



A THIRD WAY?

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A THIRD WAY?

Unifying two long-opposed philosophical schools could have far-reaching practical implications

By Michael Levenstein FRSA

For millennia, thinkers of all allegiances have engaged in an interminable intellectual discussion as regards ‘the Good’ and how best to achieve the moral clarity it promises to afford. At the forefront of this dispute, two schools of thought in particular – deontology and consequentialism (namely in the guise of utilitarianism) – have captured scholars’ imaginations as viable candidates for a grand, unified theory of ethics. These theories have proved especially significant in the evolution of ethics and its application in the social sphere. From the development of religious custom to the content of modern-day legal codes, there is hardly a civic, political or economic institution not in some way affected by the precepts of their teachings.

There is, I believe, a way to unify aspects of these schools, which have proved incompatible for more than two centuries. The practical implications of doing so range from contemporary notions of social justice to the nature of incarceration.

First, we need a cursory description of this heated debate. Deontology asserts that the moral content of an act lies in its adherence to some fixed, universal rule, independent of the consequences that may follow, however potentially severe. Perhaps the most famous argument along these lines forbids coercively using an individual as a means toward some greater end, such as via conscription. Consequentialism, on the other hand, looks to the effects of an action in determining its moral worth. Utilitarianism, the most popular variant of consequentialism and the one examined here, specifically identifies ethical obligation in terms of whatever course of action will maximise happiness for the greatest number of people. This is expressed in terms of ‘utility’, best understood as the pleasure derived from the legitimate satisfaction of personal preferences (whether through the medium of material goods, social intercourse or even physical labour). What qualifies such preferences as legitimate is a mutual respect for others

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“NOTIONS OF THE PUBLIC GOOD ARE ULTIMATELY INSEPARABLE FROM THE UTILITY GENERATED BY INDIVIDUALS”

to do similarly (prohibiting, for example, a sadist from validly seeking pleasure at the unjustified expense of his victims).

Contrary to conventional wisdom, these approaches can be reconciled if we are able to strip away the obscuring means by which each argues its case.

OPPOSING IDEAS

Deontology holds the uniqueness of individual consciousness as the ultimate boundary of ethical concern. It sees the individual ‘bottom-up’ as its reconnoiterer, viewing his reports as the basis of moral consideration. This is why deontologists forbid even hugely beneficial actions toward a worthy majority if they come at the expense of unavoidable harm done to a single innocent individual. They would argue that the harm faced by that one individual is not less significant than the benefit received by any one of the many, not least because the benefit received by the group could only be understood at an individual level. Because happiness cannot be aggregated between separate conscious experiences of the world, they adopt a view of the individual’s rights as being unconditionally inviolable.

Utilitarians, on the other hand, view individuals ‘top-down’; as competing interests rather than from any single subjective viewpoint. Their approach does not value the moral interests or rights of any actor in a given scenario over another. Its superiority as a moral theory over deontology is grounded upon its superb grasp of the reality of interpersonal social interaction: that individuals exist with competing interests amid a backdrop of scarce, yet valued, resources. The utilitarian approach is to identify an objective and impartial means by which these conflicting pursuits can be prioritised. Whereas deontology is often unwilling to engage in so tawdry an enterprise, utilitarianism is fortunately not so inflexible. It recognises that in an imperfect situation where all relevant moral interests cannot be satisfied, there must be a scheme employable that provides actionable resolution.

The treatment of individual rights is a major source of disagreement between these two schools. Whereas >>



deontology considers rights part of the inherent attributes of being human, utilitarianism tends to view them as useful rules that generally promote both public and private benefit. This latter view is more convincing, for while rights may prove a noble fiction – perhaps necessary to develop a common system of interpersonal respect that makes the stable administration of society possible – they are quite simply not part of the fabric of absolute reality. They are merely useful, man-made rules that can be overridden under exceptional circumstances, namely those in which not all rights may be satisfied, either due to their competing objectives or logistical constraints. Violations must not exceed the minimal extent required for the protection of the greater interest, such that a partial disregard of rights is preferred to an otherwise total disregard of them.

To this extent, deontology proves a specialised form of utilitarianism. Its edicts are generally sound, but collapse under the weight of extreme imbalances in the allocation of utility-producing resources necessary to justly resolve conflicts between parties. For example, the refusal of a small group of homeowners to relocate, despite the benefits conferred to millions by a modern motorway being built on their land, may satisfy deontological standards, but fail the utilitarian mandate.

The fact that there are no metaphysically ‘fixed’ moral rules does not prevent the existence of very real, albeit relatively useful, ones. The most prominent of these is justice, defined as utilitarian reciprocity, itself the balancing of the intentions of and outcomes for two or more parties.

Justice, therefore, is a median point upon a scale assessing the relative benefits and harms of interpersonal behaviour, centred between the two extremes of mercy (or undue reward) and cruelty (or undue punishment). It preserves an impartial

perspective, not morally favouring any actor in particular, and constitutes a baseline of moral obligation in its appreciation of the scarcity of utility-producing goods. This understanding of justice is based on the recognition of limited resources met by unlimited demand. These resources need to be paid for in some way (for example by labour, money or bartering) and to violate this rule – by stealing, for instance – is to exploit the rights of others by diminishing their own rightful access to such goods or services.

