Utilitarianism as Secondary Ethic

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Table of Contents

Introduction

Utilitarianism is simultaneously despised and widely employed. Indeed, "utilitarianism continues to vex its critics even in the absence of generally respected arguments in its favour."[1] Some critics have even lamented "utilitarianism tends to haunt even those of us who will not believe in it…it is as if we for ever feel that it must be right, although we insist that it is wrong."[2] The ubiquitous notions of capitalism and free-market economies have made the very concept of utility itself, even if only subconsciously, a mainstay of political, social and moral thought. Popular culture is full of utilitarian analysis. In a recent season of the television series *24*, the hero Jack Bauer is consistently making difficult moral choices based purely on utilitarian calculus. There is no mention of any other ethic. Unlike in ancient Greece where both virtue and justice were viewed as moral ends, or in ancient Israel where moral thought was guided by a divine sense of community, modern society has embraced consequences; and more particularly the pursuit of happiness and avoidance of pain, as the only true valuable ends.[3]

Utilitarianism as a system of morals has significant problems. Misapplied, utilitarianism can be used to justify a myriad of acts which in and of themselves are grossly immoral.[4] However, utilitarianism does have its place in ethical thinking and, when properly applied, can be very useful in both societal and individual pursuit of "the good." The most significant difficulty presented by utilitarianism is its placement of happiness, an inherently relative, fluid, and individual judgment, as the ultimate end of morality and ethics. Because the

[1] Robert Shaver, "The Appeal of Utilitarianism", *Utilitas* Vol. 16 No. 3 (November 2004), p. 236
[2] Philippa Foot, 'Utilitarianism and the Virtues, *Mind* 94 (1985), p. 196 as quoted in Shaver, 236
[3] More often than not, happiness is measured in terms of sustained economic growth.
[4] Current debates regarding falsified intelligence to justify war and the torture prisoners are examples of utilitarianism being misapplied.

concept of happiness is in essence, a moving target; utilitarianism is difficult to sustain because its end is constantly changing and consistently unclear.

If, however, the vague conception of happiness is replaced in utilitarianism with a more certain and definitive end, its estimations and measurements become far more useful. Also, within the context of a clearly defined ultimate end, utilitarianism can help resolve the moral questions which often arise due to conflicting virtues or obligations present in other systems of ethics. This essay will attempt to define a framework of primary and secondary ethics with the goal of illustrating utilitarianism's usefulness as a secondary ethic exercised under the auspices of some primary ethic. This discussion will necessarily include a presentation of utilitarianism in general, definitions of both primary and secondary ethics and will conclude by briefly examining utilitarianism in the context of a few of the primary ethics defined.

Bentham

Utilitarianism as a formal theory of moral ethics had its genesis with Jeremy Bentham in the late 18th century. In 1789, Bentham published *An Introduction to the Principles of Morals and Legislation* which articulated and outlined his formulized approach to moral questions. In two succinct opening lines, Bentham plainly states: "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." [emphasis in original][5] Bentham maintains: "[pain and pleasure] 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

[5] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, (London: Oxford, 1879) 1

their empire: but in reality he will remain subject to it all the while." Further, "the principle of utility recognizes 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." According to Bentham, the principle of utility is "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."[6] In other words, "utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness" and also "[prevents] the happening of mischief, pain, evil, or unhappiness to the party who's interest is considered."

Of course, Bentham is not only concerned with individual happiness, but also the happiness and interest of the community which he defines as "the sum of the interests of the several members who compose it."[7] Therefore, "an action then may be said to be conformable to the principle of utility … when the tendency it has to augment the happiness of the community is greater than any it has to diminish it."

