

Oxford Handbooks Online

Utilitarianism: Bentham and Rashdall

Robert Shaver

The Oxford Handbook of the History of Ethics

Edited by Roger Crisp

Print Publication Date: Jan 2013

Subject: Philosophy, Moral Philosophy, Social and Political Philosophy

Online Publication Date: Apr 2013 DOI: 10.1093/oxfordhb/9780199545971.013.0014

Abstract and Keywords

This chapter argues that the modern understanding of the appeal of utilitarianism does not fit all of the utilitarians. Focusing on the views of Bentham and Rashdall, it begins by discussing the character of Bentham's utilitarianism and his arguments for utilitarianism, and then considers Rashdall's criticisms of deontologists and hedonistic utilitarians.

Keywords: deontologists, utilitarians, Bentham, Rashdall

Today, many explain the attractiveness of utilitarianism by noting that, like any consequentialist theory, it permits one to bring about the most good.¹ To an earlier (perhaps less self-absorbed) generation, utilitarianism was attractive in large part because, again like any consequentialist theory, it requires one to bring about the most good.² In both cases, the contrast is with deontology, and in both cases, no particular theory of what is good plays any role.

This understanding of the attractiveness of utilitarianism has a history. Utilitarians through Sidgwick, though aware of other possibilities, took pleasure as the only good. The 'ideal utilitarians', Moore and Rashdall, added further goods, but kept the structure found in Mill and Sidgwick: the right act maximizes the production of the good. Before ideal utilitarianism was established, it was unclear whether, when one objected to utilitarianism, one objected to the view that pleasure is the only good or to the view that the right act maximizes the good. Those who rejected utilitarianism, such as Green, seemed to quarrel only with pleasure, and even Kant was sometimes read as a consequentialist who takes the good will as the most important good.³ With Moore and Rashdall, it became easier to isolate what one found objectionable—thus it became easier, with Prichard, Carritt, and Ross, to clearly formulate deontology, the view that sometimes one is not permitted to bring about the most good, or that the right action can sometimes

Utilitarianism: Bentham and Rashdall

bring about less good than some alternative action. Once this alternative was established, many saw what deontology rejected in utilitarianism as its strength, and so much of the debate since Prichard began.

(p. 293) The modern understanding of the appeal of utilitarianism does not fit all of the utilitarians. To illustrate the history, I shall concentrate on Bentham and Rashdall.⁴ Although I shall argue that a scalar interpretation of Bentham, on which utilitarianism is not a theory of the right or permitted at all, goes too far, it is true that Bentham has little interest in working out the connection between the right and the good. And for him, the view that pleasure is the only good is central, rather than, as today, something many consequentialists reject. It is with Rashdall and Moore that the modern understanding of the appeal starts. In sections 14.1 and 14.2, I consider the character of Bentham's utilitarianism. In section 14.3, I consider his argument for utilitarianism. In section 14.4, I consider Rashdall's criticisms of deontologists and hedonistic utilitarians.

14.1

Utilitarians often link goodness and rightness. Mill states the principle of utility as holding that 'actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness'.⁵ Sidgwick writes that '[b]y Utilitarianism is here meant the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole' (1981 [1907]: 411). Rashdall states ideal utilitarianism as the position that 'actions are right or wrong according as they tend to produce for all mankind an ideal end or good' (1924. i: 184). Part of Moore's statement of utilitarianism is that 'if we had to choose between two actions one of which would have intrinsically better total effects than the other, it would always be our duty to choose the former, and wrong to choose the latter' (1965: 28).

Bentham is different. According to his 'explicit and determinate account', the principle of utility is 'that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question' (1996 [1789, 1823]: 11, 12).⁶ Rightness is introduced only later. An action is 'conformable to the principle of utility...when the tendency it has to augment the happiness of the community is greater than any it has to diminish it...Of an action that is conformable to the principle of utility, one may (p. 294) always say...that it is one that ought to be done...One may say also, that it is right it should be done...When thus interpreted the words *ought*, and *right* and *wrong*, and others of that stamp, have a meaning: when otherwise, they have none' (1996: 12-13). Talk about rightness seems, for Bentham, optional—one *may* label actions conformable to the principle of utility 'right', but there seems no need to do so, and rightness does not

Utilitarianism: Bentham and Rashdall

appear in the principle itself. (Elsewhere, Bentham frequently writes of the greatest happiness as the 'end', without 'ought' or 'right'.⁷)

This suggests that Bentham may be a scalar utilitarian, making claims only about goodness and badness, showing little interest in rightness. In particular, there is no mapping from claims about goodness to claims about rightness.⁸

This fits Bentham's attitude toward 'ought' and 'right'. As Ross Harrison notes, Bentham often suggests a subjectivist, non-cognitivist, or eliminativist treatment: 'he ought to be so—that is to say, the idea of his being so is pleasing to me' (Bentham 1838–1843, iii: 218); when I say 'it is right that he should have the coat or land', 'nothing more do I express than my satisfaction at the idea of his having this coat or land' (1838–1843, iii: 218); '[w]hen I say the greatest happiness of the whole community ought to be the end or object of pursuit...I express—this and no more: namely that it is my wish, my desire, to see it taken for such' (1989: 230); '[w]ere I to be asked what it is I mean when I call an action a *right* one, I should answer very readily: neither more nor less than, an action I *approve* of' (1977: 53); 'I say, it ought not to be established; that is, I do not approve of its being established' (1838–1843, ii: 495); '[i]f [I say] his own well-being ought to be the sole object of pursuit...what I mean...is that the conduct of him who...takes his own well-being for the object of his pursuit is approved by me...As often as...I say he ought to do so and so...what...I know and acknowledge myself to be doing is neither more nor less than endeavour[ing] to bring to view the state of my own...affections...—this much and nothing more' (1983c: 149; also 1983a [1815]: 202). Sometimes Bentham suggests eliminating 'ought' and 'ought not': 'these words—if for this one purpose the use of them may be allowed—*ought* to be banished from the vocabulary of Ethics' (1983c: 253; also 1977: 496 n.). Harrison, who notes these passages after giving an admirable reconstruction of Bentham's proof of the principle of utility, despairs of them; they ignore that Bentham has a proof and make the principle of utility Bentham's caprice.⁹ (Bentham himself asks 'whether, when two men have said, "I like this," and (p. 295) "I don't like it," they can... have any thing more to say?'; it is clear that Bentham thinks he is not in this position (1996: 16).) But 'ought' and 'right' do not appear in the statement of the principle.¹⁰ This suggests that Bentham may hold that, while there are moral facts about what is good or better, there are no moral facts about what one ought to do or what is right; here some versions of subjectivism, non-cognitivism, or eliminativism are appropriate.

One might object that Bentham could be read as having a particular theory of rightness, namely that the right act increases happiness.¹¹ But this has three drawbacks.

(a) It attributes to Bentham a silly view. On it, if I can increase happiness by 1 unit or a million, it is right to increase it by 1 (and right to increase it by a million). And if I can decrease happiness by 1 or a million, and must do one or the other, it is wrong to decrease it by 1 (and wrong to decrease it by a million).¹²

Utilitarianism: Bentham and Rashdall

(b) Bentham often suggests a different view, according to which the right act maximizes happiness. For example, the principle says that ‘the greatest happiness of all those whose interest is in question [is] *the standard of right and wrong*’ (1996: 11 n.).¹³ And sometimes Bentham suggests a more complex view. I have a duty to prevent mischievous actions if I can ‘without too great a sacrifice’ (1996: 29 n.). Here duty seems a function not only of the happiness produced, but also of the cost to the agent.¹⁴ Bentham is not, then, consistent in holding that the right act (merely) increases happiness. This looseness fits with an attitude that is suspicious of, and not much interested in, rightness.

