Given our present perspective, it is amazing that Christian ethics down through the centuries could have accepted almost unanimously the sententious doctrine that "the end does not justify the means." We have to ask now, "If the end does not justify the means, what does?" The answer is, obviously, "Nothing!" — Joseph Fletcher, *Moral Responsibility* (1967)

### 7.1. The Revolution in Ethics

Philosophers like to think their ideas can change the world. Usually, it is a vain hope: They write books that are read by a few other like-minded thinkers, while the rest of humanity goes on unaffected. On occasion, however, a philosophical theory can alter the way people think. Utilitarianism, a theory proposed by David Hume (1711-1776) but given definitive formulation by Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873), is a case in point.

The late 18th and 19th centuries produced an astonishing series of upheavals. The modern nation-state was emerging in the aftermath of the French Revolution and the wreckage of the Napoleonic empire; the revolutions of 1848 showed the continuing power of the new ideas of "liberty, equality, fraternity"; in America, a new country with a new kind of constitution was created, and its bloody civil war was to put an end, finally, to slavery in Western civilization; and all the while the industrial revolution was bringing about a complete restructuring of society.

It is not surprising that in the midst of all this change people might begin to think differently about ethics. The old ways of thinking were very much up in the air, open to challenge. Against this background, Bentham's argument for a new conception of morality had a powerful influence. Morality, he urged, is not a matter of pleasing God, nor is it a matter of faithfulness to abstract rules. Morality is just the attempt to bring about as much happiness as possible in this world.

Bentham argued that there is one ultimate moral principle, namely "the Principle of Utility." This principle requires that whenever we have a choice between alternative actions or social policies, we must choose the one that has the best overall consequences for everyone concerned. Or, as he put it in his book *The Principles of Morals and Legislation*, published in the year of the French Revolution:

> By the Principle of Utility is meant 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; or what is the same thing in other words, to promote or to oppose that happiness.

Bentham was the leader of a group of philosophical radicals whose aim was to reform the laws and institutions of England along utilitarian lines. One of his followers was James Mill, the distinguished Scottish philosopher, historian, and economist. James Mill’s son, John Stuart Mill, would become the leading advocate of utilitarian moral theory for the next generation, so the Benthamite movement would continue unabated even after its founder’s death.
Bentham was fortunate to have such disciples. John Stuart Mill’s advocacy was, if anything, even more elegant and persuasive than the master’s. In his little book *Utilitarianism* (1861), Mill presents the main idea of the theory in the following way. First, we envision a certain state of affairs that we would like to see come about—a state of affairs in which all people are as happy and well-off as they can be:

*According to the Greatest Happiness Principle . . . the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as free as possible from pain, and as rich as possible in enjoyments.*

The primary rule of morality can, then, be stated simply. It is to act so as to bring about this state of affairs, insofar as that is possible:

*This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality, which may accordingly be defined, as the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind, and not to them only, but, so far as the nature of things admits, to the whole of sentient creation.*

In deciding what to do, we should, therefore, ask what course of conduct would promote the greatest amount of happiness for all those who will be affected. Morality requires that we do what is best from that point of view.

At first glance, this may not seem like such a radical idea; in fact it may seem a mild truism. Who could argue with the proposition that we should oppose suffering and promote happiness? Yet in their own way Bentham and Mill were leading a revolution as radical as either of the other two great intellectual revolutions in the 19th century, those of Marx and Darwin. To understand the radicalness of the Principle of Utility, we have to appreciate what it *leaves out of* its picture of morality: Gone are all references to God or to abstract moral rules "written in the heavens." Morality is no longer to be understood as faithfulness to some divinely given code or to some set of inflexible rules. The point of morality is seen as the happiness of beings in this world, and nothing more; and we are permitted— even required—to do whatever is necessary to promote that happiness. That, in its time, was a revolutionary idea.

The utilitarians were, as I said, social reformers as well as philosophers. They intended their doctrine to make a difference, not only in thought but in practice. To illustrate this, we will briefly examine the implications of their philosophy for two rather different practical issues: euthanasia and the treatment of nonhuman animals. These matters do not by any means exhaust the practical applications of Utilitarianism; nor are they necessarily the issues that utilitarians would find most pressing. But they do give a good indication of the kind of distinctive approach that Utilitarianism provides.

