

Utilitarianism and Rawls

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Introduction

John Rawls, one of the most important political philosophers of the 20th century, is a critic of utilitarianism. It is well known that he intends to provide a viable alternative to utilitarianism in his works, especially in *A Theory of Justice* (Rawls 1999). However, the purpose of this paper is to demonstrate that utilitarianism is superior to Rawls's theory despite his criticism against it.

The structure of this paper is as follows. Section 1 gives a brief explanation of political philosophy. Section 2 elucidates what utilitarianism is and why Rawls criticises it. Section 3 focuses on Rawls's 'two principles of justice'. Section 4 examines whether his criticism against utilitarianism is correct or not. Section 5 argues that Rawls's theory has a fatal flaw: his theory cannot provide good reasons why immoral actions against the disabled are impermissible. Section 6 shows that utilitarianism can provide such reasons, and due to this advantage, we can conclude that utilitarianism is superior to Rawls's theory.

1. What is political philosophy?

Political philosophy provides a standard by which to evaluate social and political institutions: the political constitution, the legal system, the economy and so on (Moseley 2005). Such institutions have a great influence on our lives: if they are just, we can live well, but if they are unjust, it is difficult for us to live well. Not only philosophers but all of us should be interested in political philosophy, because it focuses on such influential institutions.

2. Utilitarianism and Rawls's criticism against it

Utilitarianism proposes a standard by which to evaluate social and political institutions. Let me explain utilitarianism briefly.

Utilitarianism has two components (Shaw 2006, 202-203). The first component is welfarism. This is the value thesis that individual happiness (welfare) is the sole good, which is the only thing that is valuable for its own sake. Early utilitarians, like Jeremy Bentham and J. S. Mill, equated happiness with pleasure and unhappiness with pain. In contrast, modern utilitarians, like R. M. Hare and Peter Singer, tend to equate happiness with satisfaction of desire and unhappiness with dissatisfaction.

The second component of utilitarianism is its consequentialist approach to right and wrong.

Consequentialism is the thesis that our actions are right or wrong because and only because of the goodness or badness of their consequences. Moreover, utilitarianism is also a maximising doctrine, because it requires us always to act so as to bring about as much happiness as possible.

Combined together, then, utilitarianism's consequentialism and its welfarist value theory lead it to affirm the following basic moral principle.

The basic moral principle of utilitarianism

An action is right if and only if it brings about the greatest balance of happiness over unhappiness for everyone affected by the action; otherwise, it is wrong

As an illustration of which action is considered right in utilitarianism, one can imagine that the following are my only options, and for the sake of argument, one can assume that happiness and unhappiness can be measured.

Options	Happiness	Unhappiness
Action A	20 units	8 units
Action B	15 units	4 units
Action C	15 units	2 units

The balance of happiness over unhappiness is calculated by subtracting the number of units of unhappiness from the units of happiness. Thus, action A is morally preferable to action B, because its total is 12 rather than 11. However, action C is superior to action A, because its total is 13. Therefore, the right action is C.

The basic moral principle of utilitarianism requires us to act so as to produce as much happiness as possible; in an arrangement of institutions, we are required to order them so as to bring about the greatest balance of happiness over unhappiness for everyone affected by these institutions. Moreover, in utilitarianism, when institutions are arranged so as to produce the greatest balance of happiness, these institutions are considered just; otherwise, they are unjust. In this way, this moral principle can also be used to evaluate social and political institutions.

Rawls argues that utilitarianism must be an objectionable creed, because if slavery or some other system of extreme economic inequalities can produce a greater balance of happiness over unhappiness than any alternative, utilitarianism condones or even commands these institutions, which we normally consider quite unjust (Rawls 1999, 24–30; Rawls 2001, 100) . For example, if slavery for minorities in our society can produce a greater balance of happiness over unhappiness than any alternative, utilitarianism requires us to support it. Thus, Rawls asserts that the basic moral principle of utilitarianism is inappropriate as a

standard by which to evaluate social and political institutions, because this principle cannot condemn these unjust institutions.