(c) If what is crucial is that approval is proportioned to the amount of happiness increased, it is unclear why the point at which happiness is increased has special significance. To adapt an example from Alastair Norcross, if a utilitarian could influence either A to produce 1 billion units of happiness rather than 1, or B to produce 1 rather than -1, the utilitarian should influence A.¹⁵ The difference in amount between 1 billion and 1, (p. 296) two ‘right’ acts, is great; the difference in amount between 1 and -1, a right act and a wrong one, is small; and the principle of utility takes the amount to be of fundamental importance.

One might instead—rightly—object to the scalar interpretation that Bentham often does not suggest it. For example, ‘it is the greatest happiness of the greatest number that is the measure of right and wrong’ (1977: 393, also 509). ‘[T]o prove an institution is agreeable to the principle of utility is to prove...that the people *ought* to like it’ (1830: 69, cited by Harrison 1983: 180; also 1977: 497). A ‘law *ought not* to be established, because it is not consistent with the general welfare’ (1838–1843, ii: 495; also v: 265, 1989: 230). The principle of utility ‘holds up to view, as the only sources and tests of right and wrong, human suffering and enjoyment’ (1838–1843, vi: 238). It is ‘a true standard for whatever is right or wrong’, ‘a standard of rectitude for actions’ (1838–43, x: 79, 70; also 1983c: 304). ‘Morals is the doctrine of what ought to be done’ (1983c: 318). In the *Principles* itself, Bentham starts by claiming that pain and pleasure ‘point out what we ought to do’. They are ‘the standard of right and wrong’ (1996: 11, 11 n.). (Bentham does note, however, that some of this is ‘metaphor and declamation’, and goes on to give the ‘explicit and determinate account’ quoted above (1996: 11).) He asks an opponent of the principle of utility to ‘ask himself whether his statement is to be a standard of right and wrong’ (1996: 15; also 25, 28 n., 31). Utility gives ‘the reason why [an act] ought to have been done’ (1996: 33). Thus according to the principle of utility, punishment ‘ought only to be admitted in as far as it promises to exclude some greater evil’ (1996: 158). ‘There is no case in which a private man ought not to direct his own conduct to the production of his own happiness, and of that of his fellow-creatures...Every act which promises to be beneficial upon the whole to the community (himself included) each individual ought to perform’ (1996: 285).

There is a further worry about ascribing the scalar interpretation to Bentham. One motivation for favouring scalar utilitarianism is that it avoids a popular objection to

Utilitarianism: Bentham and Rashdall

utilitarianism understood in the traditional way—it is too demanding. Since scalar utilitarianism makes no demands, it is not too demanding.¹⁶

I do not think Bentham would see this as an attraction, and so I do not think Bentham has this motivation for being a scalar utilitarian. The objection most clearly applies to private individuals rather than to those occupying a political office. But (unlike Godwin) Bentham says little about private individuals acting as utilitarians.¹⁷ When he does address private individuals, he sometimes demands only that they pursue their own happiness: 'Private ethics teaches how each man may dispose himself to pursue the course most conducive to his own happiness' (1996: 293; also 1983c: 122–3, 124). In other places, Bentham does ask private individuals to follow the principle of utility—'private ethics' may be characterized as it is because, legislation aside, Bentham thinks the only (p. 297) reliable way to get individuals to maximize the general happiness is to urge them to pursue their own happiness when this coincides with what maximizes the general happiness.¹⁸ And no doubt he is wrong to ask so little of them. But this would show only that, were Bentham rather different, he might feel the force of the objection and then see scalar utilitarianism as a way around it.

I suspect that there are three explanations for the passages which suggest scalar utilitarianism.

First, some of the passages can be explained away by their context. Thus Bentham's subjectivist or expressivist gloss on 'it is right that he should have the coat' is offered as all that a believer in natural rights can mean. Bentham does not offer the gloss when the claim is backed by positive law (1838–1843, iii: 218).

Second, Bentham at one point suggests that his objection to 'ought' is that those who use it do so to avoid giving reasons. After stating that he means by 'ought' only to express his approval, Bentham notes that he does not mean that his ought-claim 'should...be regarded...as constituting of itself a reason why the line of conduct...should be...pursued' (1983c: 149). Making ought-claims is a way to avoid giving 'good reasons': 'the office of moralist requires nothing but the repetition of these expressions...To the question 'but why ought I?'...no answer does he consider it as incumbent on him to give' (1983c: 252, 253). 'Observation, enquiry, reflection—these and all other mental operations are altogether as superfluous as they are laborious' (1983c: 255; also 1977: 54). This objection motivates giving reasons for ought-claims, rather than the scalar utilitarian's rejection of them altogether.

Third, leading up to Bentham, some tending towards utilitarianism write in deontic terms. Gay, like many others, holds that '[o]bligation is the necessity of doing or omitting any action in order to be happy'; God, who aims at the general happiness, makes it the case that I must aim at the general happiness in order to be happy myself.¹⁹ Paley has the same view.²⁰ Others tending towards utilitarianism do not make obligation central and instead stress virtues, approvals, or ends. It is the latter—Hume, Priestly, Helvétius, Beccaria—who Bentham routinely cites with approval as his predecessors (for example, 1983c: 289–91). He gives an analysis of 'obligation' that, like Gay and Paley, requires

Utilitarianism: Bentham and Rashdall

painful sanctions (e.g. 1838–1843, viii: 206, 247); but without either God or a natural harmony (p. 298) of interests, this could not be extended past legal to moral obligation.²¹ Bentham might, then, when careful, resist putting the principle of utility in terms of moral obligation (or duty or rightness) because he lacks any way of assuring that I would be caused pain for failing to aim at bringing about the general happiness—but, when not so careful, he prefigures the use of deontic terms standard by the time of Sidgwick, in which there is no need to provide this assurance.

14.2

Before moving to Bentham's argument for utilitarianism, I want to consider a different revisionary interpretation of his principle of utility.

The traditional view that Bentham favours maximizing the total amount of pleasure has been challenged.²² Critics argue that, especially in later writings, Bentham instead favours maximizing the level of happiness that can be equally distributed, with the happiness of some sacrificed only when 'the nature of the case renders the provision of an equal quantity of happiness for every one of them impossible, by its being a matter of necessity to make sacrifice of a portion of the happiness of a few, to the greater happiness of the rest' (Bentham 1831: 7, quoted by Postema 2002: xxi, 2006b: 114 n. 8). But (as Postema notes) without more gloss on 'the nature of the case', this is not clearly different from the traditional view.²³ Say one must die for the rest to live. Presumably I am permitted to sacrifice the one. But I could give everyone equal happiness—all could die. If the reason for not letting everyone die is that more happiness is brought about by sacrificing one, then departures from equality are endorsed whenever happiness would be maximized, and the requirement of equal distribution is idle. Bentham himself suggests as much when he writes that 'the greatest happiness of the greatest number is the only right and proper end of government: of all, in so far as the happiness of all can be increased without lessening the happiness of any: of the greatest number, in so far as the happiness of some can not be increased unless by defalcation made from the happiness of others' (1989: 3). Another way to put the worry is that when Postema writes that Bentham is 'committed not to aggregate net happiness...but rather to the greatest equal happiness' and that '[o]nly when this goal cannot be achieved and some sacrifice is inevitable does the backup principle come into play', it is not clear what counts as making 'the greatest equal happiness' impossible, given that there is *some* (perhaps unattractive) equal distribution possible (Postema 1998: 157).

