

Course Name	LL.B 6th sem
Subject	Interpretation of Statute
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Concept	Bentham's Theory of Legislation, Greatest Happiness of Greatest Number, Pain and Pleasure and Utilitarianism (Unit -4)

Bentham's Theory of Legislation

The Theory of Legislation' is a masterpiece in the field of law. Bentham's objective is to educate the legislators and to provide them with a sound philosophy broad-based on the theory of Utilitarianism. Legislation is a science and an art. It is a science as it contains certain basic principles to do good to the community and it is an art when it provides for the various means to achieve the good. The objective of the legislator must be to do public good. He may base his reasons on general utility. Utility is the basis of Bentham's theory. The principles of utility form the basis of his reasoning, On an analysis of the principles of utility, we find that all our ideas, judgments and determinations spring from certain motives: pleasure and pain. It is the duty of the moralists and the legislators to make a great study of these two concepts pleasure and pain. Utility is an abstract term. It expresses some propensity or tendency of a thing to prevent some evil or to do some good. Evil is pain or the cause of pain. Good is pleasure or the cause of pleasure. Hence, anything which conforms to this utility, brings happiness to the individual. The legislator must have the objective to augment the total sum of the happiness of the individuals that form the community. Utility is the first principle-the first link in the chain. The legislators reasoning for making a particular law, must be based on this principle. Utility has a commendable logic behind it. In making law, the legislator must calculate or compare the pleasure or the pain that it brings about. Here pleasure & pain are used in the ordinary meaning i.e., what everybody feels when put in a situation it is the experience of the peasant and the prince, the unlearned and the philosopher. Utility as a principle has its essence in the virtue and the vice. Virtue is good as it brings pleasures; vice is bad as it brings evil. Moral good is good as it brings pleasure to the man; Moral evil is bad as it brings pain to the man. The legislator who believes in the theory of utility, finds, in the process of law-making, a number of these virtues and evils, that the law books

Principals of Legislature: Bentham proposed law may bring about. His objective must be to bring more virtue; He must also distinguish pretended virtues and evils from the real virtues and evils. These are the facets of the concept of utility and based on this exposition Bentham develops his philosophy of utilitarianism. His works 'the theory of legislation' and 'Introduction to the principles of Morals and Legislation' form a manual of instructions to a legislator. Knowledge of these makes the legislator appreciate the moral and legal philosophy. His objective must be to bring more virtue, He must also distinguish pretended virtues and evils from the real virtues and evils. These are the facets of the concept of utility and based on this exposition Bentham develops his philosophy of utilitarianism. His works 'the theory of legislation' and 'Introduction to the principles of Morals and Legislation', form a manual of instructions to a legislator. Knowledge of these, makes the legislator appreciate the moral and legal philosophies of Bentham and also to get an insight into the sociology of law.

Objections to Utility

(a) Bentham is rightly called the Patriarch & the chief exponent of the theory of utilitarianism. His principle of utility, based on pleasure & pain-is applied by him, to explain the basis of political obligations; it is the end objective of Govt. and legislation. Man obeys the law and lives in a politically organized society for it is the best way of securing his interests and happiness. In fact, political life is based on the principles of utility. Hence, Laws, the measures of the Government, political institutions and rights are to be judged and justified according to the principles of utility. The greatest happiness of the greatest number is the basic of utility.

(b) Though this theory is sound and practicable some objections have been raised.

i) Some trifling objections may be raised based on verbal difficulties. These are not substantial, but still require careful attention.

ii) The language used to explain the result of utility is virtue. But this is objected to on the ground that 'Virtue' is generally understood as opposed to utility. According to Bentham this is not correct. Virtue is the sacrifice of a less interest to a greater, from a doubtful to a certain definite interest. Hence, the place of virtue is secured. If a person calculates badly, and arrives at a wrong result, the mistake is not that of arithmetic but the man. This is true in respect of virtue.