3. Rawls's 'two principles of justice'

Rawls claims that his 'two principles of justice' never condone institutions that we normally consider quite unjust. These principles read as follows:

Two principles of justice

First Principle: Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

Second Principle: Social and economic inequalities are to satisfy two conditions:

- a. They are to be attached to offices and positions open to all under conditions of fair equality of opportunity;
- b. They are to be to the greatest benefit of the least-advantaged members of society (the difference principle). (Rawls 2001, 42–43)

The first principle is prior to the second: the second principle cannot require even the slightest violation of the first. Moreover, the first condition of the second principle is prior to the second condition of the second principle.

Let me explain these principles in detail. The first principle affirms for all citizens basic rights and liberties: 1) political liberties (the rights to vote, to hold public office etc.), 2) liberty of conscience, 3) freedom of association, 4) freedom of speech, 5) freedom of movement, 6) free choice of occupation and so on.

The first condition of the second principle requires that citizens with the same talents and willingness to use them should have the same educational and economic opportunities regardless of whether they were born rich or poor.

The second condition of the second principle (the difference principle) requires that social institutions should be arranged so that the inequalities of wealth and income work to the advantage of those who will be the worst off.

As an illustration of how institutions should be arranged according to the difference principle, one might imagine four hypothetical economic structures A–D, and the lifetime average levels of income that these structures would produce for representative members of three different groups.

Economy	Least-Advantaged Group	Middle Group	Most-Advantaged Group
A	10,000	10,000	10,000
B	12,000	15,000	20,000
C	20,000	30,000	50,000
D	17,000	50,000	100,000

(quoted from Wener 2008, ch. 4, sec. 3)

Here the difference principle selects Economy C, because it contains the distribution by which the least-advantaged group does best. Therefore, this principle requires that institutions should be arranged so as to realise such a distribution.

Rawls argues that institutions that we normally consider quite unjust must be condemned in his theory, because these institutions violate two principles of justice: slavery is the violation of the first principle and extreme economic inequality is the violation of the second principle. Thus, two principles of justice never condone slavery or some other system of extreme economic inequalities.

4. Is Rawls's criticism correct?

In the preceding sections, we have seen that Rawls asserts that utilitarianism would condone institutions that we normally consider quite unjust, and that two principles of justice never condone such institutions. However, as discussed below, his criticism against utilitarianism is incorrect.

Consider the claim that slavery for minorities might produce the greatest balance of happiness over unhappiness and that therefore utilitarianism would condone it. This claim is implausible, because Rawls and other critics have not shown that slavery can really bring about a greater balance of happiness over unhappiness than any alternative in the actual world (cf. Lyons 1989; Shaw 2006, 205–206) . They have not answered these questions asked by R. M. Hare:

How could it come about that the existence of a small number of slaves was necessary in order to preserve the happiness of the rest? I find it impossible to think of any technological factors (say, in agriculture or in transport by land or sea) which would make the preservation of slavery for a small class necessary to satisfy the interests of the majority. ...What on earth are the slaves doing that could not be more efficiently done by paid labour? (Hare 1979, 110–111)

As long as critics cannot answer these questions, they have no evidence to suggest that utilitarianism would condone slavery. On the contrary, utilitarianism condemns slavery, because a study of history and other factual observation will show that miseries caused by

slavery are so great that it cannot produce a greater balance of happiness over unhappiness than any alternative.

How about the claim that utilitarianism would condone some system of extreme economic inequalities? This is also implausible. There are two utilitarian arguments for equal distribution. The first is based on the law of diminishing marginal utility (Hare 1991, 126–127), according to which, out of the same amount of money or goods, someone who has little of them will get more happiness (utility) than someone who has a lot already. Given this law, we can say that reducing extreme inequalities can produce a greater balance of happiness over unhappiness than preserving such inequalities, because a poor person will get more happiness out of what the person is given than a rich person from whom it is taken would have got; the rich person will lose some amount of happiness, but the poor person will gain more happiness than that.

The second argument is based on the fact that inequality has a tendency to produce envy (*ibid.*, 127). Envy is a disagreeable state of mind and leads people to do disagreeable things. Inequality not only makes poor people unhappy because of this disagreeable feeling, but also leads to the unhappiness of rich people due to the hostile behaviour of poor people who envy them. Thus, utilitarianism requires that extreme inequalities should be reduced in order to remove the envy of poor people.

Based on these two grounds, we can say that any system of extreme economic inequalities cannot bring about the greatest balance of happiness over unhappiness and that therefore utilitarianism condemns such a system.