### 7.2. First Example: Euthanasia

Matthew Donnelly was a physicist who had worked with X-rays for 30 years. Perhaps as a result of too much exposure, he contracted cancer and lost part of his jaw, his upper lip, his nose, and his left hand, as well as two fingers from his right hand. He was also left blind. Mr. Donnelly's physicians told him that he had about a year to live, but he decided that he did not want to go on living in such a state. He was in constant pain. One writer said that "at its worst, he could be seen lying in bed with teeth clinched and beads of
perspiration standing out on his forehead." Knowing that he was going to die eventually anyway, and wanting to escape this misery, Mr. Donnelly begged his three brothers to kill him. Two refused, but one did not. The youngest brother, 36-year-old Harold Donnelly, carried a .30 calibre pistol into the hospital and shot Matthew to death.

This, unfortunately, is a true story and the question naturally arises whether Harold Donnelly did wrong. On the one hand, we may assume that he was motivated by noble sentiments; he loved his brother and wanted only to relieve his misery. Moreover, Matthew had asked to die. All this argues for a lenient judgment. Nevertheless, according to the dominant moral tradition in our society, what Harold Donnelly did was unacceptable.

The dominant moral tradition in our society is, of course, the Christian tradition. Christianity holds that human life is a gift from God, so that only he may decide when it will end. The early church prohibited all killing, believing that Jesus' teachings on this subject, permitted no exceptions to the rule. Later, some exceptions were made, chiefly to allow capital punishment and killing in war. But other kinds of killing, including suicide and euthanasia, remained forbidden. To summarize the church's doctrine, theologians formulated a rule saying that the intentional killing of innocent people is always wrong. This conception has, more than any other single idea, shaped Western attitudes about the morality of killing. That is why we are so reluctant to excuse Harold Donnelly, even though he may have acted from noble motives. He intentionally killed an innocent person; therefore, according to our moral tradition, what he did was wrong.

Utilitarianism takes a very different approach. It would have us ask: Considering the choices available to Harold Donnelly, which one would have the best overall consequences? What action would produce the greatest balance of happiness over unhappiness for all concerned? The person who would be most affected would, of course, be Matthew Donnelly himself. If Harold does not kill him, he will live on, for perhaps a year, blind, mutilated, and in continuing pain. How much unhappiness would this involve? It is hard to say precisely; but Matthew Donnelly's own testimony was that he was so unhappy in this condition that he preferred death. Killing him would provide an escape from this misery. Therefore, utilitarians have concluded that euthanasia may, in such a case, be morally right.

Although this kind of argument is very different from what one finds in the Christian tradition - as I said before, it depends on no theological conceptions, and it has no use for inflexible "rules" - the classical utilitarians did not think they were advocating an atheistic or anti-religious philosophy. Bentham suggests that religion would endorse, not condemn, the utilitarian viewpoint if only its adherents would take seriously their view of God as a benevolent creator. He writes:

\[ \text{The dictates of religion would coincide, in all cases, with those of utility, were the Being, who is the object of religion, universally supposed to be as benevolent as he is supposed to be wise and powerful . . . But among the votaries of religion (of which number the multifarious fraternity of Christians is but a small part) there seem to be but few (I will not say how few) who are real believers in his benevolence. They call him benevolent in words, but they do not mean that he is so in reality.} \]

The morality of mercy killing might be a case in point. How, Bentham might ask, could a benevolent God forbid the killing of Matthew Donnelly? If someone were to say that God is kind but that he requires Mr. Donnelly to suffer for the additional year before finally dying, this would be exactly what Bentham means by "calling him benevolent in words, but not meaning that he is so in reality."
But the majority of religious people do not agree with Bentham, and not only our moral tradition but our legal tradition has evolved under the influence of Christianity. Euthanasia is illegal in most Western nations. In the United States, it is simply murder, and Harold Donnelly was duly arrested and charged. (I do not know what happened in court, although it is common in such cases for the defendant to be found guilty of a lesser charge and given a light sentence.) What would Utilitarianism say about this? If, on the utilitarian view, euthanasia is moral, should it also be made legal?

This question is connected with the more general question of what the purpose of the law ought to be. Bentham was trained in the law, and he thought of the Principle of Utility as a guide for legislators as well as for ordinary people making individual moral decisions. The purpose of the law is the same as that of morals: It should promote the general welfare of all citizens. Bentham thought it obvious that if the law is to serve this purpose, it should not restrict the freedom of citizens any more than necessary. In particular, no type of activity should be prohibited unless, in engaging in that activity, one is doing harm to others. Bentham objected to laws regulating the sexual conduct of “consenting adults,” for example, on the grounds that such conduct is not harmful to others, and because such laws diminish rather than increase happiness. But it was Mill who gave this principle its most eloquent expression, when he wrote in his essay On Liberty (1859):

> The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, physical or moral, is not a sufficient warrant. . . Over himself, over his own body and mind, the individual is sovereign.

