measure which Mill himself accepts as legitimate), or from taking heroin, or from driving a car without wearing seat-belts may constitute a lesser evil than allowing him to do any of these things. A consistent Utilitarian can only argue against paternalism on the grounds that it (as a matter of fact) does not maximize the good. It is always a contingent question that may be refuted by the evidence.

MPP1-769 MILL'S PRINCIPLE ISN'T UTILITARIAN

Richard Arneson, University of California-San Diego Philosopher, REVUE INTERNATIONALE DE PHILOSOPHIE, 1989, p.409-410

In ON LIBERTY Mill attempted to develop a utilitarian argument for the liberty principle but critics have insisted that either the argument, if it is genuinely utilitarian, doesn't work, or if it does work, then it isn't genuinely utilitarian.

MPP1-770 MILL'S ARGUMENT RESTS ON A CONCEPT OF HUMAN AUTONOMY

Gerald Dworkin, MIT Philosopher, in MORALITY AND THE LAW, Ed. Richard Wasserstrom, 1971, p.117

When Mill states that 'there is a part of the life of every person who has come to years of discretion, within which the individuality of that person ought to rein uncontrolled either by any other person or by the public collectively,' he is saying something about what it means to be a person, an autonomous agent. It is because coercing a person for his own good denies this status as an independent entity that Mill objects to it so strongly and in such absolute terms. To be able to choose is a good that is independent of the wisdom of what is chosen. A man's 'mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode.' It is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way.

'MPP1-771 MILL'S PRINCIPLES DON'T APPLY TO WHOLE RANGE OF PATERNALIST LAWS

James Bakalar and Lester Grinspoon, Harvard Medical School Psychiatry Professors, *DRUG CONTROL IN A FREE SOCIETY*, 1988, p.13

Whether they speak of positive liberty or external harm, the critics of Mill's principle are making an important point. In modern societies many laws, including some of which almost everyone approves can be regarded as violating Mill's principle on Mill's interpretation of it. As Green points out, the principle is much too broad even to fit our commonsense notions of what is paternalistic. The laws that govern building inspection, practicing medicine without a license, minimum wages, consent as a defense in assault charges, the dispensing of prescription drugs, seat belts in cars, gambling obscenity, prostitution, swimming in public pools without lifeguards, laetrile, food additives, dueling, suicide, and selling oneself into slavery have little in common. They cover very different areas of social life, they were established in very different circumstances, and they are enforced in very different ways. Some deal with what we ordinarily call consensual crimes, and others do not; some would be regarded as paternalistic by most people, and others would not. It is true that all of these laws involve or might involve violations, modifications, or qualifications of Mill's principle, but that does not tell us much about them, and it gives little guidance to legislators or the public. Knowing how to regulate minimum wages, dueling, or the use of swimming pools hardly helps in handling the problem of recreational drug use.

MPP1-772 MILL OVERRATED HUMAN RATIONALITY

Gerald Dworkin, MIT Philosopher, in *MORALITY AND THE LAW*, Ed. Richard Wasserstrom, 1971, p.115

Even so sympathetic a critic as H.L.A. Hart is forced to the conclusion that: In chapter 5 of his essay *ON LIBERTY* Mill carried his protests against paternalism to lengths that may now appear to us as fantastic...No doubt if we no longer sympathize with this criticism this is due, in part, to a general decline in the belief that individuals know their own interest best. Mill endows the average individual with 'too much of the psychology of a middle-aged man whose desires are relatively fixed, not liable to be artificially stimulated by external influences; who knows what he wants and what gives him satisfaction or happiness; and who pursues these things when he can.'

MPP1-773 BENEVOLENCE JUSTIFIES PATERNALISM

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.90-1

According to my lights, the motive for adopting the consequentialist stance as I have characterized it is benevolence. To do what is moral is to do what is required by enlightened benevolence (or love, care, agape, or some other such traditional label). Benevolence is relevant to paternalism in two ways. (a) It is the motive of the paternalist (by definition, she wishes to promote the welfare of the subject). (b) It is the ultimate reason for specific rules for paternalism (adherence to them would promote practices that maximize and fairly distribute goods in the moral community and hence the motive for adhering to them is desire for the well-being of members of the community.)

MPP1-774 PATERNALISTIC LAWS HAVE MINIMAL COSTS AND LARGE BENEFITS

Alan Goldman, University of Miami Philosopher, *PHILOSOPHICAL TOPICS*, Spring, 1990, p.73

We have not yet succeeded in justifying paternalistic laws. But if we are to grasp one horn of the dilemma for the soft paternalist in regard to these laws (and the inadequacy of private enforcement prevents us from slipping between the horns), then it surely must be that which supports at least some paternalistic legislation. What makes this horn less objectionable is the fact that the impositions imposed on the minority by laws that are not soft toward them may nevertheless be minor. Barring bizarre religious objections, wearing seat belts, for example, can be no more than an inconvenience even for those who would somehow voluntarily assume the increased risks from traveling without them. (Perhaps they would so choose to enhance a macho image central to their self-perceived identities, but then there would remain in the face of seat belt laws other means of mainstreaming this self-image.) And if (counterfactually) office visits to physicians could be held to reasonable prices, then having to consult a doctor for a prescription before taking drugs would also qualify as mere inconvenience. On the other side, we have noted that a total ban on paternalistic legislation would result in severe harm to members of the majority toward whom such laws would be soft and hence required by our earlier arguments.

MPP1-775 PATERNALISTIC LAWS JUSTIFIED IF THEY DON'T VIOLATE A CENTRAL VALUE

Alan Goldman, University of Miami Philosopher, PHILOSOPHICAL TOPICS, Spring, 1990, p.74

For our purposes we may define an inconvenience as an imposition that does not violate a central value of the agent. A person who chooses not to wear a seat belt and does so truly voluntarily may not value his life as highly as others value theirs, but he does not hereby express a central positive value that is at stake in the decision, that could not be maintained in some other way with only minor inconvenience (once more without sacrificing a central value). A central value is one that constitutes the goal of many connected actions, that takes precedence over others in many circumstances, and that is connected to many others in relations of mutual support. It might be objected to the claim that not wearing seat belts expresses no central value of an agent that the agent may have as a central value being free from all coercion in self-regarding actions. But this objection really would beg the question against the advocate of paternalistic laws.