According to Bentham, the concept and existence of utility is self-evident, as is its role as the driving force behind human choice and pursuit of pleasure over pain. Clearly, "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 to be done." It is the principle of utility then which *defines* "ought, and right and wrong, and [other words] of that stamp." Through inherent utility, human beings are able to give these words meaning "when otherwise, they have none."[8]

[6] Ibid, 2
[7] Ibid, 3
[8] Ibid, 4

Bentham maintains utility is not "susceptible of any direct proof … for that which is used to prove every thing else, cannot itself be proved." He continues: "To give such proof is as impossible as it is needless."[9] In fact, "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." Such a man "[proves] not that the principle is *wrong*, but that, according to the applications he supposes to be made of it, it is *misapplied*."[10]

There are three principles "adverse to that of utility."[11] These are asceticism, sympathy and antipathy. Asceticism is "constantly opposed to utility" by functioning exactly as utility "but in an inverse manner: approving of actions in as far as they tend to diminish happiness; disapproving of them in as far as they tend to augment it."[12] Two types of men embrace asceticism: moralists and religionists. Moralists because it provides them with "hope, that is the prospect of pleasure [and the] ailment of philosophic pride." Moralists embrace ascetic virtue for the "hope of honour and reputation at the hands of men." Religionists, on the other hand embrace asceticism because of "fear, that is the prospect of pain [which is] the offspring of superstitious fancy: the fear of future punishment at the hands of a splenetic and revengeful Deity."[13] Hence:

> "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 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

[9] This reasoning is really a philosophical cop-out used by Bentham here and both Mill and Sidgwick in their works on utilitarianism.
[10] Ibid, 4-5
[11] Ibid, 9
[12] Ibid, 9
[13] Ibid, 9

> pursued on, and went to 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*."[14]

According to Bentham, both moralists and religionists are in fact seeking pleasure or happiness through the embrace of asceticism. Moralists seek to exchange the pain of asceticism for the pleasure of being highly regarded by society (which highly values and respects virtue) while religionists embrace pain in this world with the hope of avoiding greater pain (or receiving greater happiness) in a life to come.

Unlike asceticism (inverse utility), sympathy and antipathy guide moral choice "merely because a man finds himself disposed to approve or disapprove of them" holding up this innate moral sense "as a sufficient reason for itself and disclaiming the necessity of looking out for any extrinsic ground."[15] In other words, internal sensibilities define the moral good without looking to external reason or justification. In order to make moral judgements, "you need but to take counsel of your own feelings: whatever you find in yourself a propensity to condemn is wrong for that very reason."[16] Bentham argues that this type of moral sentiment unduly guides the penal system:

> "If you hate much, punish much: if you hate little, punish little: punish as you hate. If you hate not at all, punish not at all: the fine feelings of the soul are not to be overborne and tyrannized by the harsh and rugged dictates of political utility."[17]

Bentham maintains: "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" and "one account may serve for all of them." Each

[14] Ibid, 12-13
[15] Ibid, 16
[16] Ibid
[17] Ibid, 16-17

contains "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.[18] The phrases are different, but the principle the same."[19] Bentham does concede however, "that the dictates of [sympathy and antipathy] will frequently coincide with those of utility, though perhaps without intending any such thing."[20]

Here we find the crux of Bentham's utilitarianism: moral choice must be made through the consultation of an external mechanism or rationale: the principle of utility. Internal sentiments or intuition are insufficient to define the moral good. Therefore:

> "The only right ground of action, that can possibly subsist, is, after all, the consideration of utility, which, if it is a right principle of action, and of approbation, in any one case, is so in every other. Other principles in abundance, that is, other motives, may be the reasons why such and such an act *has* been done: that is, the reasons or causes of its being done: but it is this alone that can be the reason why it might or ought to have been done. Antipathy of resentment requires always to be regulated, to prevent its doing mischief: to be regulated by what? always by the principle of utility. The principle of utility neither requires nor admits of any other regulator than itself."

As noted above, assessment of utility is derived from the relative assessment of pleasure and pain. Of these, Bentham identifies four "sanctions or sources." [21] These include "the physical, the political, the moral, and the religious." The meaning of the physical and political sources of pleasure and

[18] I believe that Kant's substantial work and rationale seriously undermine Bentham's reasoning here.
[19] Ibid, 17
[20] Ibid, 18-19
[21] Ibid, 24

pain are self-evident. However, the moral and religious require a more explicit definition. By moral, Bentham means those pleasure and pains which come:

> "At the hands of such *chance* persons in the community, as the party in question may happen in the course of his life to have concerns with, according to each man's spontaneous disposition, and not according to any settled or concerted rule, it may be said to issue from the moral or *popular* sanction."[22]

In other words, moral pleasures or pains are derived from the reaction of others based on their particular sympathetic or antipathetic positions towards an individual's action. Religious pain or pleasure "may be expected to be experienced either in the present life or in a future." Of course "as to such of the pleasures and pains belonging to the religious sanction, as regard a future life, or what kind these may be we cannot know… [therefore] during the present life they are matter only of expectation."[23]

Bentham then, is mainly concerned with those pleasures and pains experienced in this present life, since they are both knowable and immediate. Future pleasure and pain can be at best anticipated, but not measured or adequately judged.