(p. 299) One way to avoid this, also offered by the critics, is to note that late Bentham sometimes states the principle of utility in terms of the 'universal interest', which he characterizes as the overlapping interest everyone has in public goods such as security. The critics suggest that aiming at the universal interest is offered not as a means for maximizing happiness, but as the statement of the fundamental goal itself. One result might be that Bentham would not endorse taking away the security of one person when doing so would give many others small enjoyments that summed, in terms of pleasure, to more than the pleasure lost by the victim. (This sort of example motivates a great deal of the current opposition to utilitarianism.) He would, however, endorse taking away the security of one to provide for the security of many.²⁴

I do not think there is convincing textual evidence for this reading. Postema cites Bentham's claim that '[t]he more perfect the enjoyment of all these particulars [such as security], the greater the sum of social happiness' (1838–1843, i: 302; Postema 2002: xviii). But it is not clear whether 'social happiness' is constituted by the enjoyment of

these public goods, or whether their enjoyment is the means to maximize happiness. Bentham does call them 'subordinate ends' (e.g. 1989: 157, 1998: 291, 1838-1843, i: 302, iii: 211, ix: 63). Elsewhere Postema himself seems to favour the latter reading, noting that Bentham justifies pursuit of the goods as leading to happiness (Postema 1998: 148, citing Bentham 1838-1843, i: 304-7). Postema also notes that Bentham says 'in the instance of each individual such part of the whole mass of his happiness as is not adverse to the happiness of any other individual will be, in so far as depends upon the agency of the government, secured to him:...while all such portions of happiness as he could not be made to enjoy without depriving others of happiness to greater amount will not be given to him' (Postema 2006a: 42, 2006b: 121; Bentham 1989: 135-6). But this privileges overlapping interests only in so far as satisfying non-overlapping interests would deprive others of greater happiness, which is what one expects a traditional maximizer to say.

14.3

Bentham's argument in the *Principles* for the principle of utility is much maligned.²⁵ He seems to give no positive argument for the principle. His arguments against rivals target asceticism, which is of little interest, and lump all other rivals into the category of 'sympathy and antipathy', according to which actions are approved or disapproved (p. 300) 'merely because a man finds himself disposed to approve or disapprove of them: holding up that approbation or disapprobation as a sufficient reason for itself, and disclaiming the necessity of looking out for any extrinsic ground' (1996: 25). But Bentham's argument is actually not so bad.

I take the key point to be the claim that a proof of the principle of utility is 'needless'. Most people, most of the time, 'tr[y]' actions according to the principle of utility and 'defe[r]' to it (1996: 13; also 1945: 116). Since Bentham does not go on to give positive grounds for the principle, his point seems to be that positive grounds are unnecessary; 'the use of reasons for a method of proceeding is to satisfy those who without them might be dissatisfied' (1977: 75). Arguments are needed to show, not that pleasure is a good and relevant to rightness, but that it is not. (Bentham does consider one argument, concerning pleasures from evil. He replies that our disapproval is explained by the pain caused by the evil action; we would not disapprove of pleasure taken in an imaginary crime that has no tendency to cause pain (1996: 18; also 1945 [1782]: 115-16).) This is plausible, provided that (a) our agreement cannot be undermined by, for example, being shown to rest (as Bentham often thinks) on coercion by 'sinister interests'; (b) what is taken to be established is that the principle of utility is *one* principle for the approval of actions—there is no agreement that it is the only principle; and (c) the argument is understood as a pragmatic account of when we ask for reasons, rather than a (much more controversial) contextualist account of when our beliefs count as knowledge.

Bentham suggests the burden of proof argument more clearly elsewhere:

Utilitarianism: Bentham and Rashdall

No man will deny but that occasion has place in which the enjoyment and accordingly the pursuit of pleasure...and the endeavour to avoid experiencing pain...are modes and courses of action not exposed to well-grounded reproach. But if this is true in any one case...it rests upon him who says that there is any occasion on which it is not true to produce this same occasion and say why it is that, on that same occasion it is not true—and so in the case of every exception which he would be for cutting out of the general rule. In a word, on the opponent of the greatest happiness principle...lies the burthen of proof. (1983c: 313)

Bentham should not say that, if pleasure is approved of in one case, the burden is on one who disapproves of pleasure, or disapproves of what maximizes pleasure, in another case. If pleasure were approved and disapproved in an equal number of cases, one would need to explain why pleasure is approved, where it is, just as one would need to explain why it is not approved, where it is not. But say that pleasure is almost always approved (as 'general rule' suggests), that nothing else receives such widespread approval, and that in a case where, say, keeping a promise is taken to outrank maximizing pleasure, the loss of pleasure is seen as a real loss. Then it is plausible to think the burden is on Bentham's opponent to justify the loss.²⁶

I take the rest of the proof to consist in rejecting additions to pleasure that might justify the loss. Additions might be offered as either further goods or as good-independent (p. 301) ways of deciding what to do. In moves familiar from later utilitarians, Bentham explains away potential additional goods, and potentially good-independent rules such as that enjoining promise-keeping, as really approved of because of their connection to pleasure (1996: 32, 1977: 444-6).

This reconstruction of Bentham's proof ignores a different argument he offers. When Bentham addresses someone whose approvals are offered as independent of utility, his objection is that they 'consist...in so many contrivances for avoiding the obligation of appealing to any external standard, and for the prevailing upon the reader to accept of the author's sentiment or opinion as a reason and that a sufficient one for itself' (1996: 25-6). The reference to an 'external' or 'extrinsic' standard suggests that facts about pleasure and pain are special in that 'a person addressing himself to the community' can point to them to justify his approvals (1996: 28 n.).²⁷ Elsewhere Bentham argues for the superiority of the principle of utility over sympathy/antipathy by saying that '[p]ains and pleasures...are the only clear sources of ideas in morals. These ideas may be rendered familiar to all the world. The catechism of reasons is worthless...if it cannot be made the catechism of the people' (1838-1843, i: 163). Making utility the standard makes moral questions turn 'upon the issue of fact: and mankind are directed into the only true track of investigation which can afford instruction or hope of rational argument, the track of experiment and observation' (1838-1843, ii: 495; also vi: 238, 1977: 491-2).

The problem is that the same goes for some rivals of utility. For example, Ross could justify his approval of an action by noting the external, observable fact that the action is an instance of promise-keeping. Whether an act is an instance of promise-keeping is

Utilitarianism: Bentham and Rashdall

something, like utility and perhaps unlike an appeal to 'reason', that is 'distinct from [our] judgment itself', something 'founded upon matter of fact' (Bentham 1977: 199). As Bentham notes, 'whether a promise is made or no is always a matter of fact' (1970: 79c). Bentham may think his requirement of an external standard is more successful than it is because he directs it against appeals to 'reason' or 'the law of nature' or 'God's will' or 'the moral sense', rather than to properties of actions that are on a par with their properties of pleasure-production. (He might reply that what is not external is the process of weighing, say, a duty of promise-keeping against a duty to maximize happiness. He asks his opponent '[i]f he should be for...adopting his own principle in part, and the principle of utility in part, let him say how far he will adopt it? When he has settled with himself where he will stop, then let him ask himself how he justifies to himself the adopting it so far? and why he will not adopt it any farther?' (1996: 16). But the process of coming up with the weighting that maximizing happiness is the only relevant thing seems no more external.)

So goes Bentham's argument for utilitarianism.²⁸ Despite its odd patina of ascetics and sympathy/antipathy, most of it consists of moves that are now very familiar, and (p. 302) very inconclusive. Many simply reject Bentham's approval of pleasures from evil; many simply reject the proposed explanations of their anti-utilitarian judgements; many try to work out justifications for departing from utility in some but not all cases. What makes Bentham's argument distinctive is that these moves are put in a context in which nothing positive need be said for pleasure, and the burden of proof lies on the opponent. In this context, inconclusive arguments may suffice.

