24.231 Ethics – Handout 18 Rawls, "Classical Utilitarianism" and Nagel, "Equality"

The Utilitarian Principle of Distribution: "Society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it." (Rawls, p. 348)

- Rawls is here describing the utilitarian principle as applied to *institutions*. But act-utilitarianism would make the same claim about the justice of individual *acts*.
- More generally, a *distribution is just* whenever it achieves the greatest net balance of satisfaction summed over all the individuals belonging to it, compared to any other distribution we might have brought about.

Two "ways of thinking" that might lead naturally to the UPD:

(1) Extending to society the principle of choice for individuals:

- When we are pursuing our own good, we *maximize*: we balance present and future gains against present and future losses, and are interested only in the *net* outcome.
- "Just as the well-being of a person is constructed from the series of satisfactions that are experienced at different moments in the course of his life, so in very much the same way the well-being of society is to be constructed from the fulfillment of the systems of desires of the many individuals who belong to it." (p. 349)
- So if we rationally should maximize *intrapersonally*, presumably because more of a good thing is better than less, why not also conclude we rationally should maximize *interpersonally*?

(2) If we assume that ethical theory must have a *teleological* structure, it seems almost self-evident that things should be arranged so as to lead to the most good:

- Teleological theories define the *good* independently of the *right*, and then define the *right* as whatever *maximizes* the *good*.
- If, for example, we think the satisfaction of rational desire is the only thing that's good, it becomes very hard to resist the idea that we ought always to bring about more of it rather than less.

Resisting the utilitarian approach:

(3) Why think that a principle of choice that is appropriate *intrapersonally* might not be appropriate *interpersonally*?

- Maximizing depends on the possibility of making utility comparisons, and we might think these are possible intrapersonally but not interpersonally.
- We might think we're justified in imposing costs on someone for the sake of a greater benefit only if the benefit allows us to *compensate* the loser for the cost – this happens automatically in the intrapersonal case, but not in the interpersonal case. (But this is a very strong principle.)

- We might think we can make *sense* of the idea that an action that maximizes the good for some individual (say, by opposing a cost on her now in exchange for a greater benefit to her later) is *best overall*, because it's *best for her*; but when we impose a cost on one person for the sake of a greater benefit to another, it's better for the second person and worse for the first; there's no one who experiences the *total* good, and so it's unclear how to make sense of the idea that it's best overall. "Better-than" is *meaningful* only *relative to* a person. This approach questions the meaningfulness of saying that one outcome is better than another 'from the perspective of morality', as opposed to from some individuals' perspective. (But it seems like *any* plausible theory will have to take numbers into account *somehow*, to explain, for example, our duty to save the many rather than the few…)
- Is it always rational to maximize *within* a life?

(4) What worries might we have about a teleological approach to ethics:

- The teleological approach assumes that the good can be defined independently of the right. But is this a good assumption?
  - Take the value of preference satisfaction – we may want to qualify or demote the value of the satisfaction of some preferences, such as sadistic pleasures, and attribute extra value to some others, the so-called "higher pleasures." But to justify doing so, we may have to appeal to claims about the *wrongness* of satisfying some pleasures, and the *rightness* of satisfying others.
  - We may think it's good for people to get what they deserve, but this is a good we cannot identify unless we have a prior conception of what's right.
  - We may think that it's good if welfare is distributed more equally, because that treats people more *fairly*. But if the goodness of an equally distribution is explained by it's *fairness*, we again have to have a prior conception of what's right to identify it.

Rawls concludes that because the utilitarian, in deciding how best to distribute goods, treat individuals as mere contributors to an overall good that belongs to no one, and because the utilitarian improperly extends a decision principle that's appropriate intrapersonally to cover interpersonal decisions, he "does not take seriously the distinction between persons."

- We might worry about Rawls' argument on two fronts:
  - Does it correctly identify why utilitarians think it's right to maximize interpersonally? That is, is it plausible that utilitarians arrive at the conclusion that they ought to maximize interpersonally by extending *intra*personal reasoning to *inter*personal cases? Or do they just think that more of a good thing is better?
  - Rawls' argument might show why, *given that* maximization isn't generally appropriate, it might nonetheless be appropriate *within* lives (since compensation is possible); but he doesn't seem to provide an argument for thinking that maximization isn't generally appropriate.
- It's worth noting a resonance between this worry about utilitarianism and another worry we've talked about extensively already: Rawls argues here that utilitarianism does not take seriously the distinction between persons *as patients* – that is, as people whose welfare is affected by our actions. But Williams and others worried that utilitarianism

does not take seriously the distinction between persons *as agents* – in that it fails to recognize the special responsibility I have for *my actions*, as opposed to the actions of others that I could have prevented.