Using pleasure and pain as the "instruments", it is necessary to understand "their force [which is], their value."[24] Thus, "the value of a pleasure or pain considered by itself, will be greater or less, according to the … following circumstances:"

1. Its intensity.
2. Its duration.
3. Its certainty or uncertainty.

[22] Ibid, 25
[23] Ibid, 27
[24] Ibid, 29

4. Its propinquity or remoteness.
5. Its fecundity.
6. Its purity.
7. Its extent."[25]

Using these seven factors as guides, Bentham introduces what has come to be known as the "Bentham Scale:"

> "To take an exact account then of the general tendency of any act, by which the interests of a community are affected, proceed as follows. Begin with any one person of those whose interests seem most immediately to be affected by it: and take an account,
>
> 1. Of the value of each distinguishable pleasure which appears to be produced by it in the first instance
> 2. Of the value of each pain which appears to be produced by it in the first instance.
> 3. Of the value of each pleasure which appears to be produced by it after the first. This constitutes the fecundity of the first pleasure and the impurity of the first pain.
> 4. Of the value of each pain which appears to be produced by it after the first. This constitutes the fecundity of the first pain, and the impurity of the first pleasure.
> 5. Sum up all the values of all the pleasures on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the good tendency of the act upon the whole with respect to the interests of that individual person; if on the side of pain, the bad tendency of it upon the whole.
> 6. Take an account of the number of persons whose interests appear to be concerned; and repeat the above process with respect to each. Sum up the numbers expressive of the

[25] This is a consolidated list from *Bentham*, 29-30

> degrees of good tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is good upon the whole: do this again with respect to each individual, in regard to whom the tendency of if it bad upon the whole. Take the balance; which if on the side of pleasure, will give the general good tendency of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general evil tendency, with respect to the same community."[26]

Of course, "it is not expected that this process should be strictly pursued previously to every moral judgment." However, "[it may] always [be] kept in view."[27]

To Bentham, consequences are all that matter in making moral judgments in that the "general tendency of an act is more or less pernicious, according to the sum total of its consequences."[28]

The consideration of consequences in moral philosophy is not unique to Bentham. Moral philosophers from Plato to Kant have always kept the consequences of an action in mind when considering "the good." What is unique about Bentham, and Utilitarianism in general, is that consequences, as they tend to augment or diminish happiness of individuals, become the sole end of human morality.

Bentham's presentation while intuitively pleasing and in many regards appealing to common sense; remains philosophically crude and lacks merit as the basis for a system of ethics. His assertion, which he puts forth as the starting point for his entire argument, that the principle of utility itself is self-evident and

[26] Bentham, 30-31
[27] Ibid, 31
[28] Ibid, 70

is a first-principle beyond proof is problematic at best and patently absurd at worst. To reduce human action to base hedonistic responses to pleasure and pain does not seem intuitively consistent with the moral sentiments of virtue and justice, both of which are a significant part of both religion and philosophy. Bentham seems to deny or completely discount any selfless act by maintaining that every human action is motivated by the influence of utility. This runs counter to concepts such as the "good will" of Kant or even Jesus' Sermon on the Mount where human action is not motivated by the anticipation of any specific consequence, but rather by a desire to be "good" or have a love for God, in and of itself.[29]

To be fair to Bentham, it should be mentioned that his intent in *An Introduction* was not to provide a rigorous proof of a philosophical position. Rather, he offered the conceptual framework of utilitarianism for the purpose of evaluating legal issues involving the British penal system and in an effort fairly align punishments with offenses. Therefore, Bentham should not be judged too harshly for his lack of philosophic rigor. It would be left for later utilitarian thinkers to pick up where Bentham left off and expand on those ideas left wide open for criticism.

