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Lecture Notes, September 27
Concluding our discussion of Utilitarianism

I. Criticism #4: Utilitarianism has difficulty accounting for our notions of rights.

This relates, in an obvious way, to criticism #3.
For example, consider the peeping tom, who secretly adds his own happiness.
It looks like the utilitarian defends the peeper.
One response to criticisms #3 and #4 is to adjust the theory.
If our intuitions about justice and rights are so strong, we can just add rules to insure that rights are protected and that justice is served.

This leads to Rule Utilitarianism:
The right act is the act that conforms to the general rule that creates the greatest happiness for the greatest number.

II. An aside on preference utilitarianism

The above theory is Hedonistic Rule Utilitarianism.
We could alternatively adopt Preference Rule Utilitarianism:
The right act is the act that conforms to the general rule that creates the greatest fulfillment of personal preferences for the greatest number.

Note that utilitarianism is a family of theories, not just one theory.

III. How rule utilitarianism avoids the problems of rights and justice

Should you peep?
In this instance, you might gain more pleasure than anyone loses.
But which rule should we follow, the one that allows peepers or the one that prohibits them?
If we adopt the former, some people would get caught.
Then, the overall unhappiness of the peepers outweighs the titillation of the peepers.
So, I shouldn't peep.

IV. Problems with rule utilitarianism

Adopting rule utilitarianism means losing the flexibility that was the great advantage of classical utilitarianism.
Imagine yourself in a situation in which you have to choose either to follow a general rule that creates great consequences, or to break the rule because of the better consequences that would result by doing so.

A rule with an exception is still a rule.

That is, we might adopt the following rule:

Peeping is prohibited, unless you can be sure not to be caught!

This rule seems to create greater happiness (or fulfillment of preferences), than the rule which says never to peep.

So, we should choose it.

And this means that we're back to evaluating individual acts, to see if they are the exceptions which we should build into the rules.

V. Summary

Utilitarianism is a wily theory. It keeps shifting to account for the objections.

How might we argue successfully against it?

Maybe we can't:

We've been trying to show that it doesn't account for important intuitions: justice, desert, promise-keeping.

The utilitarian defended promise-keeping on the basis of precedents and expectations.

You should keep your promises because of the expectations of those to whom you promise, and the precedent set for others who see you break your promises.

Consider the arctic explorers:

One sacrifices his life in return for a promise.

According to the utilitarian, the survivor should act as if the promise was never made.

This is because no one else knows about the promise, so breaking it won't create any ill precedents.

But there does seem to be something wrong with the assumption that no promise was ever made, even if, in the end, you do break the promise.

Notice that some problems with utilitarianism (justice, rights, promises) are backwards looking.

When presented with such cases, either we give up the theory or the intuitions.

But it's not always clear which to cede.

There are other ways to criticize the theory.

We might show that it is inconsistent.

See Bernard Williams and J.J.C. Smart, *Utilitarianism, For and Against*, for an extended debate.

Another way to criticize a theory is to present a preferable alternative.

In this vein, we shall examine Kant's ethics.