

What kind of Utilitarian should we ascribe to Mill (and why)? Is this version plausible?

In this essay, I will argue that we should simply ascribe act-utilitarianism to Mill. I will argue that single-level, multi-level, and rule-utilitarianism all collapse into standard act-utilitarianism, and that it is therefore pointless to draw a distinction between them. First, I will outline what rule-utilitarianism is through the 'Crazy Hospital Objection' to act-utilitarianism. I will then argue that rule-utilitarianism collapses into regular act-utilitarianism. Then I will show the difference between single-level and multi-level act-utilitarianism with the same scenario. Lastly, I will argue that there is actually no distinction at all between single-level and multi-level act-utilitarianism as they both, again, collapse into each other.

Why would one ever need rule-utilitarianism? Consider the following scenario, a bus filled with world-famous football players crashes. Five of the football players – who all have the same, incredibly rare, blood type – must go to the hospital where they are told that they all need an organ transplant to survive. They also all require different organs. Imagine now that someone – who is liked by no one, has no family or friends, and who no one will miss – with, coincidentally, the same blood type as the football players, let's call him Sam, comes into the hospital to have a routine checkup. One could argue that an act-utilitarian, utility maximizing doctor would have to murder Sam, harvest his organs, and then distribute his organs to the five football players. Sacrificing one life to save five lives. It seems that killing Sam would be, according to an act-utilitarian, the morally right choice insofar as it maximising the greatest balance of pleasure over pain. Many people would obviously object, murdering someone, even if some lives are saved in the process, is morally wrong in some sense, regardless of the consequences.

In response, an act-utilitarian doctor could still make the case that they would make the right decision and not harvest Sam's organs. For instance, when people would find out that it is dangerous to go to the hospital, as they may very well be put under anaesthesia after which their organs would be harvested, they would no longer go to hospitals. If people would no longer go to hospitals, in the end, there would be less happiness since people's illnesses would no longer be cured. However, what if no one finds out that Sam got murdered by the doctor? What if the hospital lied to the press by telling them that Sam had suffered, for instance, a motor accident? The problem with this defence of traditional act-utilitarianism is that it gets the scenario correct for the wrong reasons. It does not get it right because the doctor should not murder a patient, but it gets it right because of the effects of other people finding out.

A rule-utilitarian would therefore say that they would make the right decision in the hospital scenario because of a different reason. Rule-utilitarianism is a form of utilitarianism in which we should follow rules that, when generally adhered to, produce the greatest overall

Met opmerkingen [ER1]: Overall comments:

Thanks for this Olivier – I enjoyed reading it. See my comments in the margins for details comments – I've been quite critical, but this is because the essay is well structured and argued, so the comments are intended to push you.

Two main things to think about

- a) Use concepts offered to make your definitions as analytic and precise as possible. This will make clear to the reader exactly what your argument is targeting.
- b) Try and think about what *kind* of argument you are making. E.g., I think your argument is against Crisp's interpretation of Mill, it's a conceptual objection of sorts. Try and be as explicit as possible about what you are doing.

heeft verwijderd: regular

Met opmerkingen [ER2]: What do you mean by regular? Perhaps you mean they all collapse into single-level utilitarianism – I will read on and find out!

heeft verwijderd: c

heeft verwijderd: h

heeft verwijderd: o

heeft verwijderd: However

heeft verwijderd: ,

heeft verwijderd: it

Met opmerkingen [ER3]: Be precise! Does multi-level collapse in single, or the other way around?

Met opmerkingen [ER4]: There is a more philosophical way of writing this question: e.g., "what motivates the need to construct different versions of utilitarianism, in particular, Rule-Utilitarianism. Here's one motivation..."

heeft verwijderd: Firstly

heeft verwijderd: , w

heeft verwijderd: unethical

heeft verwijderd: A

Met opmerkingen [ER5]: Nice.

Met opmerkingen [ER6]: Another sentence here to say e.g., "In other words, we want to explain the wrongness of killing Sam as connected to the act of murder itself, not in the chancy circumstance in which individuals discover the murder."

happiness. Unlike act-utilitarianism, which focuses on individual actions, rule-utilitarianism emphasises the long-term benefits of consistent rule-following for society as a whole. As the rule 'do not murder' will create more pleasure if everyone adheres to it than if people would not adhere to it, it should be one of the rules that everyone adheres to. From this reasoning, the doctor would not be allowed to murder Sam because of the rule 'do not murder', not because other people could find out.

Met opmerkingen [ER7]: Include distinctions between direct and indirect criterion of rightness (from the beginning of Crisp).