Mill

John Stuart Mill is Utilitarianism's first apologist. Perhaps best known for his essay, *On Liberty*, Mill in *Utilitarianism* presents a defense of utility and its efficacy as a guideline for moral judgments. Mill asserts "that the very imperfect notion ordinarily formed of [utilitarianism's] meaning, is the chief obstacle which

[29] Certainly the attainment of a good will and the development of a love of God may bring about pleasure but they may also bring pain. Adherents to Kant's philosophy and Christian morality understand that consequences are not the motivation for action. Bentham holds that the Christian or the Kantian ethics, at their root, are in fact motivated by the anticipation of consequences. Yet such a position ignores not only the foundational texts of these systems, but also the claims of their adherents.

impedes its reception" and that if the wide perceptions of utilitarianism could be cleared from "the grosser misconceptions", utilitarianism would be more widely accepted.[30]

The chief criticism against Bentham's utilitarianism was that it was "pig philosophy."[31] Bentham's critics held that utilitarianism's valuations of pleasures and pains made no differentiation between the relative value of pains and pleasures derived from differing sources. Therefore, the pleasure a pig enjoyed in slop highly enjoying its meal was to be measured equally with the pleasure enjoyed by a philosopher in contemplation of truth. To critics, this idea was as offensive as it was crude. Thus, Mill attempts first to "offer some illustrations of [utilitarianism] itself, with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning."[32]

Like Bentham, Mill defines utilitarianism as "the creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, [and] wrong as they tend to produce the reverse of happiness."[33] Further, "pleasure, and freedom from pain, are the only things desirable as ends; and [all] desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain."[34] However, unlike Bentham, Mill explains "some *kinds* of pleasure are more desirable and more valuable than

[30] John Stuart Mill, "Utilitarianism" in *The Basic Writings of John Stuart Mill*, (New York: The Modern Library, 2002) 237
[31] Thomas Carlysle, *Latter-day Pamphlets*
[32] Mill, 237
[33] Ibid, 239
[34] Ibid, 240

others" and that "it would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone."[35] To Mill, those pleasures which involve the "higher faculties" are of more worth and are in fact more pleasurable than those experienced in other ways. In fact:

> "Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs… A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and is certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence."

Famously, Mill concludes that "it is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied."[36] Here is where Mill seems to run into some trouble. The implication in Mill's assertion is that the concept or abstraction of happiness itself is what matters in moral decisions and not the perception or experience of actual sentient beings. By claiming that Socrates dissatisfied is preferable to a fool satisfied, Mill is assigning a pain (relative to Socrates) a higher value than a pleasure (relative to the fool). Mill is suggesting that the valuation of happiness is something external to the sentient being – that happiness, as it were, is not a matter of individual preference, choice or perspective, but rather, defined by an external conception

[35] Ibid, 241

[36] This may not necessarily be true. How often do you hear persons lament about how life was much simpler and perhaps more enjoyable when they were younger and less experienced in the "higher faculties?"

which defines the relative values of pleasures and pains. This idea seems completely antithetical to the basic concept and premise of utility! Although not explicitly doing so, Mill through this assertion has placed a conception of happiness itself above the beings that experience happiness, and advocates not the relative assessments of pleasure and pain made by particular individuals, but rather an external assessment of "higher faculties" and their associated pleasures and pains.

Of course, Mill maintains that it is only the "judgment of the experienced" which allows discernment between these varying degrees of both pleasure and pain and therefore, those who have yet to experience the higher faculties will decide "whether a particular pleasure is worth purchasing at the cost of a particular pain" based on their individual assessments. This may function well when it comes to questions of individual moral choice. However, questions of morality necessarily involve all aspects of the social realm and consequently are often answered in the public sphere. Hence, politicians, educators, business leaders etc … are often called on to make moral judgments which influence the relative happiness of many individuals and not just themselves. Therefore, it seems problematic to allow persons, with or without the benefit of the "higher faculties", to make moral choices without due consideration of the relative assessments of others. Mill is not directly advocating such proxy choices; however, he does maintains that the utilitarian "standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it." Thus, "Utilitarianism … could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so

far as happiness is concerned, were a sheer deduction from the benefit." In this sense, Mill seems to follow Aristotle in defining the "best life" and Mill's utilitarianism then, is simply a means to promoting this conception.[37]

Both Bentham's and Mill's respective positions pose significant problems. If we are to accept that all pleasures and pains are of equal value, then the suffering of any sentient being, including the suffering of animals, must be considered equal to that of human suffering and weighed on equal moral grounds. Therefore, the morality of slaughtering animals for food, clothing, or other purposes relating to human sustenance[38] come into serious question. Even those who are proponents of the humane treatment of animals may be unwilling to place animal suffering on equal ground with human suffering.

