

What is the Right Thing to Do?

The Second Session:

A Summary of Jeremy Bentham and the Case for Cannibalism - Justice as the Greatest Happiness/Pleasure for the Greatest Number

Last time we looked at how we reason morally. Sometimes we do this by examining the result of an action (consequentialism). Additionally, we also assess morality on the basis of categorical thinking: that is, the intrinsic character of an act matters morally: there are some things that are just categorically wrong even if they deliver a good result.

Looking at consequentialism, Sandel turned to Jeremy Bentham's utilitarianism: maximising utility, maximizing the balance of pleasure over pain, happiness over suffering, the greatest good for the greatest number: This Bentham claimed is the basis of morality.

Sandel then turned to a case to test this idea of morality: the legal case of *The Queen vs Dudley and Stevens*. In this case a crew of four in the South Atlantic are sunk by a freak wave. They climb aboard a dingy and float for days with minimal food and no water. After several days, they kill the cabin boy Richard Parker in order to consume him and so survive. A few days later they are retrieved by a ship and return to England. The case went to trial.

The question is, were they guilty or not guilty of murder? The students are divided: one student argues that the degree of necessity exonerates you morally. Another student argues "you gotta do what you gotta do to survive". Another defence is that they were under exceptional conditions and were not in a proper state of mind to make decisions. Another student asks if Dudley and Stevens had asked for Parker's consent, would that have changed things morally speaking? Yet another argues that consent is only valid if Parker had come up with the idea independently, otherwise it would be coerced consent. The other view argued, is that regardless of consent, the murder of Parker was wrong, categorically wrong. The issue is that in killing Parker, the judgment made was that their lives were more important than his.

In sum then, the utilitarian defences had to do with necessity, circumstances and implicitly, that numbers matter. If you do a maths of happiness and suffering then you might conclude they did the right thing. The objections were on the other hand, what they did was categorically wrong even if it increases overall happiness. Why is it wrong? Well, even cabin boys have fundamental rights that should not be violated: consent or no consent.

Consequentialist or utilitarian conclusions vary from categorical ones.

The Third Session: A Précis of Measuring Pleasure

A Summary of the Problems of Utilitarianism through an evaluation of Cost-Benefit Analysis and a Précis of John Stuart Mill's Corrections to Bentham

Step I: The Problems of Utilitarianism:

Our Third session today looks at the question of how to measure pleasure. We will be thinking about whether all pleasures are of equal value – in other words, is it all relative – or whether there are some pleasures that are higher than others, more valuable, of greater weight. This question was considered by John Stuart Mill, a philosopher who was deeply shaped by Jeremy Bentham's utilitarianism, but who also was dissatisfied with some of Bentham's conclusions.

Before we look at the thought of Mill, there is a session by Sandel which we are skipping, but which helps set the scene. In that prior discussion, Sandel sums-up Bentham's utilitarianism with

the words that it is all about “maximizing the general welfare”. The idea behind this thinking is that we are all governed by the experiences of pleasure and pain; “they are our sovereign masters”. Accordingly, what is just, is arrived at by actions that minimize pain and maximize pleasure. In Bentham’s words, “The right thing to do is the one that maximizes the balance of happiness over suffering”.

Sandel, then refers to a particular version of Utilitarianism that has been used widely in political and business circles: **Cost-Benefit Analysis**. What it involves is placing a value, usually a dollar value, upon the costs and benefits of various proposals. Sandel then refers to a number of cases of Cost-Benefit Analysis, in order to raise questions about its adequacy.

The first, concerns the story of the tobacco company Phillip Morris in the Czech Republic. The Czech government had suggested an increase in the excise tax on tobacco and cigarettes. Phillip Morris, responded with its own research on smoking, pointing out that, in effect, it was in the interests of the Czech government, that its citizens continue smoking, not give it up. The study pointed out that while there were costs incurred by the government due to illness from smoking related diseases of its citizens, it was also the case that there were benefits: tax revenue from sales of cigarettes, health care savings from early deaths, pension savings from early deaths, and housing savings for the elderly who would not reach old age. In short, in not raising excise tax and keeping cigarettes cheap, Phillip Morris pointed out that Czech society would be immeasurably better off, and financially way ahead: in fact, to the tune of \$147 million.

