

## Social Contract Theory (Continued...) ①

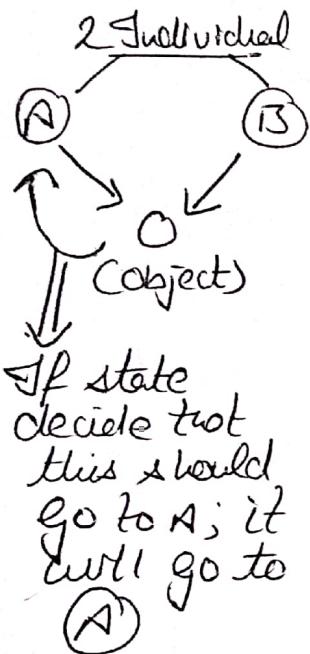
Strong State & Progress of society

Thus,

According to Hobbes morality is a type of social control which performs 5 functions for the society.

Why the society should be moral. According to this theory?

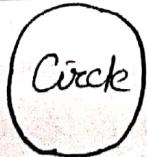
[5 Imp Functions]-



If state decide that this should go to A; it will go to A

- ① It keeps the society from falling apart
- ② It reduces human suffering.
- ③ It promotes human flourishing/growth development
- ④ It helps us to dissolve conflict of Interest in an amicable manner.
- ⑤ It helps us to assign Reward + Punishment, Praise and blame + guilt among the members.

Law & Ethics



## Utilitarianism (Jeremy Bentham) (2)

Accordingly,

There are two aspects of Bentham's theory;

### (1) Consequentialist

Acc. to Bentham, 'no action is right or wrong in itself in an absolute and categorical terms, it becomes so on the basis of consequence that it produces.' It is the consequence that gives true moral value to an action.

Thus, that action is the right action which produces best consequence or maximum utility.

In order to compare consequences of different actions, we must convert all of them in single scale of value.

He believed that values differ from each other only in quantitative terms and there is no qualitative difference between any two values.

According to Bentham, Principle of Consequence is so fundamental that it cannot be rejected on any possible grounds.

Bentham says,

Actions are value neutral  
↓

Every action has consequence which gives moral value to Actions.

Nature  
Quality  
Character  
↓  
Cannot  
be compared

$A \rightarrow C_1$   
(Truth)

↓  
to maintain  
trust/long  
term

$B \rightarrow C_2$   
(lying for better)

Pleasure  
↓  
Do's

Pain  
↓  
don'ts

Different  
Philosophers

↓  
Different  
Happiness

Happiness

↑  
Total - Total  
Pleasure Pain  
(Balance is  
Happiness)

All <sup>moral</sup> moral arguments must finally talk about consequence only. ③

All type of <sup>moral</sup> moral disagreements are always about what constitute the greatest utility. It is never about the principle itself.

## ② Utilitarian Aspect

According to Bentham, every person always want to have maximum Pleasure and minimum <sup>pain</sup> Pain. They are our sovereign masters.

Thus, that action is the right action which produces maximum happiness which he defined as the overall balance of pleasure over pain.

But in order to make happiness as the basis of Ethics we cannot consider the happiness of any particular individual.

Ethics must be based on the happiness of all those people who are affected by an act.

He also believe that while calculating this happiness we must

give equal value to the happiness of everyone regardless of who that person is.

In his theory the happiness of a Beggar is important as that of King. This makes Bentham theory is Objective, Impersonal, Impartial and Non-Judgemental theory.

Total  
Happiness  
must  
always  
inc

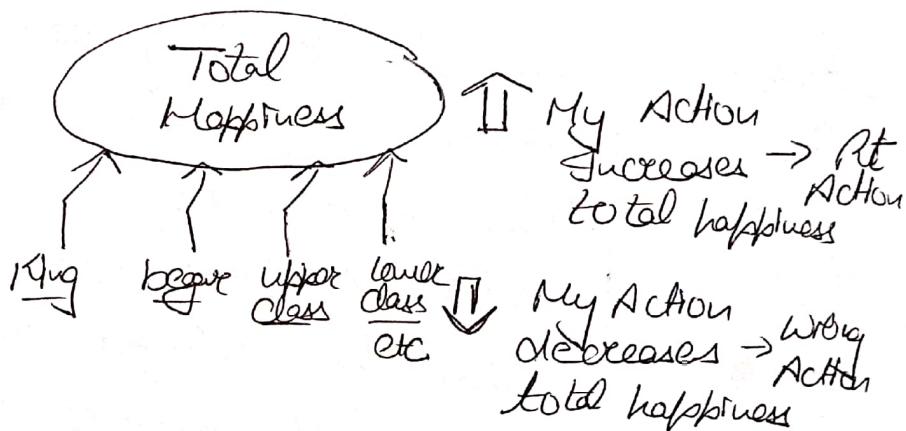
Happiness  
 $\Downarrow$   
 $\Sigma$  (Pleasure-Pain)

E.g.

Vote for  
Office for  
Important  
work

↓  
In deserted  
area, needy  
need Moral  
help & Remodel  
area }

Count the no.  
by utilitarian  
approach &  
then decide



Thus, that action is a right action which produces the greatest happiness for greatest number.

Bentham proposed a Science of Morality in which all types of happiness can be calculated/measured in terms of 7 variables

This method of measurement of happiness was called by him as

Value +++++  
Faulty +++  
You --  
Colleague --  
Project -

+  
++  
Then help.

But if Project  
is so important  
then

Project ---

Overall Negative  
(-ve)

\* [Science]

Measurement

$$f = Ma$$

↓  
Can  
be  
measured

Can be  
measured

(quantified)

e.g.