Nagel, "Equality"

Nagel compares three conceptions of what is involved in *treating people equally*:

Individual Rights: Every person has an equal right not to be interfered with. Treating people equally requires giving equal respect to each person's rights (even if this means allowing an *unequal* distribution of welfare).

Utilitarianism: Each persons interests matter just as much as everyone else's. Treating people equally requires giving each person's interests equal weight (relative to their strength) in calculating which state of affairs is best.

Egalitarianism: Each person has an equal claim to actual or possible advantages. Treating people equally requires working to ensure that some people are not worse off than others through no fault of their own. This means that we should prioritize the needs of the worst off, even if doing so results in less good overall, and (on strong versions of the view) regardless of the numbers of people involved.

As Nagel points out, each of these theories takes seriously the idea that people are moral equals. But they take very different views of what this entails.

  (1) Individual Rights: How plausible is the individual rights theory of distributive justice?

- Gives each person a kind of (limited?) "veto power" over any distribution of resources: a distribution that is unacceptable to anyone (because it violates her rights) will not be just.
- Not a maximizing view: that is, does not hold that rights-violations are to be minimized, even if that involves violating someone's rights. When assessing the justice of an action or decision, we must evaluate that *action* or decision *directly*, not via the *outcome* it produces.
- Defenders of the rights theory argue that any view of distributive justice that takes *outcomes* to be the proper objects of evaluation will inevitably entail that we ought to interfere with people's voluntary decisions in order to bring about the desired egalitarian outcome. But it can never be right to interfere with free and voluntary transactions in this way. (Wilt Chamberlain example)
- *Worries*:
  - This approach to equality gains some support from the thought that, since there is no "collective" perspective, a moral principle is acceptable only if it is acceptable to each person affected by it. But this way of justifying actions has trouble allowing for the intuitive importance of numbers.

- Also, we can doubt whether resource transfers are ever properly "voluntary", given inequalities in bargaining power and in initial distributions; and even if the people undertaking the transfer do so voluntarily, the third parties affected do not.

(2) Utilitarianism: How plausible is the utilitarian conception of treating people equally?

- Utilitarianism is a kind of *majority rule*, which combines individuals' claims *aggregatively*.
- It is applied to *outcomes*, rather than actions directly, and each person's interests play an equal role in determining the just outcome.
- It will often, utilitarians claim, lead to equal distributions of resources, and prioritizing the needs of the worst-off, because of the negative side-effects of inequality and because of the diminishing marginal utility of most resources.
- *Worries*:
  - Does a better job than views that determine the justice of actions or distributions according to the claims of individuals at accommodating our intuition that the numbers sometimes count.
  - But this aggregative feature can also get utilitarianism into trouble (by entailing that many small benefits to individuals might outweigh fewer grave harms, because the total benefit is greater, even though no one experiences the total).
  - There seems to be an important sense in which utilitarianism does not treat people equally: utilitarianism counts each interest or desire as equally important, regardless of whose interest it is; but does that mean it counts each *person* as equally important? After all, some of us might be "utility monsters" with respect to others: we might be *much* better at converting resources into utility. Utilarianism would have to give us much more weight than people who are bad converters of resources into utility, since giving to us contributes much more to the total. (This is also a way of questioning whether the diminishing marginal utility of wealth is likely to secure an equal distribution.)

(3) *Egalitarianism*: How plausible is the egalitarian principle of distribution?

- Rawls' "Difference Principle": Inequalities are justified only if they benefit the worst-off group in society. ("Maximin")
- Is based on the thought that the fundamental equality of people means that they (other things equal) are all equally deserving of goods. When some people have less than others through no fault of their own, that is *unfair*.
- Rawls argues against IR and U principles of distribution that they might do nothing to correct for undeserved inequalities in the distribution of social and natural goods that profoundly influence welfare.
  - Nagel: Rawls is assuming that there is a presumption against permitting such inequalities (when they don't result from wrong-doing) which may not be common ground with his opponents.
- Egalitarianism is outcome-oriented: the justice of acts and decisions depends on the justice of their outcomes (in this respect E aligns itself is the utilitarian view).

- Egalitarianism is insensitive to numbers: distribution is justified only if it is "most acceptable to the person to whom it is least acceptable" (in this respect Egalitarianism aligns itself with the Individual Rights view), regardless of how many of the better-off could be benefitted, or how much they could be benefitted by… (Let's think about Nagel's example of the two children…)

- Why think that the best approach to justifying a moral principle seeks to make it acceptable to *individuals*?

  Nagel: suggestion at the end – the source of morality and general form of moral reasoning is the requirement that we put ourselves in other people's shoes. This makes the acceptability of moral principles a matter of its justifiability to individuals…

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