MPP1-776 MINOR PATERNALISTIC DEPRIVATIONS OF LIBERTY ARE JUSTIFIED

Gerald Dworkin, MIT Philosopher, in MORALITY AND THE LAW, Ed. Richard Wasserstrom, 1971, p.125

A good deal depends on the nature of the deprivation--e.g., does it prevent the person from engaging in the activity completely or merely limit his participation--and how important to the nature of the activity is the absence of restriction when this is weighed against the role that the activity plays in the life of the person. In the case of automobile seat-belts, for example, the restriction is trivial in nature, interferes not at all with the use or enjoyment of the activity, and does, I am assuming, considerably reduce a high risk of serious injury. Whereas, for example, making mountain-climbing illegal completely prevents a person from engaging in an activity which may play an important role in his life and his conception of the person he is.

MPP1-777 PEOPLE DON'T ALWAYS KNOW THEIR OWN BEST INTERESTS

Robert Paul Wolff, Professor of Philosophy, University of Massachusetts, THE POVERTY OF LIBERALISM, 1968, p.29

A drug addict who has successfully kicked the habit is thoroughly justified on utilitarian grounds in stopping some incautious young experimenter from taking the first steps down a road which may prove to have no turning. He knows, as the uninitiated cannot, how great are the painful consequences of true addiction in comparison to its undoubted pleasures. And if a friend, momentarily blinded by grief, thinks to take his own life, I may be better able to see that his future promises satisfactions which will in time outweigh the pain he is now suffering. Can I possibly be wrong, on grounds of utility, if I prevent him from destroying himself?

MPP1-778 THE INDIVIDUAL ISN'T ALWAYS THE BEST JUDGE OF SELF INTEREST

John Kultgen, University of Missouri-Columbia Philosopher, SOUTHERN JOURNAL OF PHILOSOPHY, 1992, p.91

While the person's desires are evidence of what is good for him because he is usually the person best informed about his needs and most interested in filling them, there can be other evidence which outweighs this. Hence, it is possible for others on occasion to judge better than he what is good for him.

MPP1-779 MOST ADULTS DON'T REALLY KNOW THEIR OWN BEST INTERESTS

Gerald Dworkin, MIT Philosopher, in MORALITY AND THE LAW, Ed. Richard Wasserstrom, 1971, p.115

This classical case of a utilitarian argument with all the premises spelled out is not the only line of reasoning present in Mill's discussion. There are asides, and more than asides, which look quite different and I shall deal with them later. But this is clearly the main channel of Mill's thought and it is one which has been subjected to vigorous attack from the moment it appeared--most often by fellow Utilitarians. The link that they have usually seized on is as Fitzjames Stephen put it in LIBERTY, EQUALITY, FRATERNITY, the absence of proof that the 'mass of adults are so well acquainted with their own interests and so much disposed to pursue them that no compulsion or restraint put upon them by any others for the purpose of promoting their interest can really promote them.'

MPP1-780 LACK OF PERFECT INFORMATION JUSTIFIES GOVERNMENT INTERVENTION

Robert Goodin, Lecturer in Government, University of Essex, POLITICAL THEORY AND PUBLIC POLICY, 1982, p.39

Some of the most conclusive cases for state action have been built by exposing the ways in which liberal theorists have exaggerated the competence of the individual. Perhaps each man would be the best judge of his own interests, had he perfect information. But people always act partly in ignorance, obliging the state to protect them through all sorts of regulatory actions.

MPP1-781 HUMAN RATIONALITY VARIES OVER TIME

Robert Goodin, Lecturer in Government, University of Essex, *POLITICAL THEORY AND PUBLIC POLICY*, 1982, p.40
 Liberals agree that people are not always fully rational. J.S. Mill (1859), phrasing the point particularly conservatively, allows that children and idiots cannot be expected to look after themselves. But even mature and stable people sometimes suffer lapses of rationality. Liberals simply must admit this fact when the individual concerned actually anticipated his moment of weakness, as did Ulysses with the Sirens. They would dearly hope to confine their theory of 'imperfect rationality' to people who actually admit their failings. But knowing that self-confessedly weak men exist and deciding what to do with them, we are led to a more general repudiation of the orthodox liberal model of interests. Ultimately the problem is that liberals ignore the passage of time and what it does to people. Their model is meant for people with well-formed preferences and a firm mind, who can choose a course and stick to it. Real people, of course, are otherwise. They change and grow, largely as a result of their experiences in pursuing what they previously thought they wanted.

MPP1-782 PATERNALISM JUSTIFIED BECAUSE INDIVIDUALS CAN'T ANTICIPATE FUTURE

Robert Goodin, Lecturer in Government, University of Essex, *POLITICAL THEORY AND PUBLIC POLICY*, 1982, p.49
 The most obvious application of this doctrine is in the area of legal paternalism. Liberals regard each man as the sole judge of his own welfare, leaving no room for the possibility that his interests might be better served if some external agency (legal or otherwise) were to compel him to do something against his will. The model of retrospective rationality, in contrast, foresees many occasions on which the individual concerned might mistake his future interests and hence, on which legal compulsion could help protect a person from himself. Not only do individuals err by choosing wrong instruments to realize their goals, which even orthodox liberals concede justifies some external intervention (advice surely, and perhaps more). The model of retrospective rationality goes much further, justifying interference on the grounds that the individuals concerned cannot adequately anticipate their future preferences. People often efficiently pursue goals which, once realized, they come to detest. Retrospective rationality saves them from this fate.

MPP1-783 SMOKING PROVES THE TIME FRAME DISTORTION IN CHOICE MAKING

Robert Goodin, Lecturer in Government, University of Essex, *POLITICAL THEORY AND PUBLIC POLICY*, 1982, p.48-9
 Consider the case of cigarette smokers. Over 90 percent do now know the risks of lung cancer. Nevertheless, the fact that they continue smoking constitutes, for liberals, ironclad proof that the pleasures outweigh the risks of pain in their minds. But the psychological evidence makes us wonder. Smokers tend to discount the probabilities psychologically, they lack a full and vivid awareness of the pleasures and pains of the alternative outcomes, exaggerating tobacco's joys and underestimating cancer's miseries. As Dworkin remarks of the parallel problem of seat belt use, 'Although I know in some intellectual sense what the probabilities and risks are I do not fully appreciate them in an emotionally genuine manner.' Similarly with the smoker. While he may antecedently suppose that the pleasures of tobacco outweigh the risks of pain, there is every reason to suppose he would think otherwise should he contract cancer--not just in the sense that anyone who gambles and loses wishes he had never gambled at all, but more importantly in the sense that he had badly underestimated the pains associated with losing the gamble. Policymakers who foresee this preference shift would, following retrospective rationality, be perfectly justified in prohibiting, limiting, or discouraging smoking.