14.4

Rashdall, as an ideal utilitarian, cannot follow Bentham in making his argument for (ideal) utilitarianism turn on the special status of pleasure. Rashdall proceeds by, first, arguing against Intuitionism, the view that 'we discover what is right or wrong by an immediate judgment or "intuition" which tells us that this or that act is right without any knowledge of its consequences' (1913: 45). In arguments familiar from Sidgwick, Rashdall objects that an appeal to good or bad consequences is needed to explain our judgements, to settle doubts about them or conflicts between them, and to specify exceptions (1913: 52, 56-7, 75, 1924, i: 85-7, 89-90). He takes as a 'more formidable difficulty' the worry that sometimes some consequences are included in the description of the act—'drunkenness...would not be drunkenness at all' if we excluded that it makes 'a man thick in his speech, unsteady in his gait, erratic in his conduct, incoherent in his thoughts'—and that, if so, we should consider all of the consequences. When we do not, that is because we presuppose that the consequences are so clearly good or bad, not because we can judge the act in abstraction from all of its consequences. 'There is hardly any act now called wrong about which we might not theoretically be compelled to

Utilitarianism: Bentham and Rashdall

reconsider our verdict if a sufficiently revolutionary discovery were made as to its ultimate consequences' (1913: 58, 59; 57–9, 75, 1924, i: 87–9, 198).

Rashdall also suggests a different argument against Intuitionism. Sidgwick writes that the axiom that 'as a rational being I am bound to aim at good generally...not merely at a particular part of it' passes his tests for highest certainty (1981: 382). But he does not explicitly use this axiom against deontological claims found in common sense morality. Indeed, he gives the axiom very little attention. It seems intended to attack egoism (1981: 382, 500). In *Principia*, Moore defines 'x is right' as 'x produces at least as much good as any other possible action'. He does use this definition against deontology.²⁹ (p. 303) Rashdall, like Moore, objects against the Intuitionist that 'it [is] impossible to regard it as right to bring about what is not really good; and if every act ought to realize some good, the supreme end of all action must surely be to realize the greatest attainable good...That action is right which tends to bring about the good' (1913: 53, 1924, i: 135; also 1924, i: 91, 110 n.).³⁰ Admitting goods in addition to pleasure casts light on the connection between the right and the good, a connection that was largely implicit in earlier utilitarians.³¹

The second part of Rashdall's argument for ideal utilitarianism concerns what consequences are good and bad. Some of this is again familiar: pleasure is not the only good since we think that some pleasures are higher than others, and some are bad. (Rashdall gives, as examples of bad pleasures, those derived from bullfighting, Roman wild-beast and gladiatorial fights, German students' face-slashing duels, coursing, pigeon-shooting, and drunkenness (1924, i: 98–9).) We do not value mental states just according to the pleasures they contain. We value virtuous character, intellectual and aesthetic goods, and 'various kinds of affection or social emotion'. The value of virtue explains how we can condemn suicide even 'in cases where it is clearly conducive to the happiness of the individual and of all connected with him' (1885: 219; also 1913: 67, 1924, i: 208). The value of affection explains how we can condemn possibly pleasure-maximizing practices such as 'the permission of unlimited freedom of divorce', 'the gratification of the sexual impulse except in a way that is duly subordinated to the higher and more spiritual ends promoted by monogamous and relatively permanent marriage', and (again) occasional drunkenness (1913: 70; 65–70, 1924, i: 189, 197, 200, 202–3). Without goods in addition to pleasure, we could not explain our approval of humility or quite strict (though not exceptionless) veracity (1924, i: 204–7, 192–3).³²

One difference between Rashdall and Bentham is obvious. Rashdall takes as given many common-sense moral judgements, and posits goods to explain them. As he notes, this allows him to avoid many objections to hedonistic utilitarianism (1913: 65, 1924, i: 72–3). The cost, as the examples show, is that the theory has little critical bite.³³ (He does try to explain away the appeal of Intuitionism, as above. Perhaps he thinks philosophers (p. 304) reflecting on common-sense judgements stand in need of correction, but the judgements themselves do not.) The move to ideal utilitarianism makes it easier for Rashdall to be so prudish, and, worse, to make claims such as 'the lower Well-Being—it may be ultimately the very existence—of countless Chinamen or negroes must be

Utilitarianism: Bentham and Rashdall

sacrificed that a higher life may be possible for a much smaller number of white men' (1924, i: 239–40; also 241).³⁴ If Rashdall could not invoke 'higher' goods than pleasure, it would be very difficult to make these judgements. Bentham explains many common-sense moral judgements, as resting on pleasure-production, but is willing to reject judgements that lack this explanation. He defends equality for women, homosexuality, representative government, and humane treatment of animals—though also, more controversially, infanticide and torture in some cases.³⁵

Rashdall sees the problem. He notes that he finds incest, drunkenness, and cannibalism (where the corpse is dead already, rather than killed to be eaten) 'intrinsically degrading' (1924, i: 158, 203, 212). This is what shows these things to be bad, despite perhaps maximizing pleasure. But he notes that he has a similar reaction to eating rat's flesh, and that 'a strictly educated Scotchman' probably 'experiences no less horror...at the thought of Sunday music' (1924, i: 212, 213; also 1914: 152–3). To distinguish between true judgements of value and 'pathological affection[s]', he proposes that for the former, the repugnance 'persists after a due consideration of all the consequences of yielding to it'. In the case of coursing and bull-fighting, the repugnance persists even when we grant that they maximize pleasure. In the case of Sunday music, the repugnance does not persist after one 'learns the history of the traditions about Sabbath-observance' (1924, i: 212–13; also ii: 404). Similarly, retributivists confuse 'a mere emotion or feeling' with 'a judgment of the Practical Reason' (1924, i: 305).

The Scotchman's repugnance would disappear, or at least be granted no authority, once he sees that it rests on false beliefs. But the retributivist judgement, like many of Rashdall's own judgements, does not seem based on beliefs. It 'arises naturally and spontaneously' (1924, i: 304). Rashdall suggests that when we see the origins of the judgement in an 'instinct of vengeance', we similarly grant it no authority (1924, i: 291). Reflection on the origins of a judgement can show that our mere making of the judgement does not justify us, since (for example) the judgements may have 'outlived their justification'; this reflection 'leave[s] the question to be decided on its own merits', by 'different reasons' (1924, ii: 411, 407).³⁶ This is plausible but, for Rashdall, dangerous. For there may not *be* different reasons for some of his anti-hedonist judgements (such as those concerning drinking), (p. 305) and one might view many of them as, like retributivism, overgeneralizations from cases in which some instances of the behaviour are good or bad on hedonist grounds.

Rashdall does not see a different (potential) problem. The ideal utilitarian strategy of justifying common-sense judgements by invoking a range of goods cannot account for the deontologist's judgement that, say, I ought not to tell one lie to prevent five other people from telling (equally significant) lies. If lying is bad, I should act to minimize it, and so should lie. These 'paradox' cases are not given as the definitive way to distinguish ideal utilitarianism from deontology until the 1970s, although Broad gives a close variant.³⁷ Rashdall, however, writes that there 'are cases in which a lie has to be told in the interests of Truth itself...[A] statement literally untrue must be made that a higher truth may be taught' (1924, i: 194). He quotes Höffding with approval: 'The duty of speaking

Utilitarianism: Bentham and Rashdall

the truth amounts to this, the duty of promoting the supremacy of the truth:...the end may, however, often be interfered with by speaking the truth' (1924, i: 194–5 n.). (One instance he has in mind is that allowing clergymen to say false things increases religious truth in the long run by fostering liberty of interpretation within one church, keeping smart people in the church, and not alienating those in the congregation who might otherwise reject the church (Rashdall 1897).) Rashdall has no interest in justifying veracity when lying would lead to more true belief and, like Moore, finds the notion of an agent-relative good or reason, that might underlie the judgement that I ought not to lie, incomprehensible (1913: 63 n. 2, 1924, i: 79 n., 1914: 162–3, 1916: 117–19, Matheson 1928: 179). Given the much-discussed worry that the deontologist's judgement is paradoxical, this disinterest might be a good thing.

