

**5. Utilitarianism comes in two forms, act-based and rule-based. What is the difference between these two? Explain why a rule-based version of the theory was developed and whether you agree that this is the preferable form of utilitarianism. Explain by reference to one or two objections to act utilitarianism, stating clearly whether you agree/disagree with those objections, and giving reasons to support your answer.**

In this paper I set out to explore the differences between, and implications of, act-based utilitarianism as to rule-based utilitarianism. First I will establish what utilitarianism is and the definitions of act-based as to rule-based utilitarianism. I will then look at the major questions of justice and integrity asked of act utilitarianism and how rule utilitarianism proposes to answer these. In doing so, I will argue that although a rule-based version of utilitarianism was developed to answer the charges levelled at act-utilitarianism, it nevertheless falls prey to the same problems. Furthermore in the final part of my essay I will conclude that an adequate rule-based theory of utility would end up being akin to act-utilitarianism and as such cannot be preferable.

Utilitarianism is a consequentialist theory, which means that the 'rightness' or 'wrongness' of a choice is determined solely by the expected outcomes of the action. This means that behaviours and decisions are instrumental in morality; they do not hold intrinsic worth in themselves.<sup>1</sup> The principle of utility expresses that the outcome we should be aiming for is the option that maximises overall 'happiness,' where every individual is valued

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<sup>1</sup> Philip Pettit, 'Consequentialism' in Peter Singer (ed.), *A Companion to Ethics* (Oxford: Blackwell, 1991), p. 19

equally.<sup>2</sup> There are many debates over how to classify what 'counts' as happiness, but it is generally agreed that its definition goes beyond the Epicurean notion of simply the absence of pain, to include individual-specific values and activities that make them 'happy'; including 'higher order' values such as 'virtue' itself.<sup>3</sup>

There are several divisions in utilitarian schools of thought such as hedonistic or non-hedonistic (this division is in part answered by happiness including more than just 'pleasure') and average or total happiness theory. The most significant division however is act-based utilitarianism as to its rule-based predecessor; which came about as a response to the major ethical questions posed to act utilitarianism. Act-based utilitarianism claims that choices should be judged by the consequences of the individual situation, whilst rule-based utilitarianism asks that choices be made in adherence to general principles formed with the notion that they will maximise utility in most cases.<sup>4</sup> Perhaps the most important issues that utilitarianism must answer are the 'justice objection' and the 'integrity objection.'

It would be very hard to discount the seriousness of the 'justice objection.' It is argued that act-utilitarianism is a dangerous moral theory as it forbids nothing absolutely; not even some of the acts generally thought to be universally morally reprehensible such as

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<sup>2</sup> John S. Mill, 'Utilitarianism' in James E. White, *Contemporary Moral Problems*, (Belmont: Thomson/Wadsworth, 2006), p. 38

<sup>3</sup> Ibid p. 43

<sup>4</sup> J.J. Smart, 'An outline of a system of utilitarian ethics' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 9

murder or rape.<sup>5</sup> Williams demonstrates this flaw in the theory with a very clear example: if the extermination of a small minority group would please a very racist majority then the principle of utility could justify genocide as long as the racists were sufficiently happy with the outcome.<sup>6</sup> Although not all instances where questions of justice are concerned would be this extreme, this example does clearly show how act-utilitarianism can have repercussions we would find difficult to live with. Williams does discuss the 'precedent effect' where the long term ramification of this choice being repeated is calculated as part of the sum of utility but this would be an unsatisfactory response as there could exist situations where such mightn't foreseeably outweigh the 'benefits' of making a decision against acting 'justly.'<sup>7</sup> The argument also exists that only certain kinds of 'happiness' should 'count,' but I believe this can be discounted because it contradicts the foundation of utility; that everybody's subjective interests count equally. The uncertainty surrounding basic principles of justice we can see here, leads me to strongly agree with the objection.

Rule-based utilitarianism attempts to provide an answer to this issue. It is argued that rules which are created based on what will maximise utility in generality, will ensure principles of justice in avoiding the complications of individual instances. Smart provides a good illustration of how a 'rule' of utility would work. If a criminal was drowning, a disciple of act-based utilitarianism should theoretically weigh up whether the man continuing to live or the man dying would most likely cause the most suffering, (ignoring time constraints at

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<sup>5</sup> Philip Pettit, 'Consequentialism' in Peter Singer (ed.), *A Companion to Ethics* (Oxford: Blackwell, 1991), p. 234

<sup>6</sup> Bernard Williams, 'A critique of utilitarianism' in ethics' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 106

<sup>7</sup> Ibid p. 106

this point) and make his decision whether to save him based on such. According to rule-based utilitarianism however, the agent would immediately save him if he could, because as a general principle saving a life causes the most happiness in the majority of cases.<sup>8</sup> This system would allow no exceptions; even if it was a known instigator of genocide drowning; a rule-based system would obligate us to save him. However whilst these 'rules' seems to answer normative issues, they do not address the metaphysical problem. A rule-based system is still concerned solely with maximising 'happiness,' so matters of injustice can become part of the rules.<sup>9</sup> A general principle could possibly be made that we should torture terrorists rather than risk high probabilities of large-scale attacks. Even if we aren't entirely certain the accused is guilty; the suffering of a few is not outweighed by the potential suffering of thousands. In this way, although rule-based utilitarianism can eradicate temperamental approaches to justice; I do not believe that it provides an assurance against unjust principles of morality.