MPP1-784 OBJECTIVE INTERESTS ARE DISTINCT FROM SUBJECTIVE PREFERENCES

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.91
 My point of view presupposes a relativistic, pluralistic, and objectivistic conception of values: (a) Goods for an individual are those things--states, activities, possessions--which truly would serve his interests, that is, would really bring him lasting satisfaction. Evils are those things that truly would frustrate his interests and fail to bring him lasting satisfaction. (b) The goods of each person are multiple and schedules of goods vary among persons due to differences in their makeup. (c) Whether or not a particular thing is good for an individual is a fact verifiable by empirical means. Objective interests, therefore, must be distinguished from subjective desires or preferences. The aim of the paternalist is to promote the objective good of the recipient, which may or may not coincide with the recipient's subjective desires. Unless his objective good diverges in some instances from his subjective desires paternalism would seldom be justified.

MPP1-785 IT'S RATIONAL TO PASS LAWS TO CHECK OUR OWN IRRATIONALITY

Gerald Dworkin, MIT Philosopher, in *MORALITY AND THE LAW*, Ed. Richard Wasserstrom, 1971, p.120
 I suggest that since we are all aware of our irrational propensities, deficiencies in cognitive and emotional capacities, and avoidable and unavoidable ignorance it is rational and prudent for us to in effect take out 'social insurance policies.' We may argue for and against proposed paternalistic measures in terms of what fully rational individuals would accept as forms of protection.

MPP1-786 PATERNALISM IS JUSTIFIED TO PROTECT AGAINST IRREVERSIBLE CHOICES

Gerald Dworkin, MIT Philosopher, in *MORALITY AND THE LAW*, Ed. Richard Wasserstrom, 1971, p.122-3

Some of the decisions we make are of such a character that they produce changes which are in one or another way irreversible. Situations are created in which it is difficult or impossible to return to anything like the initial stage at which the decision was made. In particular, some of these changes will make it impossible to continue to make reasoned choices in the future. I am thinking specifically of decisions which involve taking drugs that are physically or psychologically addictive and those which are destructive of one's mental and physical capacities. I suggest we think of the imposition of paternalistic interferences in situations of this kind as being a kind of insurance policy which we take out against making decisions which are far-reaching, potentially dangerous and irreversible. Each of these factors is important.

MPP1-787 PROHIBITION REDUCED DRINKING

Mark Kleiman, Harvard Professor of Public Policy, *AGAINST EXCESS*, 1992, p.102

The Volstead Act, perhaps the most hated and most flagrantly ignored statute in the history of the American commonwealth, seems, despite an enforcement effort that suffered from small resources, great incompetence, and systematic corruption, to have reduced the quantity of alcohol consumed, and the number of persons dying of chronic alcohol abuse, by between one-third and two-thirds.

MPP1-788 MISTAKEN NON-INTERVENTION IS AS LIKELY AS MISTAKEN INTERVENTION

John Kultgen, University of Missouri-Columbia Philosopher, *SOUTHERN JOURNAL OF PHILOSOPHY*, 1992, p.108-9

The difficulties in evaluation actions in terms of their consequences for one's own well-being and a fortiori for the well-being of other persons are notorious. Probabilities must be compelled. Goods must be weighed against harms. Goods and harms of different sorts for a given person must be compared, and the goods and harms of different people must be weighed against one another. Objective and precise measures are seldom available. The best we can do is to grope along, utilizing all of the evidence, comparing alternatives, estimating values and probabilities, countering sources of bias, and trying to learn from experience. The intuitive element in calculations cannot be eliminated, and we know that we will make mistakes. It should be noted, however, that it is possible to make as many mistakes by failing to act when we ought to, e.g., out of an exaggerated respect for the autonomy of others or reluctance to proceed on rough estimates, as by acting when we should not. The judgment to refrain from paternalism is thus as prone to error as the judgment to engage in it.

MPP1-789 INDIVIDUALS DIFFER EXTENSIVELY IN THEIR DELIBERATIVE ABILITIES

Richard Arneson, University of California-San Diego Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.412

Individuals obviously differ markedly from one another in their abilities reasonably to decide whether they will be better off following or flouting commonsense maxims of prudence. The deliberative abilities required for practical judgment involve choice as well as choice of means. Individuals also differ widely in their capacities to make good any of their decision-making defects, when plans go awry, by their perseverance and grit, shrewd and creative improvisation, and so on. Overall we know that if we were to rank individuals according to their self-regarding virtues, their composite scores would range all the way from 'wise' to 'foolish' and from 'competent' to 'incompetent.'

MPP1-790 REJECTING PATERNALISM BENEFITS THE MORE ABLE OVER THE LESS

Richard Arneson, University of California-San Diego Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.412

To reiterate, Mill's claim is that every feasible paternalistic social rule would lower welfare on balance. This utilitarian case for strict antipaternalism could be correct yet have disturbing implications for the distribution of welfare. A ban on paternalism in effect gives to the haves and takes from the have-nots. Left unrestrained in self-regarding matters, more able agents are more likely to do better for themselves choosing among an unrestricted range of options, whereas less able agents are more likely to opt for a bad option that paternalism would have removed from the choice set. In Mill's utilitarian calculation, it turns out that under a no-paternalism rule the losses, if any, suffered by the less able (whom we suppose are on average worse off to begin with) are outweighed by gains enjoyed by the more able (whom we suppose are on average better off to begin with.)