On the other hand, if we accept the notion that pleasures involving the "higher faculties" are more valuable than more "base" pleasures, it becomes all too easy to exclude the concerns and happiness of beings incapable of utilizing the higher faculties. Taken to an extreme, it would be simple to completely disregard the pleasures and pains of animals altogether, not to mention the pleasure and pain of mentally challenged human beings or even those who have not had the benefits which education and economic opportunity afford.[39] We have seen hints of such viewpoints in the past in the form of Social Darwinism and even the philosophy of Nietzsche. Such positions seem to run so counter to intuition, that it is difficult for many moralists to accept them without serious modification.

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[37] It would be a gross overstatement to suggest that Mill is advocating the life of "higher faculties" as the ultimate end over his Greatest Happiness Principle. Throughout this work Mill is very consistent in reiterating this Greatest Happiness Principle. However, if many of Mill's assertions are followed to their logical conclusions, it seems that what Mill may in fact be advocating is a certain type of happiness, attained through the higher faculties.

[38] I focus purely on sustenance here because issues of luxury and vanity raise separate and distinct moral questions.

[39] Mill clearly illustrates his own bias in *On Liberty* when he claims that liberty is to be reserved for those races of people who are capable of comprehending its implications.

Brief Comments on Sidgwick

The most comprehensive defense of utilitarianism comes from Henry Sidgwick in his *Methods of Ethics*. Therein, Sidwick defines utilitarianism as:

> The ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct. It would tend to clearness if we might call this principle, and the method based upon it, 'Universalistic Hedonism': and I have therefore sometimes ventured to use this term, in spite of its cumbrousesness."[40]

Sidwick's "Universalistic Hedonism", more so than Bentham and Mill's comments on the ethical necessity of the "Greatest Happiness Principle", moved utilitarianism more towards what is known as welfareism which expanded utilitarian concerns beyond mere happiness towards a more broad understanding of human welfare. Sidgwick felt that utilitarianism could be used to complement and systematize what he referred to as the morality of "common sense:"

> "Utilitarianism sustains the general validity of the current moral judgments, and thus supplements the defects which reflection find in the intuitive recognition of their stringency; and at the same time affords a principle of synthesis, and a method for binding the unconnected and occasionally conflicting principles of common moral reasoning in to a complete and harmonious system."[41]

Sidgwick seems to be the first to so explicitly marry utilitarianism with other ethical systems. Later critics of utilitarianism would continue to recognize it's usefulness but unlike Sidgwick, place utilitarianism in a secondary role.

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[40] Henry Sidwick, *The Methods of Ethics*, (Indianapolis and Cambridge: Hackett Publishing Company, 1907 republished 1981) 411
[41] Sidgwick, 422

Modern Refinement and Criticism

In a world of scarcity, conflicts involving competing conceptions of happiness are inevitable as happiness or welfare is often closely tied to the availability and consumption of resources.[42] Because this distribution is necessarily a zero-sum game, there will always be "winners" and "losers" when it comes to the acquisition and consumption of resources. Strict interpretations and application of utilitarianism in such circumstances often produce seemingly unjust results.[43] John Rawls, in his precursor to his *Theory of Justice* wrote "the fundamental idea in the concept of justice is that of fairness" and "it is this aspect of justice for which utilitarianism, in its classical form, is unable to account."[44] Rawl's maintains that "an inequality must work for the common advantage" in order to be just and that such inequalities are agreed upon through the functioning of the social contract. In his *Theory of Justice*, Rawls makes use of utilitarian principles – always keeping in mind the consequences of any actions considered by the body politic, but also rejecting those actions which violate the guiding principle of "justice as fairness." Surely, Rawls' "conception of justice differs from that of the stricter form of utilitarianism" in that the social contract ultimately takes precedence over the "Greatest Happiness Principle." However, Rawls makes good use of utilitarian assessments of consequences in order to evaluate the transactional aspects of interaction within the social sphere.[45]

