

Philsoc Members' Meeting Sept 2021

Why Should I be Good? - Utilitarianism and the Social Contract

Preamble

Good afternoon, Everyone!

Tim reminds us that we have evolved in a Darwinian world, suggesting that humans have found success through aggressive selfishness, or at least through Herbert Spencer's 'rugged individualism'. We recall Hobbes' famous view that life in a natural state was 'nasty, brutish and short' (Leviathan, 1651), which from our point of view is probably much how it was in the 17th century! That broad view informed his own and other traditional views of morality. I – and no doubt others - will reply that cooperation, and at least some degree of empathy, compassion and even altruism must have contributed to evolutionary progress.

But things have surely moved on? Considering the UK, we might now assess that life for most is reasonably comfortable, full of 1st-world problems, and long. Now that most subsistence needs are met, I see more space for mutual consideration, and a higher drive for win-win types of cooperation. The inherent risks have been reduced, and the potential benefits of mutual endeavour are more easily grasped and preserved in a more stable and secure Society.

So, what are we collectively trying to accomplish? What is 'The Good' which we seek? We will see that it equates merely to **satisfying as much and as many of our desires as possible**. I intend to show that, if I help fulfil the desires of as many people as possible, and that this is carried out **in alignment with a Society broadly pursuing the same thing**, then we do in fact optimize the overall wellbeing of Society, and hopefully mine with it!

We might draw a parallel say, with Free Trade, or the World's approach to Climate Change. Any individual effort is beneficial, but fairly ineffectual. But when many individuals combine within an International Agreement, or in our case under the umbrella of a Social Contract, then individual efforts can be leveraged to great effect!

Consequentialism

Can I ask you all to dwell for a moment on choices made and actions you have taken, say for today up until now? – or indeed any period of your choice? Those actions will vary from the subconscious or minor, such as cleaning your teeth, through to interactions of more significance, such as going to work or planning a holiday. In

carrying these matters out, you may well have been influenced by duty, or virtue ethics, but I submit that the **common aspect for all of them will have been to obtain a desired result, or consequence.**

Wikipedia defines **Consequentialism** as a class of normative, teleological, ethical theories which holds that **the consequences of one's conduct are the ultimate basis for any judgment about the rightness or wrongness of that conduct.** Any related act is right *if and only if* its outcome provides a greater balance of good over bad than its alternatives, that is: it **adds intrinsic value.** So, the consequentialist might answer the question "Why Should I Be Good?" by saying that, by being good and acting in a good way, you are increasing the sum total of goodness (or wellbeing) in the world. Let us now see how Utilitarianism extends the concept and introduces measures of 'the Good'.

Utilitarianism

In the case of Utilitarianism, such measures traditionally comprised **pleasure or the absence of pain, not just for oneself, but for everyone in society.** The origins of this idea go back at least to Epicurus, but I will focus on the contributions of Jeremy Bentham (1748-1832) and J.S. Mill (1806-1873), who are no doubt known to most of us.

From Utilitarianism.net we see that: '**Utilitarianism is the family of ethical theories on which the rightness of actions (or rules, policies, etc.) depends on, and only on, the sum total of wellbeing they produce**'. Bentham famously expressed this idea as seeking 'the greatest happiness for the greatest number.' This sounds very like consequentialism, but it adds the **crucial additional concept of Utility**, which is a **measure of wellbeing.**

Classical UM. embraces 2 principles. The first is '**Hedonism**', the idea that welfare consists only of conscious experiences, and secondly, that **such experiences are additive** so that wellbeing can be increased either by making existing people better off or by creating new people with good lives. Bentham asserts that we have **2 sovereign masters, pleasure and pain, which govern all that we do.**

Utility is the *measure* of wellbeing, whereas (net) pleasure is the *consequence*, which is deemed to be 'the Good'. *So, for the Utilitarian, the answer to today's question is "You should be good, because by being good, you increase the sum total of human happiness, which self-evidently has intrinsic value".*

From this base, Bentham developed his '**Felicific Calculus**', which is an algorithm allowing the moral rightness of an action to be assessed numerically. Criteria for measurement of each experience are intensity, duration, certainty, proximity, fecundity, purity and extent. This sounds unwieldy and so it is! We immediately encounter the difficulty of attributing a value for 'happiness generated' from each constituent, but an example illustrates how the principle can be used.