MPP1-791 EQUALITY CONSIDERATIONS JUSTIFY PATERNALISM

Richard Arneson, University of California-San Diego
Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.414

On any of these distribution-sensitive alternatives to utilitarianism which value equality of welfare for its own sake, it could be the case that even if a strict prohibition on paternalism should turn out to be welfare-maximizing, considerations of distributive fairness would recommend the enactment of some paternalist rules. Paternalism might then prove morally acceptable even if argued we concede to Mill all of the empirically controversial assumptions that he uses to build his case for an absolute no-paternalism rule. Mill's brand of utilitarian libertarianism, even if genuinely utilitarian, might be vulnerable to objections of fairness. Indeed, given the specific character of the arguments that Mill makes, a stronger conclusion is warranted: Mill's arguments for strict antipaternalism, to the extent they are accepted, simultaneously show that this antipaternalism is justified on straight utilitarian grounds and that it is unjustifiable on weighted grounds that balance utility against equality.

MPP1-792 THE BENEFITS OF LIFE EXPERIMENTS WOULD BE UNEQUALLY DISTRIBUTED

Richard Arneson, University of California-San Diego
Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.417

However this definitional point is decided, the possibility of mislearning alerts us to a more general phenomenon, namely that more and less able agents have significantly different capacities to gather and correctly to interpret information generated by other people's experiments in living. Also, agents vary in their capacities to integrate the insights so gained into their own self-regarding decisionmaking. The benefits and costs of learning from free experimentation in the ways that Mill extolls will in many cases fall unevenly on more and less able individuals. Once again it appears likely on Mill's own assumptions that a strict ban on paternalistic restriction of liberty will in some of its applications benefit the better off at the expense of the worse off, and so be unfair even if utility-maximizing.

MPP1-793 IT'S UNFAIR TO SACRIFICE THE PRESENT GENERATION FOR FUTURE PROGRESS

Richard Arneson, University of California-San Diego
Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.417

Mill views with Victorian optimism the long-run welfare prospects of a regime of strict antipaternalism. Imagine he is right about this. Strict antipaternalism might then be justified by utilitarian calculation even if this policy guide is disadvantageous for the members of the present generation, provided that their losses are offset by gains to future members of society. But this use of the present generation as cannon fodder for the future is morally problematic, particularly so on the assumption that with social progress the average welfare level will rise with each succeeding generation. Again Mill is proposing a taking from the worse off to advantage the already better off. At some trade-off ratio this might be acceptable policy, but straight utilitarianism gives no weight at all to equality of welfare and thus countenances sacrifices of present persons for the sake of the future persons that many will regard as unfair.

MPP1-794 MILL'S ANTI-PATERNALISM USES OTHERS AS MEANS

Richard Arneson, University of California-San Diego
Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.418

A similar point holds for beneficial social learning from the egregious imprudence of the less able agents. The 'unblinking accountant's eye' of the utilitarian registers equally the loss suffered by the less able agent who stumbles in the gutter in a laissez-faire regime and the subsequent gain accruing to more able agents who shrewdly learn from this mishap how to avoid similar stumbles. But according to welfare egalitarianism adherence to antipaternalism in such cases amounts to unfairly using one person as a mere means to the benefit of others. Mill's discussion of spillover benefits is polemically slanted insofar as it highlights harmonious, rosy possibilities and ignores equally likely but more troublesome cases which pose acute conflicts of distribution.

MPP1-795 STRONG PATERNALISM CAN FOSTER INDIVIDUALITY

Richard Arneson, University of California-San Diego
Philosopher, *REVUE INTERNATIONALE DE PHILOSOPHIE*, 1989, p.420

The welfare egalitarian fairness argument justifies some strong paternalism. In extreme cases the decisionmaking processes of less able agents that shape their fundamental personal values and goals may be defective to the point that coercive interference with their self-regarding choices may be justified as part of a process whereby individuals are encouraged to rethink their goals with fuller deliberative rationality. In such extreme cases strong paternalism can foster individuality, the value that Mill considers a prime ingredient and determiner of an individual's happiness.

MPP1-796 ACT VERSUS RULE UTILITARIANISM DEFINED

C.E. Harris, philosopher, Texas A&M, *APPLYING MORAL THEORIES*, 1986, p.108

Act utilitarianism focuses on the utility produced by a particular action, whereas rule utilitarianism focuses on the utility produced by the general acceptance of the rule presupposed by an action. These two forms of utilitarianism can sometimes lead to difficult moral conclusions, and many utilitarians favor rule utilitarianism as the more adequate version of utilitarian theory.

MPP1-797 ACT-UTILITARIANISM VIOLATES MORAL SENTIMENTS

Tom Regan, professor of philosophy, North Carolina State, *MATTERS OF LIFE AND DEATH*, 1980, p.18

Is act-utilitarianism correct? Many philosophers answer no. Among the reasons given against this theory is that act-utilitarianism appears to imply that some acts that are most certainly wrong might be right. Recall the example of Sue's stealing. According to act-utilitarianism whether Sue's theft was morally right or not depends on this and this alone: Were the net consequences of her act at least as good as the consequences that would have resulted if she had done anything else? Suppose they were. Then act-utilitarianism would imply that what she did was right. Yet her theft seems clearly wrong.

MPP1-798 ACT-UTILITARIANISM IS UNJUST

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973

But even against modified AU, which does allow us to use rules of thumb based on past experience, the following arguments, borrowed from Butler and Ross, seem to me decisive. The first is that it is possible in a certain situation to have two acts, A and B, which are such that if we calculate the balance of good over evil which they may be expected to bring into being (counting everything), we obtain the same score in the case of each act, say 100 units on the plus side. Yet act A may involve breaking a promise or telling a lie or being unjust while B does none of these things. In such a situation, Butler and Ross point out, the consistent AU must say that A and B are equally right. But clearly, in this instance, B is right and A is wrong, and hence AU is unsatisfactory.

MPP1-799 ACT-UTILITARIANISM ALLOWS UNACCEPTABLE BEHAVIOR

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.37

Much the same point has, in fact, been made recently by both deontologists and utilitarians, for example, by A.C. Ewing and R.B. Brandt. They contend that many actions that are and are ordinarily regarded as wrong would be right on an AU view consistently applied. To show this they cite cases of a poor man stealing from a rich one to feed his family, a busy citizen not going to the polls on election day, a student crossing a university lawn, a society 'punishing' an innocent person to prevent panic, or a woman breaking an agreement to pay a boy for work done because she has a better use for her money. In such cases, properly hedged about, it seems clear that the act in question may produce at least as great a balance of good over evil in general as any alternative open to the agent, and that an AU must therefore judge it to be right.