Rashdall also has difficulty with a different judgement. Say we think it is right to make a fair distribution, even when doing so leads those concerned to have fewer of the usual goods of pleasure, virtue, knowledge, etc. One might explain the rightness by viewing the distribution as itself good. Rashdall objects that something 'which cannot be regarded as the good of any one of the persons affected nor of all of them collectively' cannot be good (1924, i: 266). He solves the problem by taking the will to distribute fairly to be, as a virtue, good. But if the fair distribution is not itself good, it is unclear why the will to bring it about is good. This is an especially pressing problem for Rashdall, since he suggests that the value of virtue lies in 'the intrinsic worth of promoting what has worth', and that unless the consequences willed by the good will are good, 'the will cannot be good either. Charity is no doubt better than the eating of food by hungry persons, but unless that eating be good, there is no reason for applying the word...“good” to the charitable act' (1924, i: 59, ii: 42; also i: 137). Rashdall might be better off developing his suggestion that choosing more of the usual goods by being too unfair shows a will that lacks 'sympathy and mercy toward individuals', 'kindness and goodwill for individuals' (1924, i: 267, 268). The relevant virtue would be the will to prevent 'extreme hardships' (1924, i: 267).³⁸

(p. 306) Rashdall's most distinctive argument for goods other than pleasure, however, does not merely elicit intuitions about cases. He tries to show that Sidgwick's hedonism involves a 'psychological contradiction' (1913: 64, 1924, i: 58). Its 'inner logic' leads to a good in addition to pleasure (1913: 65). Say that what maximizes the general happiness would require me to sacrifice some of my happiness.

Sidgwick contends that the reason for my doing so is that it seems intrinsically unreasonable...that a smaller amount of good should be promoted rather than a larger...[B]ut [Sidgwick holds] there is nothing good...in the act itself, in the state of mind from which it results...Morality is...no good at all to the agent.

Rashdall then objects that the person making the sacrifice has

Utilitarianism: Bentham and Rashdall

an impossible state of mind, or...one so rare that it might fairly be described as pathological. If a man really cares about being reasonable, is it conceivable that he should at the bottom of his heart believe it a matter of no importance at all whether he is reasonable or not—that he should think it an advantage indeed to somebody else, but a matter of no importance and (if it involves him in painful consequences) a dead loss to himself? If he really did regard Morality or character...as a completely valueless asset, would he any longer care whether his conduct was reasonable or not? (1913: 63-4; also 1924, i: 57-9, 69-71, 1885: 216-22)³⁹

Rashdall concludes that Sidgwick must concede that a character that aims at maximizing happiness is itself good.

On the most obvious reading, Rashdall's point is that I would lack motivation to make the sacrifice unless I believed that the character of one who makes the sacrifice is intrinsically good.⁴⁰ Since Rashdall admits the possibility of altruism, he could not back this up by claiming that one always needs to see some net good for oneself to be motivated.⁴¹ He could, however, say that the motive Sidgwick counts on—the desire to do what is rational—is ‘not a very strong one’ and ‘has been enormously exaggerated’, so *it* could (p. 307) not motivate without help from thinking that the character is good (1924, i: 57, 1914: 114; also 1924, i: 58). Thus Rashdall sometimes claims that Sidgwick's position is self-defeating: ‘The acceptance of rationalistic Hedonism kills and eradicates all those impulses upon which it has to depend for the practical fulfilment of its own precepts, by pronouncing that they have no true worth or value’ (1924, i: 58; also 59).

Sidgwick might ask why Rashdall takes the desire to do what is rational to be so weak. Even if it is true, as Rashdall claims, that those who sacrifice usually believe that virtue is intrinsically valuable, it does not follow that the belief is necessary (1913: 64-5, 1924, i: 57-9).⁴² Many have noted the prevalence and motivational force of the related desire to justify one's conduct to others. And elsewhere Rashdall holds, with Sidgwick, that ‘the recognition that something is our duty supplies us with...a sufficient motive for doing it’ (1924, i: 104; also 105, 106, 121, 140-1, 1914: 140).⁴³ Perhaps Rashdall's view is that while this desire can win out on its own to motivate, it usually cannot. But what Rashdall thinks is in addition needed to motivate is not belief that a certain character is good, but rather the belief that ‘our own happiness...other people's happiness...knowledge...the contemplation of beauty’ are good, so this does not help him (1914: 114; also 1924, i: 121, 140).

Sidgwick might also ask why ascribing instrumental value to character would not suffice. Rashdall asks ‘if a man really cares about being reasonable, is it conceivable that he should at the bottom of his heart believe it a matter of no importance at all whether he is reasonable or not?’ or that character is for the hedonist ‘completely valueless’, of ‘no true worth’. But being reasonable, having a certain character, promoting the larger rather than the smaller amount of good—these have importance and value, though only instrumentally. The same goes for Rashdall's charge that it ‘is in vain that you tell me that

Utilitarianism: Bentham and Rashdall

concentration upon my private happiness is selfish and irrational, for you tell me also that selfishness and irrationality are not bad in themselves' (1924, i: 58; also 59, 1885: 217). Rashdall gives Sidgwick's position the air of paradox by omitting or devaluing instrumental value.⁴⁴

Sidgwick might also note that, even if one must believe that one's character has intrinsic value, there seems at best the same sort of benign paradox as in the paradox of hedonism. In the moment of pursuit, I must believe that some end other than pleasure is intrinsically valuable in order to maximize pleasure; at the moment of sacrifice, I must believe that a sacrificing character is intrinsically good in order to make the sacrifice. In neither case does it follow that my belief is true, or that in a cool hour I must believe it to be true.

Finally, Sidgwick might complain that there is something unattractive about Rashdall's view. When I sacrifice, I am (say) motivated to prevent the greater unhappiness of someone else. This, we think, is what should motivate me—not a desire to have a (p. 308) certain character. If I must, in order to make the sacrifice, be thinking about the virtue of my character, this takes away from my virtue. Rashdall seems to agree: the virtuous man 'will labour for the good of his family because he cares about it as much or more than he does for his own good' or 'relieves suffering because "he cannot bear" to see another man in pain' (1924, i: 126, 121). 'Every rational act ought...to be directed toward the realization of some good other than the good will, however true it may be that the good will possesses a higher value than anything else in the world' (1914: 114–15).

One might value virtue and lessen the unattractiveness by taking virtue to be a less important good than the prevention of greater unhappiness. Perhaps needing to think that the further good of virtue would be brought about is not so unattractive if the primary good is preventing the unhappiness. But Rashdall cannot say this, since he takes virtue to be the most important good (as in the charity example given earlier). Perhaps Rashdall could instead reply that his argument does not require aiming at one's virtue, but only thinking that it has value, or at least that it is not bad for one. My aim is to prevent the unhappiness of others; I must have the thought that my character is good, but when my character is not my aim, perhaps this is not so unattractive.⁴⁵

At times, Rashdall gives a different gloss on the argument. The problem for Sidgwick is that 'I cannot from my own point of view condemn myself when I pursue what, as you say, Reason itself tells me is my own true good, and decline...to trouble myself about an end which is not my good' (1924, i: 57). '[W]hat the irrational man secures to himself by selfishness is intrinsically better than what the good man gets by obeying the voice of Reason' (1924, i: 69). A person's 'approval of himself when he does right and disapproval when he does wrong are quite inexplicable upon the assumption that bad conduct is merely conduct which is irrational from the point of view of Society though wholly rational from his own private point of view' (1924, i: 107). If sacrifice is reasonable only in the sense that it '“may reasonably be desired by the larger whole”, the reasonableness

Utilitarianism: Bentham and Rashdall

of the individual's desiring it and sacrificing other inclinations to it is not made out' (1885: 219).