What Rawls has effectively done, is put utilitarianism to proper use as a secondary ethic. Rawls identifies and recognizes the flaws and problems of

[42] This statement is not meant to imply that higher consumption leads to greater happiness. However, it can be assumed that for questions of general happiness to be addressed, there must be enough available resources for the sustenance of life. Also, it is often the relative and not absolute distribution of resources which highly impacts a person's individual perception of happiness.
[43] Vast wealth disparity and egregious corporate welfare, often coming at the expense of social welfare are prime examples.
[44] John Rawls, "Justice as Fairness", *The Journal of Philosophy*, Vol. 54, No. 22, p. 653
[45] Rawls, 660-661

employing utilitarianism as a primary means of discovering and establishing justice. Therefore, Rawls selects social contract theory as his primary ethic in seeking justice and puts utilitarianism to work within this context to construct a cogent and viable theory.

Primary and Secondary Ethics

As has been illustrated above, utilitarianism *as a sole means* of discerning and defining morality presents significant and troubling problems. Yet clearly, the utilitarian approach of assessing pleasure and pain – especially through use of the Bentham Scale, is a viable method of anticipating consequences and making sound moral judgments in many circumstances. Few would argue for example, that a virtuous or just person would commit any act without consideration and measurement of the consequences and the resulting relative pleasure and pains. Of course, these consequences are not the only consideration but are used only as a means to determine if some ultimate end is being properly served. The definition and identification of this ultimate end is through a primary ethic or system of ethics. Individual judgments within this context, as in the consideration of specific consequences, often come about through the employment of a secondary ethic.

A primary ethic may be defined as an ethical system which defines and specifies absolute or ultimate ends. Such ends are not conditional or relative and do not change based on individual preference or circumstance. They are good in and of themselves or at least represent a terminating point of means. Primary ethics may be represented simply – as in various maxims; or may be very complex with many parameters and accompanying conditions. It is a primary ethic which defines the purpose for human morality and often defines what is,

and what is not moral. However, primary ethics present their own set of problems and in many cases contain seemingly intuitive contradictions.

For example, Kantian ethics are primary. Kant gives an ultimate end which is *a priori* and unconditional:

> "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 mere with, but as the straining of very 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 fruitfulness 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 sufficient expert, but not commend it to experts or to determine its value."[46]

The arrival at a "good will", through reason, is the ultimate aim of Kantian ethics. From this foundation, Kant builds certain maxims known as the categorical imperatives. These categorical imperatives outline specific duties individuals have and should live by. To Kant, there were no exceptions to the categorical imperative – they were absolute and should be strictly observed. One of these categorical imperatives is the duty not to deceive or lie. Benjamin Constant challenged Kant on this point and presented a scenario where a murderer, intending to kill your friend, asks about this friend's whereabouts.

[46] Immanuel Kant, *Groundwork of the Metaphysic of Morals*, (London and New York: Routledge, 2004), 60

Constant claimed that the categorical imperative would require you to tell the truth, thus enabling the murderer to locate and kill your friend. Kant, in response, agreed with Constant - maintaining that if you were to lie to the murderer, you would be using them as a means to save your friend's life and that such an action would be immoral.[47]

To most, Kant's line of thinking here is unacceptable and in this situation, the duty to preserve your friend's life would clearly outweigh the duty to not to lie. This author is unable to grasp how Kant could maintain that possessing foreknowledge of murder and not preventing it whilst having the ability to do so; is consistent with attaining a "good will." It in fact seems antithetical to the very nature of what we understand as "good." In this type of situation, we can see how utilitarianism, and consequentialism in general, would be useful in pursuit of the moral good. However, we may replace the end of utilitarianism – happiness – with the ultimate and constant end of Kant – a good will – in making our estimations.

For the sake of illustration, imagine the utilization of the Bentham Scale in this situation using the context of "tendency to promote a good will" rather than a "tendency to promote happiness."[48] Clearly, this type of analysis would lead us to lie to the murderer in order to protect our friend from an unjust death. Our analysis shows us that this action is most consistent with attaining a good will. Granted, in the vast majority of cases Kant's categorical imperative prohibiting deceit is most consistent with his concept of the good. However, a consultation of utilitarian analysis can help us identify moral flaws in Kantian absolutism. Kantian ethics, as primary ethics define the context from which we perform our utilitarian analysis. We discard the fluid and vague ends of utilitarianism and

[47] See Immanuel Kant, *On a Supposed Right to Tell Lies from Benevolent Motives*
[48] Kant is likely rolling over in his grave at the mere suggestion.

replace them with the ends of Kant. From this vantage point we are able to arrive at a more clear and intuitive sense of the moral good than by utilizing Kantian ethics or utilitarian estimation alone.