MPP1-800 ACT-UTILITARIANISM TOO READILY SANCTIONS PROMISE

Robin Attfield, philosopher, University College, Cardiff, *A THEORY OF VALUE AND OBLIGATION*, 1987, p.104

But it is less than cogent that all optimistic acts are right, let alone obligatory, and this view certainly clashes with the intuitions of most people in most places. Thus it is a mark against act-consequentialism that it fails to take account of the widespread and deeply entrenched belief that a person ought not to break a promise which she has made, even if breaking it would foreseeably bring about as much good as keeping it, and no more harm either. For an act-consequentialist must say that if two alternative acts produce the same balance of good over evil they are equally right and well justified, and that a choice between them is a matter of indifference, even when one involves breaking a promise and the other does not.

MPP1-801 ACT-UTILITARIANISM IS TOO DIFFICULT TO APPLY

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.231

To be sure, the act-utilitarian's rule 'Do what maximizes good' IS brief and simple. The trouble with it is not that it is too complex to understand but that it is too difficult to apply in practice. Suppose that you taught your children only the rule 'Do whatever produces the most good.' What would happen? They wouldn't know where to begin in applying it to specific kinds of behavior. They wouldn't know how it would apply to stealing, to cheating, to beating up on little brother, and so on. Children need instruction on what to do in specific kinds of situations--what to do, what not to do, what not to do except in circumstances C, and other simple kinds of rules. If they were given the act-utilitarian principle and nothing else, they would usually end up rationalizing: they would calculate that whatever they happened to want to do (such as ride a bicycle very fast or not study until next month) would be what REALLY would produce the maximum good. They would be adrift in a stormy sea without any compass.

MPP1-802 RULE-UTILITARIANISM AVOIDS INJUSTICE
James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.99-100

Rule-Utilitarianism has no difficulty coping with the three anti-utilitarian arguments. An act-utilitarian, faced with the situation described by McCloskey, would be tempted to bear false witness against the innocent man because the consequences of THAT PARTICULAR ACT would be good. But the rule-utilitarian would not reason in that way. He would first ask, 'What GENERAL RULES OF CONDUCT tend to promote the greatest happiness?' Suppose we imagine two societies, one in which the rule 'Don't bear false witness against the innocent' is faithfully adhered to, and one in which this rule is not followed. In which society are people likely to be better off? Clearly, from the point of view of utility, the first society is preferable. Therefore, the rule against incriminating the innocent should be accepted, and BY APPEALING THIS RULE, the rule-utilitarian concludes that the person in McCloskey's example should not testify against the innocent man.

MPP1-803 RULE-UTILITARIANISM ACCORDS WITH ORDINARY MORAL BELIEFS

James Rachels, professor of philosophy, University of Alabama, Birmingham, *THE ELEMENTS OF MORAL PHILOSOPHY*, 1986, p.100

Thus Rule-Utilitarians cannot be convicted of violating our moral common sense, or of conflicting with ordinary ideas of justice, personal rights, and the rest. In shifting emphasis from the justification of acts to the justification of rules, the theory has been brought in line with our intuitive judgments to a remarkable degree.

MPP1-804 RULE-UTILITARIANISM ACCORDS WITH ORDINARY MORAL BELIEFS

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.42

Here then is another main function of moral rules--by their very existence, and by legal and social sanctions which can be attached to them, they can reinforce behaviour patterns of proven utility. It may therefore seem that far from being an objection to a utilitarian view of the criterion of right action, such an interpretation of moral rules enriches the theory and makes it more accurately reflect our ordinary views.

MPP1-805 RULE-UTILITARIANISM UPHOLDS THE DIGNITY OF THE INDIVIDUAL

Ronald Dworkin, New York University Law School, *TAKING RIGHTS SERIOUSLY*, 1978, p.199

He may, that is, have reasons for insisting that dignity and equality are important values, and these reasons may be utilitarian. He may believe, for example, that the general good will be advanced, IN THE LONG RUN, only if treating indignity or inequality as the very great injustices, and never allow our OPINIONS about the general good to justify them. I do not know of any good arguments for or against this sort of 'institutional' utilitarianism, but it is consistent with my point, because it argues that we must treat violations of dignity and equality as special moral crimes, beyond the reach of ordinary utilitarian justification.

MPP1-806 MORAL RULES REFLECT TRADITIONAL WISDOM

R.S. Downie and Elizabeth Tetler, philosophers, University of Glasgow, *RESPECT FOR PERSONS*, 1969, p.41-42

In his attempt to provide such a justification the utilitarian can point out that we do not as individuals have the necessary capacities to work out the consequences of all our actions. Our experience is limited and our knowledge and understanding are limited and we therefore cannot always work out the calculus of consequences for ourselves, let alone for society as a whole. Moreover, supposing we could calculate the effects of our actions, we do not always have time to do so before acting; we are often obliged to make up our minds quickly on what is right or wrong, whereas it would take time to go into the probable consequences of our actions. Hence, the argument runs, moral rules have grown up which express the accumulated wisdom of mankind on the consequences of action. Mill compares this function of moral rules to that of signposts or the NAUTICAL ALMANACK: we have signposts to guide us across the country which may be unknown to us.

MPP1-807 RULE-UTILITARIANISM NEED NOT COLLAPSE INTO ACT-UTILITARIANISM

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.231

We can stop the endless array of qualifications to rules (each designed to improve it) by specifying that a set of rules must be LEARNABLE IN A REASONABLE PERIOD OF TIME by the average person of the society in question. Thus, the highly complex rule that would be the best one if everyone followed it would not turn out to be the best in practice, because most people would be unable to follow it. If we allow only rules that are not overly complex, rule-utilitarianism would not have to collapse into act-utilitarianism.

MPP1-808 RULE-UTILITARIANISM IS MORE READILY APPLIED

William Frankena, professor of philosophy, University of Michigan, *ETHICS*, 1973, p.40

If we ask why we should be Us rather than As, the RU may answer, as Berkeley did, by pointing to the difficulties (difficulties due to ignorance, bias, passion, carelessness, lack of time, etc.) that would arise if, on each occasion of action, everyone were permitted to decide for himself what he should do, even if he had the help of such rules of thumb as the modified AU offers. The RU may then argue that it is for the greatest general good to have everyone acting wholly or at least largely on rules of the always-acting type instead of always making decisions on an AU basis. This would be a utilitarian argument for RU; and, as an argument, it has some plausibility.