iii) It is commented that the principle of utility is only a revival of Epicureanism (Philosophy of Epicure, Greek philosopher : who taught pleasure was the chief good). This is not true, according to Bentham. The epicurean doctrine had damaged the basis of morals & moral values. It was a dangerous concept, and, has nothing to do with utility.

iv) What is utility is judged by each person and hence, it is objected that it loses its force.

v) The next objection is put on the basis of the religious principle; the will of God; it is universal, sovereign and decides the good and evil. Hence, it is the only rule. Bentham answers this by saying that the will of God is expressed by man by presuming what it would be. That is why revelations or gospels are different. Hence, this objection is not correct.

vi) The next objection is that when utility is to be followed in politics, there would be a difference. The aim of good morals is different from the aim of politics. Bentham answers saying that the ultimate aim of both is securing happiness.

vii) The next objection is, that which is useful may not be just and honest. This is not so. The collective idea is important.

viii) Lastly it may promote opportunism in people because under a contract a person can commit a breach for his own advantage. This is also not true Bentham says. It is the utility of contract which is the force to it, not the agreement itself.

PLEASURE AND PAIN

Bentham in enunciating his concept of utility, speaks to the tendency of a thing to secure some good and to shield from evil. Evil means pain ; Good means pleasure. Hence, pleasure and pain become the starting point the first link in the chain-to define utility. A comparative estimate or calculus of pains or pleasures should be made in every process of providing orderly reasoning.

Explaining the status of these two : pleasure & pain, he states 'Nature has placed mankind under the governance of two sovereign masters, pleasure & pain'. Bentham's theory is clear. We owe all our ideas, and, we refer all our decisions to the two sovereign masters, namely, pleasure & pain. To seek pleasure, and, to avoid pain is the sole aim of mankind. Every moralist and every legislator must study mainly this naked truth of life - an unmistakable reality of life. Every aspect of utility is subject to these two motives of human being i.e., seeking pleasure and shunning pain. The concept of sanction (legal force) is also based on pleasures and pains covered under the heads: Physical, Moral Political & Religious. These four sanctions have different impacts on individuals. The measure of pleasure & pain is ably done by Bentham by referring to the value of pleasure. He finds four circumstances as to:

- i) its intensity
 - ii) its duration
 - iii) its certainty
 - iv) its proximity
- He further elaborates this with reference to its productiveness, its purity and its extent. In this process, legislation is like arithmetic. Income is the 'good' that law brings, pain is the outgo. This is an analytical method. This theory of moral calculation is done in making the law, to provide more good and less pain. Hence, Bentham is correct when he claims that all persons are subject to this concept of pleasure and pain.

The Ascetic Principle

Ascetic means 'one who practices'. It refers to the monks who practice penitence & devotions. They desire to reduce pleasures and to suffer pain. This Ascetic principle is opposed to the principle of utility. It is followed mainly by philosophers and devotees. The philosophers raise above humanity, and despise vulgar or sexual pleasures. In return, they get reputation and glory in society. Bentham says that these are 'foolish people' tormented by vain terrors. According to them, they feel that they should punish themselves so that they may not be born again. Their objective is to reduce pleasures to the minimum and to suffer pain. Each pain brings happiness in the other world. These persons have a horror of pleasure. Everything that gratifies the senses is criminal, odious and therefore to be abandoned. They approve everything that diminishes enjoyment. They blame everything that helps to increase enjoyment. Asceticism has its origin in the concept that attraction of certain pleasure may lead a person astray and force him to commit pernicious acts. The evil here was more than the good. Hence, it was prohibited. But, the basis of

all good laws and sound morals is also to forbid such pleasures as would bring bad effects in society. No doubt the ascetics have taken their principle to the extreme. They have made a frontal attack on utility. Bentham opines that the ascetics have made a mistake. They have attacked pleasure itself, they have condemned it. They have made it the object of a general prohibition.

Principle of Sympathy & Antipathy.

