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PH201 Philosophical Ethics
Paper 2: Utilitarianism

Even the most cursory look at discourse on ethics in the world today will reveal the tendency to use Utilitarianism to justify ethical assertions. Even those assertions that truly display pure Relativism are couched in the language of Utilitarianism to make them more palatable. Utilitarianism is often used to justify calls for legalized drug use; these manifest most often in the call to legalize marijuana. The undercurrent of that argument is clearly utilitarian in nature. This discussion will identify the inherent failures of Utilitarianism as a theory to identify or measure ethical behavior, and, therein, refute that argument.

Utilitarianism, as first formally proposed by Jeremy Bentham, asserts that The Good is identified as that which brings the greatest pleasure to the greatest number of people. Included in this is the assertion that the only true evil is pain, and the only true good is pleasure. The superficial shortcomings of this approach were addressed and repaired by John Stuart Mill, but he was unable to fully salvage the theory. Mill resolved the three greatest challenges to Bentham: how to calculate the greatest pleasure, the lack of distinction between higher and lower pleasures, and the possibility of intrinsically evil acts. The first of these, Mill addresses by a call to tradition removing the need for the weighty calculus proposed by Bentham. Mill points out that our forebears and society have done the calculus already, and that we should follow it unless and until the philosophers identify a corrected calculation. The second argument is addressed by Mill's call to our higher senses. In Mill's mind, humans are set apart from beasts by the fact that we can appreciate the higher pleasures, and we should do so. Finally, the idea of intrinsically evil acts is

addressed by a discussion of justice; unfortunately, Mill's discussion of justice fails to define justice in this system, and it focuses only on that which is not justice. He is left with the assertion that anything that brings pleasure is just, and our basic freedom to seek pleasure cannot be encroached.

The argument to end the legal ban on marijuana seems to distill to the assertion that its use does not directly cause civil unrest or violent crime, and it brings significant immediate pleasure to those who use it, so there is no reason for the government to ban it. Clearly, this is an application of Bentham's calculus, at least implicitly, to determine that the state does not have a sufficient interest to impose such restrictions. Since harm, in this argument, is zero, and benefit for those who use marijuana is significant, it is ethical. There is nothing to make it otherwise.

There are several insurmountable problems with using Utilitarianism, in either Bentham's or Mill's interpretations, as a basis for ethics. First of all it still lacks the ability to effectively to calculate right and wrong. Bentham's calculus is unwieldy and Mill's reliance of tradition still allows that tradition to be redefined as necessary. Furthermore, since both assert that the consequential pleasure or pain of an action is all that defines its morality, absent the agent, intentions, or objective act, morality is reduced to luck since consequences can never be reliably predicted. Second, there is still no way to distinguish between higher and lower pleasures in either system. Mill asserts that the higher pleasures are naturally more pleasurable to humans, but to do this, he brings in nature in a way that is alien to the rest of the theory. If Utilitarianism is to be accepted at face value, then it must be accepted that drug induced pleasure is equal to that of fine arts. Next, although Mill tries to recover this issue, the idea of justice is still soft. Because the system lacks an idea of human dignity, anything can be justified as providing greater pleasure for more people, and there is still not an idea of intrinsic evils. This can clearly be seen in the

events in Rome as the civilization in that city declined. To Utilitarianism, gladiatorial combat, even forced gladiatorial combat, would be entirely ethical since the pleasure of the thousands of patrons far outweighs the pain of the few in the arena. Furthermore, even if it is accepted that the goal of all action is pleasure, the system is still too weak to provide norms that can be effectively identified since that which gives pleasure changes regularly from society to society and epoch to epoch. Finally, it is useful to note that, taken to its logical conclusion, Utilitarianism sets the stage for such assertions as made by philosopher David Benatar that, since non-existence is a zero-point of pleasure and pain, and one is only harmed by being born. Benatar asserts that, based on his Utilitarianism, being brought into existence is, in itself, an evil.¹

From these examples, it is clear that Utilitarianism cannot be used to measure the morality of any given act. However, even the claims set forth fail to fulfill the expectations of Utilitarianism. In the example above, legalized drug use in the United States, Mill's expectation that humans should seek higher pleasure serves to oppose it from within. Further, Mill's assertion that the calculus of our forebears should be respected rejects this application of Utilitarianism. The assertion that no one is hurt by drug use addresses only the consequences of the action, and it does not address the action itself, which is a basic failure of the theory, but is highlighted here. Therefore, desires to change laws that are supported only by an implicit Utilitarianism must find justification elsewhere.

¹ David Benatar, *Better Never to Have Been: the Harm of Coming Into Existence* (Oxford University Press, USA, 2008).