MPP1-809 RULE-UTILITARIANISM NEED NOT BE TOO COMPLEX

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.230

We can also reformulate rule-utilitarianism to escape the objection. We can say, with good reason, that rules of great complexity cannot be learned by most people; also even if a highly complex rule occupying three pages would be the best possible rule if everyone (or most people) followed it, it would not be followed because it could not be remembered or perhaps even comprehended. That is why primitive tribes have to have a small number of simple and easily understandable rules; these would have the best consequences GIVEN THE MENTALITY OF TRIBAL MEMBERS, even though, IF they could understand and remember more complex rules, the complex ones would yield better results.

MPP1-810 RULE-UTILITARIANISM SACRIFICES ATTAINABLE HAPPINESS

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.10

I have argued elsewhere the objections to rule-utilitarianism as compared with act-utilitarianism. Briefly they boil down to the accusation of rule worship: the rule-utilitarian presumably advocates his principle because he is ultimately concerned with human happiness; why then should he advocate abiding by a rule when he knows that it will not in the present case be most beneficial to abide by it? The reply that in most cases it is most beneficial to abide by the rule seems irrelevant. And so is the reply that it would be better that everybody should abide by the rule than that nobody should. This is to suppose that the only alternative to 'everybody does A' is 'no one does A'. But clearly we have the possibility 'some people do A and some don't.' Hence to refuse to break a generally beneficial rule in those cases in which it is not most beneficial to obey it seems irrational and to be a case of rule worship.

MPP1-811 RULE-UTILITARIANISM SACRIFICES ATTAINABLE HAPPINESS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.5

The act-utilitarian, for one, will consider rule utilitarianism a kind of 'rule worship.' If I know in a particular case which act WILL have the best consequences, why should I turn my back on that and discover which rule WOULD, if adopted, have the best consequences, especially when that rule may not have the best consequences IN THIS CASE? If I follow the rule even in such a case, I would knowingly be doing an act which has something LESS than the best consequences. In other words, I would be producing less good by following the optimific rule than I would by doing the optimific act. To the act-utilitarian it seems silly to say, 'Following the rule has the best consequences most of the time, so therefore you should follow it this time it even knowing that this time it does NOT have the best consequences.' By adhering to the rule instead of to the act, we would be making the world somewhat worse than we would if we had done the optimific act itself.

MPP1-812 ACT-UTILITARIANISM CAN STILL MAKE USE OF MORAL RULES

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.43

It is, moreover, important to realize that there is no inconsistency whatever in an act-utilitarian's schooling himself to act, in normal circumstances, habitually and in accordance with stereotyped rules. He knows that a man about to save a drowning person has not time to consider various possibilities, such as that the drowning person is a dangerous criminal who will cause death and destruction, or that he is suffering from a painful and incapacitating disease from which death would be a merciful release, or that various timid people, watching from the bank, will suffer a heart attack if they see anyone else in the water. No, he knows that it is almost always right to save a drowning man, and in he goes.

MPP1-813 EXCEPTIONS TO RULES SHOULD BE ACKNOWLEDGED

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.27

Similarly, it is not possible or even desirable, to be calculating consequences all the time, and a utilitarian will normally act according to commonsense rules, such as to keep promises, so long as they tend towards the maximization of happiness. On the other hand suppose that rules conflict, or for some other reason the utilitarian does think it worth while to calculate the consequences. In such a case if the utilitarian has good reason to believe that on the particular occasion in question conformity to these rules will not maximize happiness, then he or she will ignore the rules: he or she will take these as mere rules of thumb.

MPP1-814 RULE WORSHIP IS UNJUSTIFIED

J.J.C. Smart, philosopher, Australian National University, *NEW DIRECTIONS IN ETHICS*, 1986, p.27

This attitude conflicts with so called 'rule utilitarianism' according to which we do not judge actions directly by consequences, but by their conformity with rules, these rules being judged by the consequences of everyone obeying them being better than the consequences of everyone obeying some alternative rule. 'Rule utilitarianism' is contrasted with 'act utilitarianism'. The act utilitarian will object that if he or she knows that in a particular case disobeying a generally optimistic rule will maximize happiness, it would be sheer rule worship to obey the rule.

MPP1-815 RULES SOMETIMES CONFLICT

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.225

There are, furthermore, situations in which rules, even good rules, conflict. 'Never knowingly punish innocent persons' and 'Take all steps to stop the rapid spread of a plague' are two good rules. But what if the only way to stop the plague is to kill instantly suspected carriers of it? We would probably end up killing the carriers (who can't help being carriers) in order to stop the plague, but then what happens to our first rule? Of course we could qualify the rule by saying: 'Never kill innocent persons except . . .'; but how are we then going to be able to state in advance all the possible exceptions? And if any rules seems to demand no exceptions and, indeed seems the paradigm case of a good rule, it is the one prohibiting the killing of the innocent. Once that rule goes, what rule is safe?

MPP1-816 RULES CAN'T COVER ALL SITUATIONS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.227

Perhaps the problem of special pleading can be overcome; perhaps rules can be formulated without rationalization or AD HOC definitions. Even so, the prospect of finding a rule to cover every kind of situation is one of dizzying complexity.

MPP1-817 UNIQUE SITUATIONS MAKE RULES USELESS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.228

But there is another reason why rules are useless as guides to action--each decision must be made in the context of the particular situations in which we find ourselves, and every situation is different: yours is different from mine, and mine is different at time t1 from what it is at t2. Any moral rule would have to be of the form 'In circumstances C1, do A,' and 'in circumstances C2, do B,' but the precise concatenation of events in circumstances C1 and C2 never recur, so the rule would apply to only one case.