This is significant because these theories – particularly if they are to be useful when it comes to real-world policy questions – must be able to define a moral good capable of being experienced by humans. While the consequence-based approach of utilitarianism proves unproblematic in this regard, attempting to justify the merits of deontology upon this basis reveals a subtle but fatal error in its reasoning. For example, a prohibition upon physically injuring another person is only sensible to us in terms of the physical pain it seeks to avoid, implicitly assuming that the avoidance of pain is a good in and of itself. Thus, deontological rules, even those concerned with banning unjust treatment, are invariably justified according to consequentialist logic – that is, conferring a tangible benefit or avoiding harm. Introducing the notion of justice ensures that such exchanges are proportionate, that the moral interests of actors are taken seriously and (when applied to the realm of finance) that economic efficiency on a systemic level is maximised. These findings relate to fundamental notions of social justice, which attempts to equalise unjustified disparities between broad classes within our society.

Even if deontic and utilitarian logic can coincide, what comes next? What use are our ethical conclusions – even philosophy

“POLITICS AND LAW ARE PUBLIC INCARNATIONS OF CHIEFLY ETHICAL AIMS”

itself – if not for the practicable advancement of human life and society? The implications are numerous because the resulting framework is one in which there is moral and administrative consistency on multiple levels, from the individual’s civil rights to the powers given to the state in times of emergency. Ultimately, the goal of ethics is human flourishing, whether this entails personal satisfaction, or the maintenance of social stability. Accordingly, social programmes and political agendas need to be tailored not only out of intellectual regard to the purity of moral aims, but also because their alignment necessarily creates a more prosperous community.

THE PRACTICALITIES

Taxation is one of the more obvious manifestations of applied ethics within social policy and is broadly reflective of prevailing conceptions of the public good. If the preservation of justice is of central concern to both deontological and consequentialist morality, then progressive taxation may at first appear unfounded. Income is taxed regardless of commensurate usage of state services, violating the ‘utilitarian reciprocity’ defined above. To critics, such a system is unjust, not least because an unregulated market permits the freedom to most accurately appraise the value of the goods and services available to consumers. This analysis becomes suspect however, upon recognising that no economy is perfectly efficient and inevitably creates both income inequality and imbalances of labour at some level. An optimal progressive taxation scheme would strike a balance between minimising the hardship and social unrest caused by inequality, while ensuring that the more affluent are not punished for their relative industry. Funds aimed at equalising class disparity are most effectively directed toward welfarist provisions consumable by society at large, such as publicly funded healthcare and education.

Even social justice, however, demands a degree of socioeconomic stratification, itself based as much upon personal productivity as a natural aristocracy of talent. Notions of the public good are ultimately inseparable from the utility generated by individuals and, accordingly, a hierarchy of economic rights is formed relative to one’s economic output. This is the case not because greater wealth inherently translates into moral superiority, but rather because it is shorthand for possessing some valued skill or resource vital to societal flourishing. Thus, whereas the skills or resources contributed by individuals vary

not only in their quantitative extent but also their qualitative nature, a just distribution of social goods requires an uneven allocation based upon such relative merit. Such a framework maximises the availability of collective goods, while facilitating an individual’s self-interest through an income proportionate to his specific labour output. Not only is this ethically sound, but practically necessary, for a perfectly egalitarian society without class stratification would be devoid of both social mobility and the incentives required for economic growth.

Policy examples of this thinking in action range from the elimination of positive discrimination schemes to the expansion of tax incentivisation for corporations that donate to approved charities. Recruitment of a certain percentage of cabinet ministers from academia or private enterprise, rather than elected office, would similarly ensure the highest standards of subject matter competence and relevant expertise came to the fore in the crafting of government policy.

Moreover, social mechanisms should be in place to maximise access to collective goods. Public funding of the arts and free access to museums (especially where such programmes target disadvantaged communities, which typically are least likely to benefit from such schemes) fulfil the utilitarian mandate of maximising benefits to society at large, while prompting a sense of cross-class solidarity in the consumption of common goods. Equally, penal policy should be shaped to fulfil both retributivist and rehabilitationist aims. Whereas the former avenges the rights of victims, the latter promotes public utility insofar as offenders are helped to conform to prevailing legal and moral norms upon their release.

Unification of these schools would help to further promote public understanding and clarity of the law, whose content is often confusingly influenced in equal measure by deontological and utilitarian considerations. By justifying its substantive morality on the basis of one framework, rather than two, the inconsistencies that arise (for example, between civil liberties and their marginalisation during states of emergencies) may be minimised, providing a more coherent and common set of values upon which respect for the rule of law may be strengthened.

Ultimately, both politics and law are public incarnations of chiefly ethical aims. Gaining clarity of the latter helps shape principled and effective policy of the former. Thus, ever may we strive toward a more perfect society in which public policy and morality act in unison. ■