Revealed religion may also serve as a primary ethic. Therein, the ultimate end is defined by God and laws and rules of conduct are established to serve the end which God defines. For our purposes here, we will consider Christianity. The ultimate end in Christianity can be stated as: "You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself" (Luke 10:27 NRSV). In the Sermon on the Mount, Jesus encourages his followers to disregard concern for worldly consequences and "strive first for the Kingdom of God and his righteousness" (Mat 6:33).

As part of this striving for righteousness, Jesus instructed his followers to "turn the other cheek" and to generally avoid conflict and contention. Yet, there are circumstances where pacifism seems not to serve the end of pursuing the Kingdom of God. For example, Jesus himself violently cleansed the temple and provoked conflict with the religious authorities of his day. Of course, he did in fact return to the temple later to teach and reconcile. In a modern context, many Christians struggle with questions of war and if, under any circumstances, war and violence serve the ultimate Christian end: the Kingdom of God. Answers to this difficult question vary, but most Christians ethicists come down in favor of one version or another of Just War theory. If we look closely at how this theory has been developed, we will notice immediately the utilitarian estimations which went into its formulation. Considerations for likelihood of victory etc … are all aspects of careful examination of consequences in the context of the guiding ethic of seeking the Kingdom of God. The measurement is not happiness, but rather is the Kingdom of God. Just as in our Kant example, we replace the fluid end of

happiness, with the definitive end of the Kingdom in making utilitarian estimations.

The Atonement of Jesus Christ itself can be interpreted in utilitarian terms. Here we see that God, being the definitive end of all things moral, allowed the ultimate injustice of the torture and execution of his Son in order to bring about a greater good: the salvation of humankind. Also, according to the satisfaction theory of atonement, this great injustice enables two characteristics of God: namely justice and mercy – to coexist simultaneously. Regardless of the theory of atonement one may subscribe to, Christ's atonement represents a great injustice which served as the means to an ultimate good.

How then are we to define a secondary ethic? Unlike primary ethics, a secondary ethic does not advocate a definitive end – it merely serves to promote the ends of a primary ethic. A secondary ethic is not a good in and of itself. We have already seen utilitarianism functioning as a secondary ethic but there are other secondary ethics as well. For example, tolerance. Tolerance is employed selectively to serve some other purpose.[49]

There is considerable work left to be done in this area. Particularly in refining the definitions of primary and secondary ethics and identifying the points where primary systems of ethics fall short and when secondary ethics may be called in to fill in the moral gaps. This author admits that intermixing and selectively choosing from various ethical systems is not the most philosophically rigorous and consistent analysis. However, human beings do not face moral choices in a vacuum and this author believes that it is essential to make use of the ethical and moral tools more appropriate for any given situation. This approach to ethics is somewhat like the relationship between Newton's laws of physics and

[49] Some have claimed tolerance as a virtue and good in and of itself but this can be seen as problematic. Certainly there are times when intolerance, for example of hatred, violence of injustice – goes further in reaching the moral good, than does tolerance.

Einstein's theories of relativity. It is true that Newton's laws simply break down and no longer function when considering questions of the cosmos. However, if a person is building a bridge between Brooklyn and Manhattan, he or she relies on Newton and not Einstein. Newton may be clumsy in the grand scheme of things but for the here an now, and for this moment, his principles work.

Similarly, utilitarianism may be clumsy and incomplete philosophically but it still has its place in moral analysis – especially regarding questions of a practical nature.

Conclusion

This essay has highlighted some of the unique challenges presented by utilitarianism. However, it has also shown utilitarianism's usefulness and validity as a system of ethics within certain contexts. Those who are quick to dismiss utilitarianism completely based on "the absence of generally respected arguments in its favour" should reconsider. Utilitarianism has its place. It is simply a matter of identifying how and when it works.