MPP1-818 UNIQUE SITUATIONS MAKE RULES USELESS

John Hospers, philosopher, University of Southern California, *HUMAN CONDUCT*, 1982, p.228

French existentialist writer Jean-Paul Sartre (1905-1980) gave the example of the Frenchman during World War II who felt an obligation to join others in fighting for the Free French against the Nazis, but also felt an obligation to stay at home as the sole support of his indigent mother. His situation was not exactly like anyone else's not even that of another male civilian of military age who was also the sole support of his indigent mother. HE had to decide what to do in his unique case, and no general rule would have been of any help to him. Whichever way he decided, he would not be able to universalize his decision by saying, 'And anyone in my situation should do as I do.' Each situation is unique, as is each person, and no general rules of conduct can be forthcoming in view of this double uniqueness

MPP1-819 RULE-UTILITARIANISM COLLAPSES INTO ACT-UTILITARIANISM

J.J.C. Smart, philosopher, Australian National University, *UTILITARIANISM: FOR AND AGAINST*, 1973, p.11-12

I am inclined to think that an adequate rule-utilitarian would not only be extensionally equivalent to the act-utilitarian principle (i.e. would enjoin the same set of actions as it) but would in fact consist of one rule only, the act-utilitarian one: 'maximize probable benefit'. This is because any rule which can be formulated must be able to deal with an indefinite number of unforeseen types of contingency. No rule, short of the act-utilitarian one, can therefore be safely regarded as extensionally equivalent to the act-utilitarian principle unless it is that very principle itself.

MPP1-820 RULE-UTILITARIANISM COLLAPSES INTO ACT-UTILITARIANISM

Samuel Brittan, assistant editor, *FINANCIAL TIMES* of London, *OXFORD ECONOMIC PAPERS*, 1983, p.335

As David Lyons, from whom these definitions are taken, has shown, primitive rule utilitarianism is theoretically equivalent to act utilitarianism. The everyday rules are simple practical aids (which may differ very much from one society to another). 'Ideal rule utilitarianism' would however sometimes prescribe different conduct to that of act-utilitarianism. Where the two systems diverge, however, the ideal rule utilitarian would be knowingly departing from the principle of utility. Hare accepts that this form of rule utilitarianism is not ultimately distinguishable from act utilitarianism. The distinction between the two levels of thinking and the respect paid to popular morality are best regarded, not as a new kind of utilitarianism, but as a prudential way of applying the old kind.

MPP1-821 RULES DON'T ELIMINATE COMMON PROBLEMS OF UTILITARIANISM

J.L. Mackie, philosopher, Oxford, *ETHICS: INVENTING RIGHT AND WRONG*, 1977, p.139

Rule utilitarianism, thus understood, can therefore resist the threatened collapse into act utilitarianism. Nevertheless I would not defend it, and would not attempt to justify on rule utilitarian grounds the first order moral system that I support. Utilitarian theory is still plagued by the difficulties and indeterminacies mentioned in Section 1. We cannot in any strict sense fashion our rules on utility. There is no such common measure of all interests and purposes as happiness or utility is supposed to be.

MPP1-822 RULES DON'T ELIMINATE COMMON PROBLEMS OF UTILITARIANISM

Tom Regan, professor of philosophy, North Carolina State, *MATTERS OF LIFE AND DEATH*, 1980, p.19

One success does not guarantee that all goes well, and many philosophers think that rule-utilitarianism, too, is inadequate. The most important objection turns on considerations about justice. The point of the objection is that rule-utilitarianism apparently could justify rules that would be grossly unjust.

MPP1-823 RULE UTILITARIANISM DOESN'T ADEQUATELY PROTECT RIGHTS

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.28

But even if the distinction is valid, it seems unduly optimistic to assume that utility-maximizing rules will always protect the rights of weak and unpopular minorities. As Williams puts it, the assurance that justice will prevail is 'a tribute to the decency and imagination of those utilitarians but not to their consistency or their utilitarianism' (Williams 1972: 103). In any event, this response does not answer the objection, for even if it gets the right answer, it does so for the wrong reasons. On the rule-utilitarian view, the wrong done in discriminating against a minority group is the increased fear caused to others by having a rule allowing discrimination. The wrong done in not paying the boy who mowed my lawn is the increased doubts caused in others concerning the institution of promising. But that is absurd. The wrong is done to the person who should not have suffered from the dislike of others, and to the boy who had a special claim to the promised money. This wrong is present whatever the long-term effects on others.

MPP1-824 RULE UTILITARIANISM ISN'T AN IMPROVEMENT

Will Kymlicka, Professor of Philosophy, University of Toronto, *CONTEMPORARY POLITICAL PHILOSOPHY*, 1990, p.28

The rule-utilitarian response misses the real issue. The objection to utilitarian decision-making was that certain special obligations should be included, and that certain illegitimate preferences should be excluded. These are moral requirements which take precedence over the maximization of utility (whereas the U-agent sees them merely as devices for maximizing utility). But if that was our objection, then it is irrelevant to say, as rule-utilitarians do, that obeying promises and discounting prejudices often maximizes long-term utility, or that promises and human rights are even more ingenious devices for maximizing utility than we initially thought. That response confirms, rather than refutes, the criticism that U-agents treat the recognition of special obligations as subject to, rather than prior to, the maximization of utility. Our objection was not that promises are bad devices for maximizing utility, but that they are not such devices at all. This problem cannot be avoided by changing the level at which we apply the principle of utility from acts to rules.

MPP1-825 RULE UTILITARIANISM CAN UPHOLD RIGHTS

Richard Brandt, Professor of Philosophy, University of Michigan, *MORALITY, UTILITARIANISM, AND RIGHTS*, 1992, p.199

Now, if we adopt a rule-utilitarian theory of the morally right and wrong, or the morally obligatory, of this type, then it seems to me clear that there is no inconsistency in claiming that people have rights, that is in subscribing to the thesis about obligations which I suggested is what rights-claims amount to. Where could the inconsistency be, if one is a utilitarian in this sense, in holding that some persons Z have strong moral obligations, not overridable by marginal or even substantial but only by extreme demands of welfare (in the case at hand), both to refrain from interfering with X's doing Y and to enable him to do Y. and so on as stated earlier? To say this is only to say that the most desirable moral code for the society would require that one refrain from interfering with others' doing certain things, and positively to enable them to do them, sometimes when so doing will not maximize expectable utility in a particular situation. Quite obviously there is no inconsistency in a rule-utilitarian affirming that people - and animals - have moral rights.