However, as I will argue, because of the collapse objection, rule-utilitarianism actually does not get it right either. According to rule-utilitarianism, we should follow rules that produce the greatest happiness. However, the rule 'do not murder' would not actually create the greatest overall happiness. Instead, we just already saw that, if we modified the rule, more happiness would be achieved: 'do not murder unless (1) you are a doctor who is able to save lives by murdering and (2) no one will find out'. This rule would create more happiness than the rule 'do not murder' as the doctor could then sacrifice Sam to save the football players. Therefore, according to rule-utilitarianism, we should adopt the modified rule and reject the original. Consequently, the rules we adopt would just have a lot of conditions and exceptions, which would mean that they would simply collapse into regular act-utilitarianism. This means that introducing rule-utilitarianism is pointless because it would tell one to do the exact same as what act-utilitarianism tells them to do.

Met opmerkingen [ER8]: Again, there is a more philosophical way of saying this: e.g.,

"In my view however, the rule-utilitarian only solves the problem of deontic restraints superficially. Once we consider the objection I have coined the "Collapse Objection" the rule-utilitarians response to the Sam case turns on the same mistake the act-utilitarian suffered"

Multi-level act-utilitarianism is more complicated than traditional, single-act utilitarianism. For single-level act-utilitarianism, whether an action is right or wrong only depends on whether or not it maximizes happiness. On the contrary, multi-level act-utilitarianism also emphasises what Mill calls 'customary morality', the framework of societal moral rules. According to this view, one should first consult customary morality to decide whether an action is right or wrong, and only use the utility-maximizing principle when customary morality contradicts with itself [insert example]. In the case of the utilitarian doctor, customary morality tells him that he should not murder Sam. Mill would say that this would be – in the long term – the utility maximizing choice. This is not because utilitarians should follow customary morality for the sake of customary morality, but because breaking customary morality can have a lot of other bad (unknown) consequences. It could be possible that someone, as I pointed out above, finds out what the doctor did. Or, because breaking customary morality by murdering, murdering might become normalised for the doctor, and he might start murdering other people when it is not permissible through utilitarianism. Therefore, breaking customary usually is a bad idea because we do not know what will actually happen in the future.¹

Met opmerkingen [ER9]: Why? Explain this.

Met opmerkingen [ER10]: Reference to decision-making procedure made by act vs rule utilitarianism will make this point more nuanced.

Met opmerkingen [ER11]: Single-level? Be precise and define this at the beginning.

heeft verwijderd: O

heeft verwijderd: N

Met opmerkingen [ER12]: Again, using Crisp's distinctions would make this more precise.

¹ This, of course, still has the same problem as I pointed out above: getting the correct answer for the wrong reasons. However, perhaps this is just inherent to utilitarianism. Utilitarianism will never say that murdering is wrong because murder is wrong.

However, I will now argue that this distinction of multi-level act-utilitarianism is useless. The distinction is based on the false assumption that single-level act-utilitarianism only cares about the short-term. The reason why multi-level act-utilitarianism gets the answer right in the hospital scenario is because long-termism is so baked into the theory. For every decision, one has to ask themselves what effect it would have on customary morality in the long-term. However, just because this is not made that explicit for single-level act-utilitarianism does not mean it only cares about the short-term. In fact, exactly the same argument as I made above for why deviating from customary morality is typically wrong can be made through single-level act-utilitarianism. I argue that customary morality should just be seen as a *heuristic*. A tool which usually tells the person performing an action whether that action is right or wrong. This is also the way that Mill means it:

"[T]hat the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain" (Mill, 1998, p. 70)

This means that, in practice, single-level act-utilitarianism, when people take the long-term consequences into account, will always come to the same conclusion as multi-level act-utilitarianism. Therefore, multi-level act-utilitarianism is not a different *kind* of utilitarianism, rather it builds on top of single-level act-utilitarianism.

One reason to think the above distinction ought to be collapsed is that Mill needs this to counter the demandingness objection. This is the objection against single-level act-utilitarianism that it would take an incredible amount of time for a person doing an action to calculate the hedonistic results from every possible action they can perform. This would make single-level act-utilitarianism very impractical and that is why Mill introduces this heuristic which he defends by explaining why customary morality is usually right:

"[T]here has been ample time, namely, the whole past duration of the human species. During all that time, mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent...It is truly a whimsical supposition that, if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced by law and opinion...[M]ankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better."
(Mill, 1998, pp. 69-70)

Met opmerkingen [ER13]: Could a single-level act theorist not be a probabilist?

Met opmerkingen [MOU14]: Make this point more clear. Single-level act-utilitarianism would use exactly the same reasoning as multi-level. It would also rely on customary morality.

heeft opmaak toegepast: Markeren

heeft verwijderd: And

Met opmerkingen [ER15]: Try not to use a quote without explaining or drawing out the key points directly after.

In conclusion, it does not matter which kind of utilitarianism people attribute to Mill. If people argue that Mill is a rule-utilitarian, it means that Mill's utilitarianism would inevitably collapse into regular act-utilitarianism. And if one attributes multi-level act-utilitarianism to Mill, they do not, actually, say that Mill is a different kind of utilitarian, only that Mill has a heuristic for deciding which action is usually right.

Met opmerkingen [ER16]: Good.

Bibliography

Mill, J. S. (1998). Utilitarianism. In *Utilitarianism*. Oxford University Press.