These are not points about motivation.⁴⁶ They make sense if Rashdall holds that it is a necessary condition on rational action that it be good for me.⁴⁷ But there is no other evidence that Rashdall imposes this condition, nor argument for it. Nor is it clear how he could impose this condition, given that he endorses Moore's argument that egoism is contradictory: if my well-being is the only thing I ought to pursue, then my well-being is (p. 309) the only thing others ought to pursue; but egoism directs each other person to pursue only his or her own well-being. Rashdall concludes from this argument that 'there can be no rational end of conduct except universal good...[M]y good can only be good at all in so far as it is part of the universal good...[My good] ought to give way when it collides with the greater good of others' (1916: 117–19; also 1916: 131, 1913: 63 n. 2, 1924, i: 79 n.).

Sidgwick combines, perhaps uneasily, two attitudes to common-sense morality—a critical, reforming approach grounded in hedonism and self-evident axioms that lead to utilitarianism, and an approach that takes common-sense morality as itself the ground for utilitarianism. One can see the former approach as deriving from Bentham and the latter as influencing Rashdall. But Bentham and Rashdall can also be contrasted in a complementary respect. For Bentham, the main appeal of utilitarianism rests on the appeal of pleasure. For Rashdall, the appeal rests on the connection between the good and the right. The connection perhaps could not be seen clearly until goods other than pleasure were introduced, but the two appeals can work together in favour of a theory that does not introduce further goods. This may explain the persistence of hedonistic utilitarianism, and the difficulty faced by those who wish to reject it.⁴⁸

Bibliography

- Bentham, J. 1830. *The Rationale of Punishment*. London: Heward.
- 1831. *Parliamentary Candidate's proposed Declaration of Principles*. London.
- 1838–1843. *Works*, ed. John Bowring. Edinburgh: William Tait, 11 v.
- 1945. *The Limits of Jurisprudence Defined*, ed. Charles Warren Everett. New York: Columbia University Press.
- 1970. *Of Laws in General*, ed. H. L. A. Hart. London: Athlone.
- 1977. *A Comment on the Commentaries and A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart. London: Athlone.
- 1983a. *Chrestomathia*, ed. M. J. Smith and W. H. Burston. Oxford: Clarendon.
- 1983b. *Constitutional Code* v. 1, ed. F. Rosen and J. H. Burns. Oxford: Clarendon.

Utilitarianism: Bentham and Rashdall

— 1983c. *Deontology together with A Table of the Springs of Action and Article on Utilitarianism*, ed. Amnon Goldworth. Oxford: Clarendon.

— 1989. *First Principles Preparatory to a Constitutional Code*, ed. Philip Schofield. Oxford: Clarendon.

— 1996. *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart. Oxford: Clarendon.

— 1998. *Legislator of the World: Writings on Codification, Law, and Education*, ed. Philip Schofield and Jonathan Harris. Oxford: Clarendon.

Bright, R. 1991. *Foundations of Utilitarianism*. PhD thesis, Dalhousie University, Philosophy Department.

Broad, C. D. 1930. *Five Types of Ethical Theory*. London: Routledge and Kegan Paul. (p. 310)

Dinwiddy, J. 1982. 'Bentham on Private Ethics and the Principle of Utility', *Revue Internationale de Philosophie* 36: 278–300.

— 1989. *Bentham*. Oxford: Oxford University Press.

Ewing, A. C. 1947. *The Definition of Good*. New York: Macmillan.

— 1953. *Ethics*. New York: Free Press.

Frankena, W. K. 1983. 'Concepts of Rational Action in the History of Ethics', *Social Theory and Practice* 9: 165–97.

Gay, J. 1969. *Concerning the Fundamental Principle of Virtue or Morality*, in D. D. Raphael, *British Moralists*. Oxford: Clarendon, v. i.

Godwin, W. 1971. *Enquiry Concerning Political Justice*, ed. K. Codell Carter. Oxford: Clarendon.

Greene, J. 2008. 'The Secret Joke of Kant's Soul,' in *Moral Psychology*, ed. Walter Sinnott-Armstrong, vol. 3. Cambridge, MA: MIT Press, 35–79.

Harrison, R. 1983. *Bentham*. London: Routledge and Kegan Paul.

Hart, H. L. A. 1982. *Essays on Bentham*. Oxford: Clarendon.

— 1996. 'Bentham's Principle of Utility and Theory of Penal Law', in Bentham 1996, lxxix–cxii.

Howard-Synder, F. 1994. 'The Heart of Consequentialism', *Philosophical Studies* 76: 107–29.

Huemer, M. 2008. 'Revisionary Intuitionism', *Social Philosophy and Policy* 25: 368–92.

Utilitarianism: Bentham and Rashdall

- Hurka, T. 2001. *Virtue, Vice, and Value*. Oxford: Oxford University Press.
- Laird, J. 1926. *A Study in Moral Theory*. London: George Allen and Unwin.
- Lyons, D. 1973. *In the Interests of the Governed*. Oxford: Clarendon.
- Matheson, P. E. 1928. *The Life of Hastings Rashdall DD*. London: Oxford University Press.
- Mill, J. S. 1969. *Writings on Ethics, Religion, and Society*, ed. J. M. Robson. Toronto: University of Toronto Press. (*Collected Works*, vol. 10.)
- 1974. *A System of Logic*, ed. J. M. Robson. Toronto: University of Toronto Press. (*Collected Works*, vol. 8.)
- Moore, G. E. 1903. *Principia Ethica*. Cambridge: Cambridge University Press.
- 1907–1908. Review of Rashdall, *The Theory of Good and Evil*, *Hibbert Journal* 6: 446–51.
- 1965. *Ethics*. New York: Oxford University Press.
- Norcross, A. 2006. 'The Scalar Approach to Utilitarianism', in Henry West (ed.), *Blackwell Guide to Mill's Utilitarianism*. Oxford: Blackwell, 217–32.
- Nozick, R. 1974. *Anarchy, State, and Utopia*. New York: Basic.
- Paley, W. 1969. *The Principles of Moral and Political Philosophy*, in D. D. Raphael, *British Moralists*, vol. 2. Oxford: Clarendon.
- Prichard, H. A. 2002. *Moral Writings*, ed. Jim MacAdam. Oxford: Clarendon.
- Postema, G. 1998. 'Bentham's Equality-Sensitive Utilitarianism', *Utilitas* 10: 144–58.
- 2002. 'Introduction' to Postema, *Bentham: Moral, Political and Legal Philosophy*, vol. i. Aldershot: Ashgate, xi–xxvii.
- 2006a. 'Bentham's Utilitarianism', in Henry West (ed.), *Blackwell Guide to Mill's Utilitarianism*. Oxford: Blackwell, 26–44.
- 2006b. 'Interests, Universal and Particular: Bentham's Utilitarian Theory of Value', *Utilitas* 18: 109–33.
- Raphael, D. D. 2003. *Concepts of Justice*. Oxford: Oxford University Press.
- Rashdall, H. 1885. 'Professor Sidgwick's Utilitarianism', *Mind* o.s. 10: 200–26.
- 1897. 'Professor Sidgwick on the Ethics of Religious Conformity: A Reply', *International Journal of Ethics* 7: 137–68. (p. 311)
- 1913. *Ethics*. London: T. C. and E. C. Jack.