MPP1-826 RECOGNIZING RIGHTS MAXIMIZES LONG TERM UTILITY

Richard Brandt, Professor of Philosophy, University of Michigan, *MORALITY, UTILITARIANISM, AND RIGHTS*, 1992, p.199

Before turning to possible 'deeper' difficulties, let me make just one point favorable to the utilitarian view, that it tells us, in principle, how to find out what are a person's rights, and how stringent they are, relative to each other, which is much more than can be said of most other theories unless reliance on intuitions is supposed to be a definite way of telling what a person's rights are. How does one do this, on the utilitarian theory? The idea, of course, is that we have to determine whether it would maximize long-range expectable utility to include recognition of certain rights in the moral code of a society, or to include a certain right with a certain degree of stringency as compared with other rights.

MPP1-827 RIGHTS ARE COMPATIBLE WITH UTILITARIANISM

Richard Brandt, Professor of Philosophy, University of Michigan, MORALITY, UTILITARIANISM, AND RIGHTS, 1992, p.196

Some philosophers also think, however, that anyone who is a utilitarian ought not to share this view: There is a fundamental incompatibility between utilitarianism and human rights. Most utilitarians, of course, have not thought there is such an incompatibility. John Stuart Mill, for instance, espoused utilitarianism at the same time that he defended rights to free speech and freedom of action except where it injures others. In what follows I wish to explore some reasons recently put forward to show that the utilitarian who wishes to affirm that there are moral rights faces a serious logical problem; and I shall argue that further analysis shows the alleged difficulty is unreal.

MPP1-828 MOST CONTEMPORARY VIEWS OF RIGHTS ARE COMPATIBLE WITH UTILITARIANISM

Richard Brandt, Professor of Philosophy, University of Michigan, MORALITY, UTILITARIANISM, AND RIGHTS, 1992, p.197

So, while some definitions of "a right" are such that a utilitarian will deny that there are rights in that sense, the major definitional views being advocated today, say among H.L.A. Hart, David Lyons, and Joel Feinberg, do not imply that there being rights in their sense is incompatible with utilitarianism.

MPP1-829 A DEFINITION OF UTILITARIAN RIGHTS

Richard Brandt, Professor of Philosophy, University of Michigan, MORALITY, UTILITARIANISM, AND RIGHTS, 1992, p.197

What concept of "a right," then, shall we bear in mind for our discussion of utilitarianism and rights? What normative affirmation, not making use of the term "a right," corresponds to the claim we, now, are normally making when we say "X has a moral right against Z to do, have, or enjoy Y." at least when this expression is taken in its most important sense? I suggest the following: "Some Z - either individual or individuals or sovereign body - has a strong moral obligation not overridable by marginal or even substantial but only by extreme demands of welfare, both to refrain from interfering with X's having or doing or enjoying Y. and to enable X to do, have, or enjoy Y; and it is not wrong for X to feel resentment if he is hurt or deprived because of the failure of Z to discharge that obligation, and for him to be unashamed to protest, and there is some obligation for X to take reasonable steps of protest, calculated to encourage persons to discharge that obligation in this and similar situations."

MPP1-830 RIGHTS UNDERMINE GOVERNMENT

John Dinwiddy, reader in Modern History, University of London, BENTHAM, 1989, p77

The famous 'Declaration of the Rights of Man and the Citizen', embodied in the French Constitution of 1791, stated that all men had inalienable rights to 'liberty, property, security, and resistance to oppression'; and in the equivalent declaration in the Constitution of 1795 the 'rights of man in society' were listed as 'liberty, equality, security, and property'. These rights, said Bentham, were treated as anterior, and superior, to positive law: no law which infringed them was to be regarded as valid. Yet, expressed as they initially were in the form of UNBOUNDED rights, they were plainly irreconcilable with any workable system of law and government, and were also inconsistent with each other. To say, for example, that men had an unbounded right to liberty was to say that they could be subjected to no restraints whatever; to say that they had an unbounded right to property was to rule out the possibility of raising taxes; to say that they had unbounded rights to both property and equality was (at least in any society where there was not a strict equality of goods) self-contradictory.

MPP1-831 RIGHTS INTERFERE WITH UTILITY

Rex Martin, philosopher, University of Kansas, RAWLS AND RIGHTS, 1985, p.9

It is not likely, then, that the thoroughgoing utilitarian would opt for the inclusion either of exceptionless rules or of basic rights in his moral or in his political system. Rights, in particular, resist utilitarian calculation and are not easily accommodated to it. For as guarantees of benefits to individuals--arguably to all individuals-- basic rights establish what is to thoroughgoing utilitarianism a defective or substandard pattern in which individual benefit can stand on some occasions against the general welfare--certainly when the latter advantage is marginal. Thus, the utilitarian moralist, as a partisan of promoting the aggregative general welfare, will want to eschew them.

MPP1-832 RIGHTS DON'T OUTWEIGH WELFARE

Rex Martin, philosopher, University of Kansas, RAWLS AND RIGHTS, 1985, p.3

The more serious problem, then, is that in the Benthamite approach considerations of general welfare ('the greatest happiness of the greatest number') are thought to exercise an absolute monopoly in justificatory arguments; it would follow that, in any given instance, one could not use the notion of basic rights as having any independent effect in matters of justification, as having any special normative force. For there is no way in which such a right could be allowed to block, let alone override, a sound welfare argument, even one that suggested but a minimal increase in general well-being.

MPP1-833 RIGHTS DON'T OUTWEIGH WELFARE

Rex Martin, philosopher, University of Kansas, RAWLS AND RIGHTS, 1985, p.3

So we see that duties and the rights which sometimes attach to them, in beings so dependent and responsive to considerations of general welfare or the public good, can never give us a self-standing reason for acting in a certain way--one that is independent, or relatively so, of such considerations. Thus, rights having weight against such considerations cannot be justified on utilitarian grounds.

MPP1-834 UTILITARIANISM WOULD REJECT
ABSOLUTE RIGHTS

Richard Brandt, Professor of Philosophy, University of
Michigan, MORALITY, UTILITARIANISM, AND RIGHTS,
1992, p.196

It is true that some definitions of "a right" are so manifestly incompatible with the normative theses of utilitarianism that it is clear that a utilitarian could not admit that there are rights in that sense. For instance, if someone says that to have a right (life, liberty) is for some sort of thing to be secured to one absolutely, though the heavens fall, and that this is a self-evident truth, then it is pretty clear that a utilitarian will have no place for rights in his sense.