Envisage that you are buying a house, and are in the happy position of having 3 possible solutions, Houses A, B and C which meet your minimum criteria. It is possible to assess each numerically, according to further criteria which drive the decision. Referring to the 1st column on the slide, we may have an ideal say, of parking for 2 cars, a garden suitable for children, and proximity to a suitable school. A value can be attributed to each criterion according to their importance, with weightings according to how closely each house conforms to the ideal. For example, 'Parking' may be worth 20 points, weighted by 100% for a double garage, 50% for off road parking and 75% for a single garage ... and so forth. We can then evaluate the utility from each house as the basis for a decision. The score for House A is highlighted in blue. I have seen this process used to good effect in a number of contexts, and I see no parallel in other ethical systems.

Moving on to Mill, he wrote extensively on UM, and differed with Bentham in several respects. Firstly, he could not agree that there were no qualitative differences between pleasures, as Bentham asserted. Mill claimed that those who can experience higher intellectual pleasures value them more highly. He famously stated 'better to be Socrates dissatisfied than a pig satisfied', alluding to Socrates' presumed ability to appreciate 'higher' pleasures, and thus add more Utility than a satisfied pig. **Mill contends that the only evidence of desirability is that people do in fact desire or prefer something.** I draw two conclusions here. Firstly, education obviously increases opportunity for all, enabling choices which extend overall utility. Secondly, though, there is a corollary that those who are blessed with less intellect or education experience less Utility, and so are less important. This is dangerous reasoning! Each individual of course has a positive contribution to make, and experiences a major negative utility if their lives or rights are taken away!

Mill also considered what are the ultimate sanctions of the principle of Utility? He recognized **external sanctions** – hope of favour from our fellow citizens, and for those who believe in God, the fact that increased happiness is aligned with God's (presumed) intent. He also acknowledged **internal sanctions** of pain, conscience, guilt and remorse. We have social feelings, care about others, and share their harm and joy. It appears that our sheer *capacity* to empathise (as revealed by brain scans) demonstrates a desire to help others.

Both Bentham and Mill were social reformers, and wanted their philosophy to support actual change. Two examples were for women's rights and free speech, where the Utilitarian justifications seem self-evident. These in turn encourage, say, better education for women, and citizenship training for all.

Drawbacks of UM.

It is instructive to consider common objections to UM, which help to define its limitations. UM.net identifies 3:

Rights objections. It may appear that to maximise total welfare, it may be necessary to violate other rights. Human Rights are of course graded between those **considered inviolable** – such as the right to life, and those **more aspirational upon a society** – such as the rights to education and right to vote. In truth of course all such rights are not ultimately absolute, and are susceptible to trade off for the common good. Trolley problems, beloved of philosophers, provide examples. Resolution of this conundrum is often found by widening the scope of a debate. For example, a policy of never paying ransoms can appear counter-intuitive for a particular case, whilst wider consideration shows the wisdom of the policy.

Demanding objections. Do we demand too much of UM? In strict terms, I believe we do. We immediately observe that individuals do NOT give all their spare resources away to others who are more needy, which would obviously increase overall Utility. This objection highlights the very real conflict between UM and egoism, or our instinct to look after no. 1. I gather that Peter Singer, a lifelong devotee of UM, gives 25% of his income to better causes than himself, and this is likely to be as high a contribution as we will find. For each individual, each pound or resource foregone is progressively more expensive in terms of Utility. It is quite logical that each will find a cutoff point consistent with their income and competing aspirations. Let us consider the 2 channels of individual contribution:

- **Via taxation and the public purse.** In a well-ordered and efficient society, Utility is more likely to be optimized via the public purse, as that route will benefit from impartiality - or 'a veil of ignorance' in Rawlsian terms. (Cronyism and Chumocracy clearly fail this test, to make a topical point). Communal programs also obviously have far greater reach than individual effort, and these points make a strong case for progressive taxation, though of course not everybody agrees!
- **Direct Private redistribution** – this is more limited as we have seen though it can take many forms. Whilst clearly an exception, I see this as an area for **incremental consideration and aspiration**. If each of us optimizes our discretionary spend or effort, and manages to influence others in the same direction, then we are doing the best we can!

The Equality objection. Some argue that Utilitarianism conflicts with the ideal of equality, e.g. that unequal distribution of wellbeing (such as a Tyranny of the Majority) might be optimal?

