

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

Strong State  $\propto$  Progress of society

Thus,

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

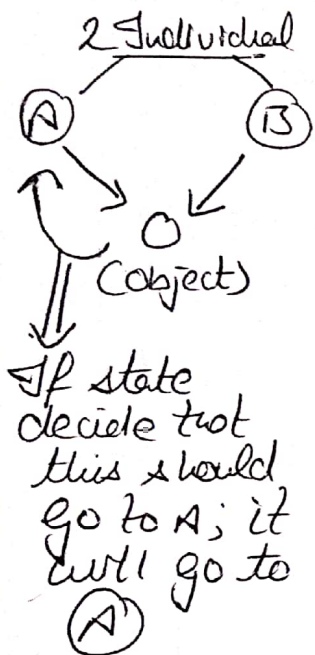
Why the society should be moral. According to this theory?

5 Imp functions:-

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

Law & Ethics

Circle



## Utilitarianism (Jeremy Bentham) (2)

Accordingly,

There are two aspects of Bentham's theory;

Bentham says;

Actions are Value Neutral



Every action has consequence which gives moral value to actions.

### (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 action, 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.

Nature  
quality  
character  
↓  
cannot  
be compared

According to Bentham, <sup>principle</sup> Principle of consequence is so fundamental that it cannot be rejected on any possible grounds.



A → (C<sub>1</sub>)  
(Truth)  
↓  
to maintain  
trust / long  
term

B → (C<sub>2</sub>)  
(Lying for better)

All <sup>moral</sup> arguments must finally talk (3)  
about Consequence only.

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

## (2) Hedonistic 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.

We also believe that while  
calculating this happiness we must

Pleasure  
↓  
Do's  
Pain  
↓  
don'ts

Different  
Philosophers

↓  
Different  
Happiness

Happiness

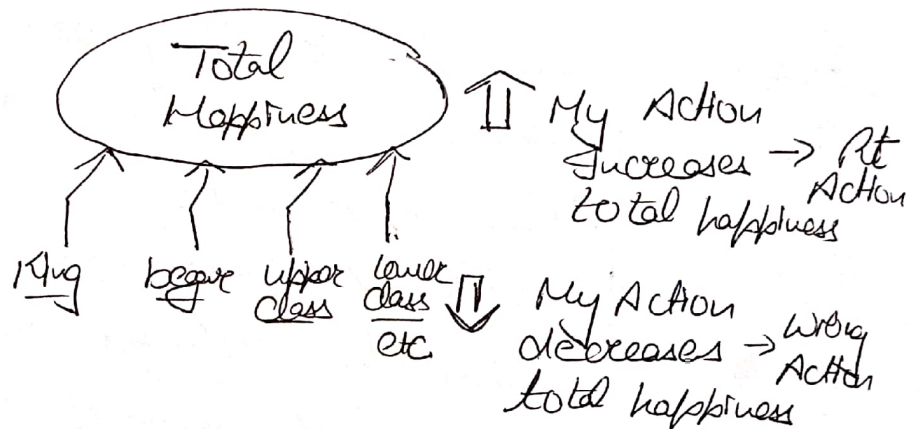
↑  
Total - Total  
Pleasure Pain  
(Balance is  
Happiness)

give equal value to the happiness (2)  
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: objective,  
Impersonal, Impartial and Non-Judgemental  
theory.

Total  
Happiness  
must  
always  
Inc

Happiness  
⇓  
 $\Sigma (\text{Pleasure-Pain})$



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

E.g.  
Late for  
Office for  
important  
work  
↓  
In deserted  
Area, needy  
need Medical  
help & Remote  
Area?  
Count the no.  
Sympathetic  
approach &  
frivolous



victim +++++  
 family +++  
 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)

## Hedonistic Calculus <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 Economists etc are  
 against human right activist)  
 (Bentham is also one)

e.g  
 \* Cost & Benefit

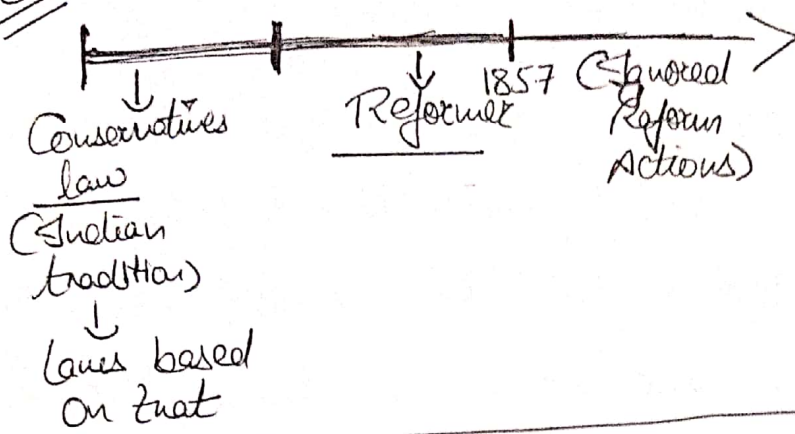
↓  
 Objectively  
 checked &  
 law can be  
 made

→ legislation should  
 be based on  
 utilitarianism  
 morals



# Historical lineage (India)

e.g.



Law based on whims & fancies

Unethical

(Tughlaqi Farman)

Law are also made based on Conventions

Conservative

e.g.

Institutional Rts v/s Common goods

\*

Christian & hungry Uda

In College

(Rames)

Pain, 100000 units

Pleasure, 10x20000

200000

Each Person get 10 units

Morally it can be justified

(By Bentham)

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 critics, there are some individual rights which are so fundamental that they cannot be compromised for any common good however large it may be.

Anti-minority

(Bentham's theory is 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.

Q. \*

Texture

90% chance  
he is guilty

## Who Planted a Bomb

(A person  
Can be  
tortured  
to ask  
about)

(K) 100%  
chance he  
↓  
is guilty

But he is  
Psychopath  
& doesn't  
care for  
anyone  
But his  
7yr old  
daughter  
11)

would you  
torture  
her?

## Benefit

→ No. of people saved

Cost  $\Rightarrow$  Torture  
7yr old  
girl.

Critics of Bentham

say;  
Gnd has  
Cetera 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 (Poor design - small fault)  
 ↳ Engineers proposed to recall the cars and insert valve to correct fault  
 Car Maker must be held accountable

↳ Engineers proposed to recall the cars and insert valve to correct fault

Cost Value  $\Rightarrow \$11 \times N \Rightarrow \$135 \text{ million}$

$\text{Benefit} \Rightarrow \$\frac{200000}{(1 \text{ life saved})} \times \$\frac{64000}{(\text{jury saved})} \Rightarrow \$49.5$

(1 life saved)

C Injury  
→ saved

Therefore, (U.S. Traffic department data)

Proposal to change design was never implemented.

Forest had more high ground based on  
nitrogenism.



Equating Life with Money  
(Everything has value in Monetary term)

e.g. Purchase gift  $\Rightarrow$  Some value

Exchange  $\Rightarrow$  value decrease 20%  
everything

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

But, According to <sup>critics</sup> ~~Adages~~ of Bentham  
there are some values so fundamental  
that they cannot be converted into  
any other scale without losing their  
essence. (something very essential/deeper  
would be lost in that  
conversion)

(Ethics + Economics not to be  
Confused)

e.g.

(Gift)

A (gift)  $\rightarrow$  1000

B (cash)  $\rightarrow$  1000

Cash