Thus, for the classical utilitarians, laws prohibiting euthanasia are not only contrary to the general welfare, they are also unjustifiable restrictions on people's right to control their own lives. When Harold Donnelly killed his brother, he was assisting him in concluding his own life in a manner that he had chosen. No harm was caused to anyone else, and so it was none of their business. Most Americans seem to agree with this point of view, at least when it is a practical issue for them. In a 2000 study conducted by the National Institutes of Health, 60% of terminally ill patients said that euthanasia or physician-assisted suicide should be available upon request. Consistent with his philosophy, Bentham himself is said to have requested euthanasia in his final days, although we do not know whether this request was granted.

### 7.3. Second Example: Nonhuman Animals

The treatment of non-humans has not traditionally been regarded as presenting much of a moral issue. The Christian tradition says that man alone is made in Clod's image and that mere animals do not even have souls. Thus the natural order of things permits humans to use animals for any purpose they see fit. St. Thomas Aquinas summed up the traditional view when he wrote:

> Hereby is refuted the error of those who said it is sinful for a man to kill dumb animals: for by divine providence they are intended for man's use in the natural order. Hence it is no wrong for man to make use of them, either by killing them or in any other way whatever.

But isn't it wrong to be cruel to animals? Aquinas concedes that it is, but he says the reason has to do with human welfare, not the welfare of the animals themselves:
If any passages of Holy Writ seem to forbid us to be cruel to dumb animals, for instance to kill a bird with its young: this is either to remove man’s thoughts from being cruel to other men, and lest through being cruel to animals one becomes cruel to human beings: or because injury to an animal leads to the temporal hurt of man, either the doer of the deed, or of another.

Thus people and animals are in separate moral categories. Strictly speaking, animals have no moral standing of their own. We are free to treat them in any way that might seem to our advantage.

When it is spelled out as baldly as this, the traditional doctrine might make one a little nervous: It seems rather extreme in its lack of concern for the animals, many of whom are, after all, intelligent and sensitive creatures. Yet only a little reflection is needed to see how much our conduct is actually guided by this doctrine. We eat animals; we use them as experimental subjects in our laboratories; we use their skins for clothing and their heads as wall ornaments; we make them the objects of our amusement in zoos and rodeos; and, indeed, there is a popular sport that consists in tracking them down and killing them just for the fun of it.

If one is uncomfortable with the theological "justification" for these practices, Western philosophers have offered an abundance of secular ones. It is said, variably, that animals are not rational, that they lack the ability to speak, or that they simply are not human - and all these are given as reasons why their interests are outside the sphere of moral concern.

The utilitarians, however, would have none of this. On their view, what matters is not whether an individual has a soul, is rational, or any of the rest. All that matters is whether he is capable of experiencing happiness and unhappiness, pleasure and pain. If an individual is capable of suffering, then we have a duty to take that into account when we are deciding what to do, even if the individual in question is not human. In fact, Bentham argues, whether the individual is human or non-human is just as irrelevant as whether he is black or white. Bentham writes:

*The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the os sacrum are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor Can they talk? but, Can they suffer?*

Because both humans and nonhumans can suffer, we have the same reason for not mistreating both. If a human is tormented, why is it wrong? Because she suffers. Similarly, if a non-human is tormented, she also suffers, and so it is equally wrong for the same reason. To Bentham and Mill, this line of reasoning was conclusive. Humans and nonhumans are equally entitled to moral concern.

However, this view may seem as extreme, in the opposite direction, as the traditional view that gives animals no independent moral standing at all. Are animals really to be regarded as the equals of humans?
In some ways Bentham and Mill thought so, but they were careful to point out that this does not mean that animals and humans must always be treated in the same way. There are factual differences between them that often will justify differences in treatment. For example, because humans have intellectual capacities that animals lack, they are able to take pleasure in things that nonhumans cannot enjoy - humans can do mathematics, appreciate literature, and so on. And similarly, their superior capacities might make them capable of frustrations and disappointments that other animals are not able to experience. Thus our duty to promote happiness entails a duty to promote those special enjoyments for them, as well as to prevent any special unhappinesses to which they are vulnerable. At the same time, however, insofar as the welfare of other animals is affected by our conduct, we have a strict moral duty to take that into account, and their suffering counts equally with any similar suffering experienced by a human.

Contemporary utilitarians have sometimes resisted this aspect of the classical doctrine, and that is not surprising. Our "right" to kill, experiment on, and otherwise use animals as we please seems to most of us so obvious that it is hard to believe we really are behaving as badly as Bentham and Mill suggest. Some contemporary utilitarians, however, have produced powerful arguments that Bentham and Mill were right. The philosopher Peter Singer, in a book with the odd-sounding title Animal Liberation (1975), has urged, following the principles laid down by Bentham and Mill, that our treatment of non-human animals is deeply objectionable.