Utilitarianism: Bentham and Rashdall

- 1914. *Is Conscience an Emotion?* Boston and New York: Houghton Mifflin.
- 1916. 'Egoism, Personal and National', in *The International Crisis: The Theory of the State*. London: Oxford University Press, 109–37.
- 1924. *The Theory of Good and Evil*. 2 vols. London: Oxford University Press. (1st edn. 1907.)
- Rosen, F. 1998. 'Individual Sacrifice and the Greatest Happiness: Bentham on Utility and Rights', *Utilitas* 10: 129–43.
- Scheffler, S. 1982. *The Rejection of Consequentialism*. Oxford: Clarendon.
- Schneewind, J. B. 1977. *Sidgwick's Ethics and Victorian Moral Philosophy*. Oxford: Clarendon.
- Shaver, R. 2004. 'The Appeal of Utilitarianism', *Utilitas* 16: 235–50.
- forthcoming. 'Prichard's Arguments Against Ideal Utilitarianism', promised to a volume on impartiality for Oxford University Press, ed. Brian Feltham, Philip Stratton-Lake, and John Cottingham.
- Sidgwick, H. 1896. *Outlines of the History of Ethics*. London: Macmillan.
- 1981. *The Methods of Ethics*. Indianapolis: Hackett.
- Singer, P. 2005. 'Ethics and Intuitions', *Journal of Ethics* 9: 331–52.
- Skelton, A. 2011. 'Rashdall's Ideal Utilitarianism', in T. Hurka (ed.), *Underivative Duty: British Moral Philosophy from Sidgwick to Ewing*. Oxford: Oxford University Press, 45–65.
- Slote, M. 1985. *Common-sense Morality and Consequentialism*. London: Routledge and Kegan.
- Sprigge, T. L. S. 1999. 'The Relation Between Jeremy Bentham's Psychological, and his Ethical, Hedonism', *Utilitas* 11: 296–319.
- Unger, P. 1996. *Living High and Letting Die*. New York: Oxford University Press.

Notes:

(1) See, for example, Scheffler 1982: 4.

(1) This interpretation is advanced by Michael Ayers in *Rationalism, Platonism and God* (Ayers 2007b, especially 1–4). See also Ayers 1998, especially 1003–8, 1011–18, and Lennon 1993. Rationalism is commonly described as an epistemological stand which allows for knowledge independent of sense experience, and privileges reason over

Utilitarianism: Bentham and Rashdall

experience. Jonathan Bennett uses the notion of 'explanatory rationalism' to indicate the rejection of brute facts and the view that 'there is a satisfying answer to every "Why?" question' (Bennett 1996: 61 and Bennett 1984: 29; see also Bennett 2001: vol. 1, ch. 9). Similarly, Michael Della Rocca characterizes rationalism as a position 'powered at each stage by the Principle of Sufficient Reason..., roughly the principle that each fact has an explanation or, equivalently, that there are no brute facts' (Della Rocca 2003: 75).

(2) See, for example, Ewing 1947: 188, 1953: 62, 76, Moore 1965 [1912]: 77, Laird 1926: 21.

(3) For this reading of Kant, see Prichard 2002 [1920s, 1930s]: 153–9, 208, 215, 216 or, more cautiously, Rashdall 1924: i, 130, 301.

(4) For Bentham as the first consistent utilitarian, in contrast to (for example) Paley and Beccaria, see Schneewind 1977: 125–6, Sidgwick 1896: 239, Hart 1982: 49–52.

(5) Mill 1969 [1863]: 210 (*Utilitarianism*). He does not always mention rightness. In *Utilitarianism*, ch. IV, the proof of utilitarianism seems concerned only with the good. In the *Logic*, the 'ultimate principle of Teleology' is 'the promotion of happiness' (Mill 1974 [1872]: 951).

(6) Similarly, a 'man may be said to be a partisan of the principle of utility, when the approbation or disapprobation he annexes to any action...is determined by, and proportioned to the tendency which he conceives it to have to augment or to diminish the happiness of the community' (1996: 13). The principle is that 'by which approbation is called for, for such measures alone as are contributory to human happiness' (1983c: 296).

(7) For example, the greatest happiness is the end of the legislator and the Constitutional Code (1838–1843, ii: 8, 192, 537, iii: 33, vi: 6; 1983b [1830]: 18; 1970 [1782]: 31; 1989 [1822]: 232, 235, 270; 1996: 14 n., 32; 1831: 7 (quoted by Postema 2002: xxi, 2006b: 114 n. 8). It is 'the only right and proper and universally desirable end' (1977 [1776]: 446, 1996: 1; also 1983c [1814–1831]: 60, 62).

(8) I first heard the scalar interpretation of Bentham (and utilitarianism) from Bob Bright, who gave it in ch. 5 of Bright 1991. It is also suggested for Bentham in an excellent paper by Howard-Snyder (1994: 128 n. 8). Scalar utilitarianism has been defended recently by Norcross 2006. Sidgwick notes the possibility of ethics understood as 'an inquiry into the nature of the...the Good' as opposed to enquiry into 'rational precepts of Conduct', but rejects limiting oneself to the former on the ground that 'we must still arrive finally, if it is to be practically useful, at some determination of precepts or directive rules of conduct' (1981: 3). For the same point, see Rashdall 1924, i: 5 n.

(9) Harrison 1983: 192–4, 273.

(9) See especially Descartes' correspondence of 1645 with Princess Elisabeth of Bohemia. A draft of the *Passions de l'âme* was completed by 1646. See Gaukroger 1995: xvii.

Utilitarianism: Bentham and Rashdall

(10) An objection is that at one point Bentham seems to suggest the same treatment for 'good' as he gives for 'ought' and 'right': 'By a good thing, he who speaks of it means that by the idea of which a sentiment of approbation...is excited in his mind'. But immediately before this, Bentham writes that '[u]nless some end in view considered in the character of a standard of reference be taken into account, the epithets good and bad will be designative of nothing but the state of human affections in relation to the subject matter to which these qualities are respectively attributed' (1989: 244–5). Bentham's position seems to be that although when I call x 'good' I report my approbation of x, 'good' need not refer to my approbation, provided I provide a 'standard of reference'. In the case of 'right' and 'ought', Bentham half-heartedly suggests various standards (see below), but seems happier opting for the mere-reference-to-my-approbation option. It is perhaps noteworthy that in the case of 'ought', but not in the case of 'good', Bentham often says that there is 'nothing more' than the expression of sentiment.

(11) This theory is also suggested in Bentham 1977: 67 and 1838–1843, x: 70.

(12) Slote, who attributes this theory of rightness to Bentham, then makes the same objections (1985: 49–50).

(13) Sprigge 1999: 179–80 and Postema 2002 note that Bentham has two views of obligation. Postema adds that Bentham 'said surprisingly little...about the precise nature of this function' from goodness to rightness and that '[p]erhaps Bentham thought this was not a matter of great practical importance' (2002: xv).

(14) This is noted by Bright 1991: 229 n. 12.

(15) Norcross 2006: 222.

(16) Norcross 2006: 219, Howard-Snyder 1994: 121.

(17) Consider, for example, Godwin's example of saving Archbishop Fénelon rather than oneself, one's father, mother, or brother (Godwin 1971 [1798, 1801]: 70–1, 325–6).

(18) For this reading, and discussion of the issue, see Harrison 1983: ch. 10, Hart 1996: xciii–xcvi, and especially Dinwiddy 1982. All are replying to David Lyons' provocative interpretation, according to which Bentham has two standards—the general happiness of the community for those in charge of the community, and one's individual happiness for each individual (1973: pt. I). On Dinwiddy's reading, one expects private ethics to be silent when what maximizes my happiness would fail to maximize the general happiness. Dinwiddy notes that Bentham does say that in the section of the *Deontology* on 'extra-regarding prudence' he will show 'so far as the regard for his own general and ultimate interest allows of his pursuing his particular and immediate interest at the expense of theirs, what course of conduct is most conducive to his purpose' (Dinwiddy 1982: 296 n. 37; Bentham 1983c: 124). But Bentham does not seem to give such a case there. The closest is a case in which prudence dictates offending one's superior to win the approval

Utilitarianism: Bentham and Rashdall

of a third party, but it is not clear that this fails to maximize the general happiness (1983c: 272).