Now, Utilitarians care deeply about equality largely because most goods exhibit **diminishing marginal utility**. This means that the more an individual already has of a particular good, such as money or nice clothes, the less they benefit from having more of it. This is intuitively obvious, and **provides a strong instrumental reason for us to care about equality in distributing goods**. This means that we can normally increase overall wellbeing by redistributing from the haves to the have-nots. Also, excessive inequality between people may cause social conflict

and be bad for society in the long run. It does seem that the UK has an extraordinary tolerance in this area!

A model which includes inequality as part of an optimal process is necessary because we need incentives to work, but I find it very difficult to envisage an optimal UN state which is grossly unequal. This would depend on 'trickle-down' of wealth enabling everyone to become better off, but trickle-down is no longer observed, and in fact if anything we observe the reverse!

I now move on to the idea of 'Happiness'. Many have commented that 'net happiness' (as prescribed by Bentham and Mill) does not equate to eudaemonia, or any full sense of flourishing. Nietzsche famously derided 'Happiness' as contemptible (and rather English!), and yearned for a culture which set higher and more challenging goals. Traditionalists would counter that all physical or mental states which may be included in 'flourishing' but not obviously 'happiness', will nevertheless lead to a degree of happiness in due course.

My personal view is, that in the absence of absolutes, this debate is sterile. In this area Man – or at least educated Men and Women – are the Measure of All Things. In assessing a particular case for optimal Utility, we have to - as best we may - understand the cost and benefit to each player **in their own terms. This model is not only relative, but is also not even homogeneous.** In the 'House' example above, we have to assess the Utility **to the children** of a garden, which may not be the same as our own. However, we are grounded at least in our common humanity and empathy and a common- if subjective - view of **most** elements of 'The Good'.

Concluding remarks on UM I see UM as having several clear advantages over other systems, including these three:

- It accommodates actual or supposed **preferences of all those affected**
- It can provide **a logical and numeric structure** enabling us (as far as is ever possible) to compare 'apples and pears' in one overview
- It is the **only system identifying something we can 'optimize'**

If there is one conclusion which I would like us all to remember, it is that UM demonstrates absolutely clearly that **Utility and Money are completely different measures, and we must not conflate the two.** The basic example is that of relative utility of money to the rich and poor. £100 given to a billionaire would hardly be traceable, let alone of value, whereas that same £100 delivered to a pauper in extreme need can carry remarkable utility. If we remember this as we seek fair distribution of wealth, we have made a major step forward!

The Social Contract

The basic idea is to achieve agreement from all individuals to collectively enforced social arrangements for the common good, **which have normative property – i.e. they are seen as legitimate and obligating**. Individuals then cede some of their egoist tendencies in exchange for order, protection, reduced risk and increased certainty.

John Rawls reminds us that we are dealing with a diverse population, with varied reasoning. The parties must model an imperfect rationality accommodating various cultures. So, to conclude with a single representative point of view may be too restrictive, and conclusions based on significant strands of diversity will be more resilient. Full religious tolerance within a broadly secular society is an example of this. We have the institutional framework, principles of Justice, and the law to regulate what are notionally agreed outcomes, resulting in **John Rawls's so-called 'overlapping consensus'**.

A traditional view (Hobbes, Locke, Rousseau) envisaged **actual consent** of free men to become members of Government, implying a true contract and thus obligation. This is no longer practicable, and now we have a concept of public and social morality and **an assumed consensual agreement supported by the democratic process**.

The significance of the Social Contract to me is as a **validator and reinforcer of individual UM**. If individual and society are broadly aligned then individuals have more confidence that their own efforts to optimize wellbeing are reciprocated and reinforced by society at large. This vision – if fulfilled – would leave me content to offer my modest contribution. But it is time for a reality check – is the current Social Contract fair and effective, or not?

A dose of Reality

In practice I find there are huge variances between what I expect from our Social Contract, and what is delivered. I am faced with a practical dilemma as to how to communicate this concisely, and I will try to sketch a picture rather than quote exhaustive facts!

Publicity and Consensus. A social contract must have the capability for consensus. Historically, only a blessed few have ever been educated in this area at school, so any attempt to inform the population has been negligent, or haphazard at best. Such efforts certainly by-passed me! We also have no written constitution. However, citizenship did become part of the National Curriculum early this century, so this matter is somewhat resolved. In passing, I would love to sit in on the session covering alternative voting systems – which brings me neatly to my next point.