Singer asks how we can possibly justify experiments such as this one:

At Harvard University K. Solomon, L. Kamin, and L. Wynne tested the effects of electric shock on the behaviour of dogs. They placed forty dogs in a device called a "shuttle box" which consists of a box divided into two compartments, separated by a barrier. Initially the barrier was set at the height of the dog's back. Hundreds of intense electric shocks were delivered to the dogs' feet through a grid floor. At first the dogs could escape the shock if they learned to jump the barrier into the other compartment. In an attempt to "discourage" one dog from jumping, the experimenters forced the dog to jump into shock 100 times. They said that as the dog jumped he gave a "sharp anticipatory yip which turned into a yelp when he landed on the electrified grid." They then blocked the passage between the compartments with a piece of plate glass and tested the same dog again. The dog "jumped forward and smashed his head against the glass." Initially dogs showed symptoms such as "defecation, urination, yelping and shrieking, trembling, attacking the apparatus" and so on, but after ten or twelve days of trials dogs that were prevented from escaping shock ceased to resist. The experimenters reported themselves "impressed" by this, and concluded that a combination of the plate glass barrier and foot shock were "very effective" in eliminating jumping by dogs.

The utilitarian argument is simple enough. We should judge actions right or wrong depending on whether they cause more happiness or unhappiness. The dogs in this experiment are obviously being caused terrible suffering. Is there any compensating gain in happiness elsewhere that justifies it? Is greater unhappiness being prevented, for other animals or for humans? If not, the experiment is not morally acceptable.

We may note that this style of argument does not imply that all such experiments are immoral - it suggests judging each one individually, on its own merits. The experiment with the dogs, for example, was part of a study of "learned helplessness," a topic that psychologists regard as very important.
Psychologists say that finding out about learned helplessness will lead to long-term benefits for the mentally ill. The utilitarian principle does not, by itself, tell us what the truth is about particular experiments; but it does insist that the harm done to the animals requires justification. We cannot simply assume, because they are not human, that anything goes.

But criticizing such experiments is too easy for most of us. Because we do not do such research, we may feel superior or self-righteous. Singer points out, however, that none of us is free of blame in this area. We are all involved in cruelty just as serious as that perpetrated in any laboratory, because we all (or, at least most of us) eat meat. The facts about meat production are at least as harrowing as the facts about animal experimentation.

Most people believe, in a vague way, that while the slaughterhouse may be an unpleasant place, animals raised for food are otherwise treated well enough. But, Singer points out, nothing could be further from the truth. Veal calves, for example, spend their lives in pens too small to allow them to turn around or even to lie down comfortably - but from the producers' point of view, that is good, because exercise toughens the muscles, which reduces the "quality" of the meat; and besides, allowing the animals adequate living space would be prohibitively expensive. In these pens the calves cannot perform such basic actions as grooming themselves, which they naturally desire to do, because there is not room for them to twist their heads around. It is clear that the calves miss their mothers, and like human infants they want something to suck. They can be seen trying vainly to suck the sides of their stalls. In order to keep their meat pale and tasty, they are fed a liquid diet deficient in both iron and roughage. Naturally they develop cravings for these things. The calf's craving for iron becomes so strong that if allowed to turn around, it will lick at its own urine, although calves normally find this repugnant. The tiny stall, which prevents the animal from turning, solves this "problem." The craving for roughage is especially strong, since without it the animal cannot form a cud to chew. It cannot be given any straw for bedding, since the animal would be driven to eat it, and that would affect the meat. So for these animals, the slaughterhouse is not an unpleasant end to an otherwise contented existence. As terrifying as the process of slaughter is, for them it may actually be a merciful release.

Once again, given these facts, the utilitarian argument is simple enough. The system of meat production causes great suffering for the animals. Because we do not need to eat them - vegetarian meals are also tasty and nourishing - the good that is done does not, on balance, outweigh the evil. Therefore, it is wrong. Singer concludes that we should become vegetarians.

What is most revolutionary in all this is simply the idea that the interests of non-human animals count. We normally assume, as the dominant tradition of our society teaches, that human beings alone are worthy of moral consideration. Utilitarianism challenges that basic assumption and insists that the moral community must be expanded to include all creatures whose interests are affected by what we do. Human beings are in many ways special; and an adequate morality must acknowledge that. But it is also true that we are only one species among many inhabiting this planet; and morality must acknowledge that as well.