\* [Cost &  
Benefit]

↓  
Objectively  
checked &  
law can be  
made

→ legislation should  
be based on  
utilitarianism  
moral

## Hedonistic Balanc<sup>values</sup>

(5)

According to Bentham, utilitarianism is not just a theory of individual actions. It can well be the basis of our economic & political action as well.

It can be the basis for political and legal reform in a country as well.

Thus, before making any law every legislature must ask this question that whether the proposed law will create more happiness for more number than any of its alternative. If yes, then it is a good law otherwise it is a bad law.

## \* [Criticism of utilitarianism]

### 1) Individual Rights Vs Common Good

According to Bentham there is nothing like an absolute and categorical individual or natural rights.

e.g. (Politicians and Economist etc are against human right activist)  
(Bentham is also one)

Laws based  
on what's  
fair

Unethical

(Tughlagi  
Farmer)

law are  
also made  
based on  
Conventions

Conservative

e.g.

Industrial  
Rts v/s  
Common  
Goods

\*

Christian  
&  
Hungry  
Man

In  
Collectivism  
(Rane)

Pain; 100000  
units

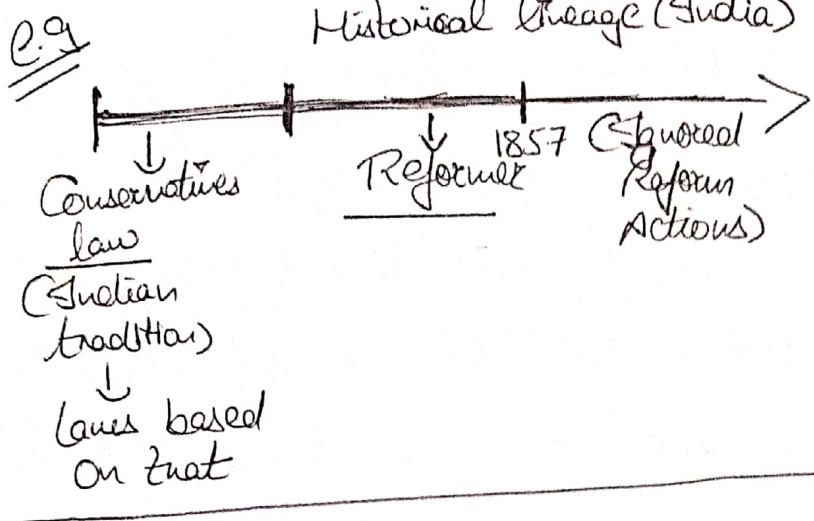
Pleasure; 10x20000

↓  
Good  
Person  
get  
10  
units

200000

↓  
Morally  
it can  
be  
justified

(By Bentham)



⑥

Individuals are important but only  
in the sense that happiness and  
preference of each individual matter  
equally to any one else, beyond  
that individual don't matter.

But according to critiques, there  
are some individual rights which  
are so fundamental that they cannot  
be compromised for any common good  
however large it may be.  
(Bentham's theory is Anti-minority)

Anti-minority

## ② Single Scale of value

According to Bentham, values differ  
from each other only in quantitative  
terms, so they must be changed  
into single scale of value so that  
they can be objectively compared.

Q9 \*

### Torture

(A) 90% chance  
he is guilty  
who planted  
a bomb

(A person  
can be  
tortured  
to ask  
about)

(A) 100%  
chance he  
is guilty  
But he is  
Psychopath  
& doesn't  
care for  
anyone  
But his  
7 yr old  
daughter  
would you  
torture  
her?

Benefit  
↳ No. of  
lives saved  
Cost  
↳ Torture  
7 yr old  
girl.

Critics of  
Bentham

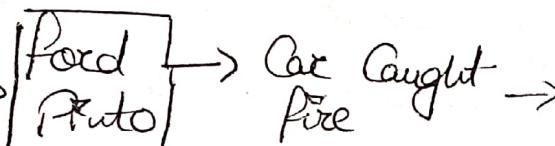
say;  
GM has  
certain RT

Come what  
may girl  
should not  
be tortured

For Bentham, this scale was Hedonistic scale. But for many modern utilitarians this scale can be more objective Monetary scale.

They hold that all the value should be changed into Monetary values so that they can be objectively compared.

Example;  
(Real Case)

↳  Ford Pinto → Car Caught fire → One young engineer caught in a small fault  
↳ Engineers proposed to recall the cars and insert value to correct fault  
Car Maker must be held accountable

Cost Value  $\Rightarrow \$11 \times N \Rightarrow \$135$  million

Benefit  $\Rightarrow \frac{\$200000}{J} \times \frac{\$64000}{(1 life saved)} \Rightarrow \$49.5$  million  
(J = injury saved)

Therefore, (U.S. Traffic Department data)

Proposal to change design was never implemented.

Ford had moral high ground based on utilitarianism.

e.g.

Gifts

A (gift)  $\rightarrow$  1000  
B C  $\rightarrow$  1000  
Cash

Equating life with money  
(Everything has value in monetary term)

8

e.g.

Purchase gift  $\Rightarrow$  Some value

↓  
Exchange  $\Rightarrow$  value decrease 20%.

everytime

Instead of it, if you exchange Money  $\rightarrow$  value is not changed.

But, according to ~~Antigues~~ critics of Bentham there are some values so fundamental that they cannot be converted into any other scale without losing their essence. (Something very essential/deep would be lost in that conversion)

C Ethics + Economics not to be confused)