The principle of Sympathy and Antipathy is also called the Arbitrary principle. According to this, certain actions are approved or disapproved, without giving any reason for the decision, except the decision itself. An action is good or bad according to the whims and fancies of an individual. This is not a principle of reasoning ; it is the negation of it. A despot belongs to this group. He speaks sovereignty; he admits no appeal. He does not think that he should justify his decision with reference to the good of the society. I feel that it is so. 'It is my intimate conviction' etc. Bentham quotes a despot telling 'God speaks by my mouth. Come and receive the Oracle of God'. The despot's opinion triumphs, it is supreme. What results from this is anarchy. This is the essence of Arbitrary principle. Here, the despot is unmindful of the consequences. He furnishes no reasons. Hence, this cannot be made the basis of and system of reasoning. As such, this is to be discarded. Bentham says the principle of Sympathy neither admits or rejects the theory of utility, but floats between the good and the evil. That which is not under me is against me' is its motto.

Causes of Antipathy

Bentham observes that Antipathy has its tremendous influence on morals and legislation. What factors give birth to Antipathy?

- i) Repugnance of sense: something which the senses do not agree, to accept. Animals are killed as they are brought of as ugly.
- ii) 'Wounded Pride: When a person does not accept but shows disregard there is wounded pride. Contempt grows.
- iii) Power Controlled: We find our power is limited and bounded. This is a secret pain.
- iv) Confidence in the future weakened or destroyed. Falsehood makes us doubt and we do not rely upon such a person.
- v) The desire of unanimity : Unanimity is very pleasing to us. There would be mutual confidence and increase of pleasure.
- vi) Envy: When certain advantages are given to some, others envy. With envy person may become an ascetic. Envy leads to reducing the pleasures.

Influence on Government,

It is the principle of sympathy and antipathy that has exercised the greatest influence on Governments.

i) A Government which has wealth and commerce looks to the society as a workshop. Men are productive machines. It cares not for the torment of the men. It is sufficient if they become rich. The Govt. is indifferent towards evils.

ii) Govts. which have power and glory as means to do public good, resort to wars, conquests, new acquisitions etc. They do not consider that this glory has great misfortune in the killing of hundreds of persons, and other evils.

iii) Governments which are administered well, which protect the property and persons, where people are happy, this is another type.

KINDS OF PLEASURES

The inventory of man's sensations is done with great labour of analysis by Bentham, who puts them into two:

- i) Simple pleasures,
- ii) Simple pains,

i) Simple Pleasure

a) Pleasure of sense: The pleasure of taste, of smell, of sight, of hearing & of touch. In addition, the blessing of health, and the pleasure of novelty may be included.

b) Pleasure of Riches: This is a kind of pleasure derived from possessing certain things. It will be so lively at the moment of acquisition.

c) Pleasure of Address: On attaining perfection in something, say in composing music, one gets pleasure.

d) Pleasure of friendship: Developing good will and of expecting services from them.

e) Pleasure of good Reputation : This is getting esteem & goodwill of the people.

f) Pleasures of Power: Power which a man has, which makes others follow through hopes or fears.

g) Pleasure of Piety: Favours of God either here or there.

h) Pleasure of Benevolence: This is what we sense, when we contemplate the happiness of those who love us. This is the pleasure of social affection.

i) Pleasure of Malevolence: This is the pleasure experienced by those who do not love us.

j) Pleasure of Knowledge: This is a mental faculty to discover or invent something.

k) Pleasure of Memory: To remember in a proper order what has happened.

l) Pleasure of imagination: Arranging in a proper order the desires.

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m) Pleasure of hope: Desiring for the good in 'future.

n) Pleasure of Association. When an object is connected with some other object, there may come a charm.

o) Pleasure of pain: That which ends or diminishes pain is itself a source of pleasure.

Complex pleasures: A combination of two or more of the above simple pleasures produces complex pleasures.

ii) Simple pains:

a) Pains of Privation (Ennui): This is covered under 3 heads :

Pain of desire (hope of obtaining something).