As we have seen, utilitarianism never condones slavery or some other system of extreme economic inequalities. Therefore, Rawls's criticism against utilitarianism is incorrect.

5. A flaw in Rawls's theory

Moreover, Rawls's theory has a fatal flaw: his theory cannot provide good reasons why immoral actions against the disabled are impermissible (cf. Nussbaum 2006, ch. 2; Stein 2006, 116–117).

The problem lies in that the basic rights and wealth, which Rawls calls 'primary goods', are regarded as 'generally necessary to enable citizens adequately to develop and fully exercise their two moral powers' (Rawls 2001, 57). Citizens are those who have these two moral powers and can be engaged in mutually beneficial social cooperation over a complete life (*ibid.*, 18–19). These two moral powers are explained as follows:

- (i) The capacity for a sense of justice: it is the capacity to understand, to apply and to act from two principles of justice.
- (ii) The capacity for a conception of good: it is the capacity to have, to revise and rationally to pursue a conception of the good (an end of life). (*ibid.*)

In Rawls's theory, as we have seen, the basic rights and wealth are needs of citizens, who

have those two moral powers and can develop such powers with these goods. Thus, violating the basic rights of citizens or not aiding poor citizens is considered wrong, because these acts prevent citizens from satisfying their needs.

However, how about those with such severe disabilities that they cannot have and develop the two moral powers? In Rawls's theory, the basic rights and wealth should not be needed by such people, because they cannot develop their two moral powers, even if these goods are distributed to them. Thus, when someone says 'violating the basic rights of the disabled or not aiding the disabled poor is not wrong, because the basic rights and wealth are not needs of disabled people', Rawls could not refute that person's argument.

In addition to that, Rawls's theory would condone laws that permit us to violate the basic rights of the disabled and public institutions that will not aid the disabled poor. We should consider such institutions quite unjust.

In fact, Rawls says, 'I take it as obvious, and accepted by common sense, that we have a duty towards all human beings, however severely handicapped' (ibid., 176n.) . In his opinion, common sense says that we should not violate the basic rights of the disabled and should aid the disabled poor. However, his theory cannot provide any justification for this 'common sense'.

6. An advantage of utilitarianism

Utilitarianism, on the other hand, can provide justifications for this 'common sense'.

In the first place, violating the basic rights of the disabled or not aiding the disabled poor causes disagreeable feelings (e.g. resentment, fear, anger) among many disabled people (Stein 2006, 233–235). Thus, these immoral actions tend to increase the unhappiness of the disabled.

Furthermore, immoral actions against the disabled make non-disabled people unhappy. First, such actions cause disagreeable feelings among families and intimates of disabled people. Moreover, they also lead to the unhappiness of people who are not families or intimates of disabled people. The reason is that all non-disabled people are potentially disabled, and therefore immoral actions against the disabled make every non-disabled person anxious about being a potential victim of such actions (Stein 2006, 40, 235–236).

For the reasons mentioned above, we can say that immoral actions against the disabled tend to increase the unhappiness of both disabled and non-disabled people. Thus, such an action cannot bring about the greatest balance of happiness over unhappiness for everyone affected by the action. Therefore, according to the basic moral principle of utilitarianism, violating the basic rights of the disabled or not aiding the disabled poor is considered wrong. In this way, utilitarianism can provide good reasons why immoral actions against the disabled are impermissible.

Moreover, the basic moral principle of utilitarianism condemns laws that permit us to violate the basic rights of the disabled and public institutions that will not aid the disabled poor, because such institutions cannot produce a greater balance of happiness over

unhappiness than any alternative. On the contrary, as we have seen in the preceding section, Rawls's theory would condone such institutions. There is an advantage of utilitarianism against Rawls's theory on this point.

Conclusion

The argument so far demonstrates that:

1. Rawls's criticism against utilitarianism is incorrect: utilitarianism never condones slavery or some other system of extreme economic inequalities
2. Rawls's theory cannot provide good reasons why immoral actions against the disabled are impermissible; on the contrary, utilitarianism can provide such reasons

It should be concluded from what has been said above, that utilitarianism is superior to Rawls's theory: it provides a more reliable standard by which to evaluate social and political institutions than does Rawls's theory. This shows that we should pay attention to the happiness and unhappiness produced by institutions, when we inquire whether those institutions are just or unjust.

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