The 'integrity objection' is perhaps almost as problematic as the issue of justice. Williams makes it clear that personal conscience has no role in utilitarianism. An individual loses their sense of moral identity as it becomes wrong to give any weight to what you 'feel' is right, beyond the unhappiness you would feel due to having to make the decision (which is counted as a single unit in your utility calculation).<sup>10</sup> The 'doctrine of negative responsibility' that utilitarianism implies, means that an individual is responsible for another's actions if they could have done something that would have stopped these actions,

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<sup>8</sup> J.J. Smart, 'An outline of a system of utilitarian ethics' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 43

<sup>9</sup> Ibid p. 70

<sup>10</sup> Bernard Williams, 'A critique of utilitarianism' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 104

even if it meant the individual acting in a less moral way personally.<sup>11</sup> Personal integrity loses its value as if an agent could have shot one person so that somebody else wouldn't shoot ten; he is morally responsible for the death of nine people, even if his personal convictions forbade him to kill.<sup>12</sup> Act-based utility would mean in instances such as this that an agent would be required to turn their back on general principles of morality and in some cases even act cruelly and establish themselves as a villainous person, if there was the highest probability that this would end up more constructive for the 'general good.' I see this as a very valid objection worthy of concern, even if it is a little more abstract than the 'justice objection.'

However, I do not feel that rule-based utilitarianism can eradicate this concern of personal integrity. Whilst an act-based system may force someone to have to violate general principles of morality in specific instances; a rule-based system on the other extreme can allow no exceptions to a general rule which also eradicates any value of personal morality. Pettit presents an argument for rule-based utility with the notion that the theory answers the issue of the imperfect nature of agents in their calculations.<sup>13</sup> Let us consider for instance, that in our previous scenario of the criminal drowning, the agent decides that he should let the man drown only to find that the grief of his numerous children caused them all to turn to crime, lessening overall utility in the end. Whilst in this example having established rules of utility would have been beneficial, this is not universally

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<sup>11</sup> Bernard Williams, 'A critique of utilitarianism' in ethics' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 97 & 108

<sup>12</sup> Ibid p. 97

<sup>13</sup> Philip Pettit, 'Consequentialism' in Peter Singer (ed.), *A Companion to Ethics* (Oxford: Blackwell, 1991), p. 236

the case. Rule-based utilitarianism would dictate that one should never lie; as in most cases lying will not cause the most happiness. However if lying could save someone's life; most individuals would want to make an exception to this principle. Under strict rule-based utilitarianism, this would be morally wrong. A universal approach to utilitarianism could lead to "rule worship" rather than critical thinking.<sup>14</sup> Self-reflection, generally considered a vital part of philosophical doctrine would be redundant. Based on this, I would argue that the objection remains unanswered.

I have based this paper on the division between act-based and rule-based utilitarianism and concluded that the questions of justice and integrity appear not to be able to be answered by either. It is possible however that the most significant reason why rule-based utilitarianism cannot answer the questions asked of its act-based counterpart is that it cannot accurately or realistically be separated from it. Even putting aside that in reality what would be beneficial in most cases is irrelevant when calculating utility, there are deep issues with the very division of these two branches of the theory. When initially creating rules of utility; there would have to be variances for significant exceptional circumstances, such as the clause I used above; one must not lie, unless in doing so he can save somebody's life. This would be a valid principle as in calculating the utility of such a situation the general concept would be that saving a life would be of greater good than being truthful in most situations. In this manner, an 'adequate' rule-utilitarianism would mean that whatever would lead a rule to be broken due to general calculations of utility for like situations, would

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<sup>14</sup> J.J. Smart, 'An outline of a system of utilitarian ethics' in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 10

mean that new variations of rules would have to be created.<sup>15</sup> If this process was followed through to allow for the indefinite number of challenges to the principles; the only rule we could justifiably instil would indeed be the essence of act utilitarianism in that we must “maximise probable benefit.”<sup>16</sup> As such I cannot see rule-based utilitarianism as a preferable form, as it appears to me that for it to actually follow the concept of utilitarianism it must end up akin to its act-based counterpart and therefore cannot provide an answer for the significant objections raised against the original theory.

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<sup>15</sup> J.J. Smart, ‘An outline of a system of utilitarian ethics’ in J.J. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge, 1973), p. 11

<sup>16</sup> Ibid p. 12

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