The second concerns the Ford Pinto Case: a very popular American vehicle that had a design fault – the petrol tank was placed at the back of the car and had the tendency to blow-up, incinerating the occupants, if impacted from the rear. Ford evaluated through means of a cost-benefit analysis, whether they should rectify the fault. They decided that it could not be justified on the basis of the cost of the changes that were required to the vehicle. The costs to change the vehicle were calculated at \$137 million and the benefits, including 180 deaths at \$200,000 each, 180 injuries at \$67,000 each and the repairs to 2000 vehicles at \$700 each, only came to \$49.5 million. It was better from a cost-benefit analysis, maximizing the balance of happiness over suffering, to do nothing.

In either case, there seems something wrong here. As the students identify, in the Phillip Morris case, no value was given to human life at all. In the Ford case, value to human life was assessed, and quantified, but at a mere \$200,000. There was discussion as to whether the problem was the inadequate value placed upon a life or that a monetary value was placed upon a life at all.

In summing up the problems with this sort of approach to justice, which attempts to maximize utility or pleasure, the students raise two basic and crucial points, and here the lecture ends:

First, that individuals and minorities, are discounted, seen as simply part of the cost incurred in maximizing the interests of the majority. In the case of the Czech Republic, the deaths of a minority of people who smoke, is the cost incurred for a stronger more robust economy. In the case of the Ford Pinto, those who are killed and maimed, are the necessary cost for the economic gain to Ford and indirectly to the country. The issue then is that the rights of individuals should not be traded off and seen as collateral damage.

Second, that the model of cost-benefit analysis assumes that the value of life, and everything else can be aggregated into dollar terms, captured in a single uniform measure of value. This seems doubtful. Maybe the things we cherish and value cannot be so mathematically measured.

If both of these criticisms hold water, what does this mean for utilitarianism’s adequacy as a theory of morality?

Step II: A Second Attempt at Utilitarianism by John Stuart Mill: A Précis

In today's session, we will see and hear how, the British philosopher John Stuart Mill deals with the deficits of Bentham's thinking. Mill goes to the heart of the two problems we mentioned above: individual and minority rights, and aggregation of value into one measure such as dollars. But he raises another question, which has enormous significance: when we talk about maximising pleasure, should we not distinguish higher pleasures from lower ones? This is a very different approach to Bentham's, where all that matters is the intensity or duration of pleasure or pain. Bentham refuses to distinguish superior pleasures or inferior ones. Bentham is careful about presumptuousness – is the pleasure of ballet superior to that of Madonna? But can we dispense with the idea that some pleasures are nobler than others?

Mill argues that we cannot, that we must distinguish higher from lower pleasures by trying each and then deciding which is better. He argues that which is higher or lower can only be assessed from within our experience, not outside of it. Sandel tests this by three short clips: A Hamlet soliloquy about the human condition, Fear Factor and The Simpsons. Which clip do most students prefer? Which is the highest, the noblest? Students differ in their appraisal, however there is a sense of agreement with Mill, that people will prefer the higher pleasures because they engage our higher faculties: "it is better to be a human dissatisfied than a pig satisfied". Again, we may be more comfortable being a couch potato, but we know that looking at a Rembrandt is more satisfactory, because it engages us on a higher plane. It offers increased utility or value.

What about individual rights? Again, Mill, grounds his view of justice *as individual rights* as higher in the scale of social utility than just majority rights. Justice is then prior to all else, justice is privileged and cannot be traded off with other things. It is utilitarian because it considers the long-term interest and utility of us all as progressive human beings.

Questions

1. **How do you assess morality and the ethical: through weighing the results of actions or through categorical principles?**
2. **Do you believe that the moral can be assessed satisfactorily by Bentham's idea of maximising pleasure or happiness of the majority?**
3. **Do you think individual rights and rights of minorities matter? Do you think this because of your categorical principles or because in the end we get a better result for society?**
4. **Mill thinks that when we talk about maximising pleasure, we need to differentiate them into higher and lower pleasures, and weight them accordingly. Do you agree?**