Parliamentary Voting System. After faithfully voting for half a century, I am in the happy position that none of my votes have ever influenced anything at all. There are millions like me. As you will know, our FPTP system delivers a ‘**winners’ premium**’ to the largest party, necessarily at the expense of minorities. **I remind you here that J.S. Mill spoke forcefully and unambiguously on the subject of protecting minorities – insisting that they should always get a proportional vote.**

The next screen shows how many votes each party needed to elect 1 MP in the 2019 election. I will highlight 3 columns:

The first column is the Green party, who received 850k votes and elected 1 MP, This is 1/17 of what they might expect under Proportional Representation. The 3rd column is the LibDems – their votes elected 11 MP’s where they would expect 75, so they had 1/7 of average voting power. By contrast the final RHS column represents the SNP. Since they are clustered in Scotland, they get the highest voting power at twice the average because they are concentrated geographically. What a whimsical system we do have!

I invite you to join me in a thought experiment. Let us suppose that by some quirk, all the Green voters happen to be the only Jewish voters in the country, and that the LibDems are the only women voters, and that they achieve the same results we have just seen. I suspect that other democratic countries would be horrified by such systemic discrimination! My question to any who support the current system is: ‘How is it so obviously unacceptable to discriminate against Jews and women, but not against Greens and LibDems, since all are people with equal rights?’ This question is surely unanswerable.

A further consequence of our system is that we normally have minority governments exercising power over all. The worst example is the election of Tony Blair in 2005, when he achieved power with 35% of the vote representing 25% of the adult population. **I conclude that our voting system is incompatible with a Social Contract.**

Goals of Government. Let’s look briefly at Government policies.

Consider the economy as comprising 2 parts, Income and Assets. Most of us live in the everyday income and expenditure world, where most income is taxed somewhat progressively and mostly spent. The Asset economy by contrast attracts scant attention, and it is the seat of most of the extraordinary wealth in this country. **It is very lightly taxed, and designed to perpetuate wealth and privilege.** To illustrate:

- **Trusts eliminate inheritance tax;** e.g. The late Duke of Westminster bequeathed a full £9bn estate to his son, the current Duke of Westminster
- Assets often avoid or defer tax: **woodland profits** for example have no income tax, no CGT and no inheritance tax. This is an investment option only open to the rich.

- The **huge profits from development gain on land** outweigh profits from farming. So, the primary industry of our landowners is to generate undertaxed development gain!
- Much of UK industry and wealth is owned in tax havens, with no corporation tax.

I could go on. Thomas Picketty's recent work (Capital and Ideology, 2020) confirms that inequality is a function of ideology, not chance. A recent example is the **Stamp Duty holiday** – which unnecessarily boosted house prices for the Haves, totally by-passing the Have-nots; indeed, they are further disadvantaged by higher rents, and the further impossibility of house purchase. Another recent proposal is to raise National Insurance - i.e. to tax jobs - to fund improvements in social care. This has now been adopted, and it neatly by-passes those with wealth having to contribute much at all. More generally, quantitative easing and low-interest policy since 2009 have turbo-charged assets, whilst support for the poor has been savaged by Austerity.

The empirical evidence for all this is easy to find. The UK has the richest region in NW. Europe (London) and the 7 poorest regions as well, demonstrating gross inequality.

Recent Governments appear to have scant regard to any Social Contract, or any form of 'Fairness' consistent with UM. Furthermore, my vote is among those 'wasted', and so for me the Contract does not exist.

Conclusions

So, I remind you that I should be good by trying to optimize the welfare of all, in alignment with a Society broadly doing the same. However, I find myself in the awkward situation where my arguments for this answer are nullified by the current ideologies and practices of the Government.

With regard to my personal decisions, they will continue to be as Utilitarian as possible, because I care about my fellows. (*OPT: just as Chris Conway has explained this afternoon!*)

With regard to the State, however, I now invoke the views of David Thoreau, as expressed in his work 'Resistance to Civil Government'. Thoreau argues that individuals should **not** permit governments 'to override or atrophy their consciences'. **We have a duty to avoid acquiescence which makes us agents of injustice.**

Thoreau's concerns were his disgust at slavery and the Mexican-American war. My concerns are neither so immediate, nor so bloody, but neo-liberalism likewise has many victims, and active and sometimes illegal disobedience must surely be justified.

"So, Fellow Citizens, be good to one another, because that will increase happiness for everyone. But do not "be good" in the eyes of an unjust and unfair state, for that will enable more injustice and unfairness in the world. Instead, work together to establish a system of government which respects the social contract and maximises the well-being of all its citizens. I invite you to join me at the barricades!"