(19) Gay 1969 [1739]: 411–13.

(20) Paley 1969 [1806]: 258–61.

(21) For Bentham on moral and (mainly) legal obligation, see Hart 1982: 82–7, 127–47. Bentham does write occasionally of moral obligation, but he means cases in which the painful sanction is carried out by popular opinion rather than the law (e.g. 1983c: 207).

(22) Postema 1998, 2002, 2006a, 2006b, Rosen 1998.

(23) Postema 1998: 158. Postema also admits that there is clear textual evidence for the traditional maximizing view (2006b: 114 n. 9, citing Bentham 1998 [1811–1830]: 206).

(24) At one point, Postema denies that Bentham would require even this sacrifice (2006b: 131–2; but compare 2002: xxi, 1998: 151, 157). But this does not fit the ‘nature of the case’ passage quoted above. Nor does it fit the legislator's pledge to maximize the happiness ‘of all without exception, in so far as possible: of the greatest number, on every occasion on which the nature of the case renders it impossible by rendering it matter of necessity, to make sacrifice of a portion of the happiness of a few, to the greater happiness of the rest’ (1983b: 136; also 1989: 234–5, 1998: 250). Nor does it seem plausible: it would be odd to further overlapping interests by letting everyone perish.

(25) For an example of early criticism, see Mill 1969 [1833]: 5–6 (*Remarks on Bentham's Philosophy*).

(26) I say more to try to defend this strategy in Shaver 2004.

(27) The best presentation of this argument is in Harrison 1983: 183–90.

(28) Elsewhere he might seem to suggest other arguments. In *Limits*, Bentham asks a question which ‘answer[s] the purpose of all argument’ for the principle: ‘Supposing... that any other than the happiness of the community ought to be the end of legislative policy, what motive has the community to pursue it?’ (1945: 116) Since for Bentham communities are not agents of whom psychological theories such as psychological egoism could be true, it seems best to interpret ‘motive’ here as ‘justifying reason’. If so, this seems the same sort of argument as in the *Principles*: Bentham asks his opponent to produce an argument for decreasing what all find valuable. For the germ of a different argument, appealing to impartiality, see Harrison 1983: 190–2.

(29) Moore 1903: 25, 147–8. He argues for his definition by, in effect, treating any supposedly non-good-based consideration the deontologist might offer as merely introducing a different good. In *Ethics*, where he offers the same claim as self-evident but not analytic, he again targets deontology (Moore 1965: 74–7).

Utilitarianism: Bentham and Rashdall

(30) I try to clarify Rashdall's views about the definitional connections between 'good', 'right', and 'ought' in Shaver forthcoming.

(31) When Rashdall explains the superiority of ideal utilitarianism to Intuitionism, he also notes that weighing conflicting goods against one another is preferable to weighing duties against one another, since judgements about what is good, unlike judgements about duty, remain true even when outweighed—just the point Ross accommodated with *prima facie* duties (1924, i: 92, 95–6).

(32) For more on Rashdall's case for ideal utilitarianism, see Skelton 2011.

(33) He seems prey to Bentham: 'One man...says, he has a thing made on purpose to tell him what is right and what is wrong; and that it is called a *moral sense*: and then he goes to work at his ease, and says, such a thing is right, and such a thing is wrong—why? 'because my moral sense tells me it is'...Another man...comes, and says, that as to a moral sense indeed, he cannot find that he has any such thing: that however he has an *understanding*, which will do quite as well...Another man...says that there are certain practices conformable, and others repugnant, to the Fitness of Things; and then he tells you, at his leisure, what practices are conformable and what repugnant: just as he happens to like a practice or dislike it' (1996: 26–7).

(34) Rashdall also gives, as an example of permissible punishment of innocents, a case in which 'a savage village that has sheltered a murderer is burnt by a European man-of-war' (1924, i: 290). Less clearly objectionable is his defence of inequality as needed to produce higher goods (1924, i: 263–4 n., 265 n. 1, 272, 276–7, 280).

(35) For brief discussion and references, see Dinwiddy 1989: 79–84, 110–112; for animals see Bentham 1996: 282–3b.

(36) Compare the critical approaches to intuitions in Unger 1996, Singer 2005, Greene 2008, and Huemer 2008.

(37) Nozick 1974: 30–2; Broad 1930: 210–11.

(38) For more on Rashdall on justice, see Raphael 2003: 150–9.

(39) Rashdall does sometimes claim that he has shown 'that it is impossible logically to establish the duty of preferring the general pleasure to our own without recognizing the intrinsic value of such a preference'. The argument shows the 'impossibility' of constructing 'a logically coherent system of Ethics without the assumption that the reasonableness of an act is a sufficient ground for its being done' (1924, i: 100, 101). Rashdall should stick with the more modest claim that the state of mind Sidgwick needs is very rare.

(40) This is clearer in the statement of the argument in *Theory*: 'for me to act on this rational principle there must be a...motive...Destroy that conviction [that character is

Utilitarianism: Bentham and Rashdall

intrinsically good], and I have no motive for trying to cultivate the love of rational action...[T]he desire to escape...contradiction...is not by itself a very powerful motive of conduct when it is pronounced to have no intrinsic value' (1924, i: 57–8).

(41) For altruism, see, for example, 1924, i: 23, 28–9, 1913: 19–20. Rashdall does, however, put the argument as follows: 'The whole force of the subjective hold which the precept "be reasonable" has exercised over me...has lain in its inseparable connexion with another conviction—that...to act in accordance with the reasonable was a good to me, *a greater good* than I could obtain by pursuing the pleasure which you tell me is the only true good' (1924, i: 57–8, my emphasis). He implies that the motivation problem is solved only by giving 'the good will the highest place in [the] scale of goods' (1924, i: 79 n.).

(42) At one point Rashdall claims that the 'idea of value' is '*de facto* found inseparable' with the 'idea of the intrinsic worth of promoting what has worth' (1924, i: 59; also 70–1).

(43) Rashdall writes that for the 'ideal man...respect for duty as such will tend to pass into a sense of the relative value of the goods which he loves' (1924, i: 128). It is unclear why the good of maximising the general happiness could not be what he loves.

(44) This also mars Rashdall's argument that virtue is superior to pleasure (1924, i: 72).

(45) For one discussion of the unattractiveness worry, see Hurka 2001: 137–41, 246–9. For questions concerning the sense in which Rashdall can think virtue is the most important good, see Moore 1907–1908: 450–1 and Hurka 2001: 131–3.

(46) They explain Rashdall's claims about motivation, however; a reasonable person would not be motivated to sacrifice: 'in the mind of the philosopher who has discovered [that] ultimate good really consists [in pleasure], the apparent reasonableness of desiring something else must vanish away' (1885: 217). They also explain why Rashdall does not conclude only that one must *believe* that character is good. This belief seems sufficient for motivation, but not for (objective) rationality.

(47) Frankena reads Rashdall's argument as about motivation, but notes that it 'slip[s] into something closer to an egoistic conception of rational action' (1983: 194).

(48) Thanks to Roger Crisp, Joyce Jenkins, and Anthony Skelton, for comments on earlier drafts, and to audiences at Manitoba and Western Ontario.

Robert Shaver

Robert Shaver is Professor of Philosophy at the University of Manitoba. He is the author of *Rational Egoism* (Cambridge University Press, 1999) and, more recently, papers on utilitarianism, Sidgwick, Moore, Ross, Scanlon, Korsgaard, ethical non-naturalism, and experimental philosophy.