Pain of disappointment (hope suddenly fails)

Regret (losing something good).

b) Pains of sense: There are nine: Hunger and thirst, taste, smell, touch hearing, sight, excess of cold or heat, diseases, fatigue of mind or body.

c) Pains of maladdress : What one gets in fruitless efforts.

d) Pains of enmity: Hatred experienced in respect of others,

e) Pains of Bad Reputation: What a man feels when exposed to a situation considered" bad.

f) Pains of Piety: Fear of offending God.

g) Pains of Benevolence : When others are suffering, we experience some pain.

h) Pains of Malevolence: When a person whom we hate gets happiness or becomes prosperous, we get this pain.

i) Pains of memory

j) Pains of imagination

k) Pains of fear.

Basis and use of classification : This division, Bentham has done after much labour, and its utility is great. The entire system of Morals & legislation can be easily explained away. Similarly, offences or 'criminality or evil of certain action/or punishments-may be explained.

According to Bentham, this theory of pains and pleasures is the sole foundation of all knowledge on the subject of legislation.

SENSIBILITY

Bentham's extension of the principle of pleasure and pain takes us to his concept of sensibility. All causes of pleasure do not give the same pleasure to all. Similarly all causes of pain will not produce the same pain to all. The difference is in its sensibility. It is in its degree or in kind. The circumstances that influence the sensibility are spoken of as primary or secondary. The primary circumstances are those that by themselves would influence sensibility of a person under a given cause, thing or situation. The secondary circumstances would not by themselves influence the sensibility of a person under a given cause, thing or situation. They would, however, jointly with the primary circumstances influence the sensibility of a person. The differences in sensibility depend on certain circumstances which influence the moral or physical conditions of individuals. In matters of legislation, we cannot proceed with any degree of assurance without considering all circumstances which tend to influence sensibility. The following are the primary circumstances which influence the sensibility of an individual.

- 1) Natural constitution or temperament of the individual,
- 2) Health,
- 3) Strength,
- 4) Bodily imperfection,
- 5) The degree of knowledge,
- 6) Strength of intellectual powers,
- 7) Firmness of mind,
- 8) Perseverance,
- 9) The bent of inclinations,
- 10) Notions of Honour,
- 11) Notions of Religion,
- 12) Sentiments of sympathy and Antipathy,

13) Disorder of mind, etc.

There are certain other circumstances which have got an outward appearance clearly noticeable. They are called Secondary circumstances, namely:- 1) Sex 2) Age 3) Rank 4) Education 5) Habitual occupations 6) Climate 7) Race 8) Government and 9) Religious Profession. These Secondary circumstances can easily be taken into consideration not only by the legislator but also by the judge who administers justice.

OFFENCES

After making an analysis of the evils, Bentham's states that there are certain acts which cause more of evil than of good. Legislators have prohibited such acts and have called them as 'Offences'. To get these offences respected, punishments have been prescribed universally. This is well established. An act should not be declared as a crime basing on prejudices which vary according to time, place, custom and opinions. Trifling acts' may become serious crimes, in the absence of a philosophy, hence, Bentham says 'the Principle of Utility should be made the foundation'. Acts or omissions are to be declared as offences basing the reason on utility. He asserts that all well known offences are reasoned on the basis of Utility, This should be weighed by .the legislator by weighing the evil and the good, in all its aspects.

i) Passion of hatred

If more evil results from a particular act (say theft, robbery etc) than the good, that act should be declared as an offence. The reason is more evil will result if that act is not declared as an offence. Calculation of the pain or the pleasure, is to, Bentham, as simple as arithmetic. If A assaults B intentionally, B suffers a pain, but A gets the pleasure of assaulting - it appeals to his passion. But, to B-it offends his honour & person. The pleasure of A in assaulting is temporary, but, soon a fear of hatred by B sets in the mind of A. Fear of every kind surrounds him. Suppose A has cut off a leg of B intentionally, the fear of. hatred of B doing something will be intensive.

ii) Security affected: Ravishment

This is the effect of the offence. A spirit of revenge may set in with serious consequences.

iii) Motive of Cupidity

The motive of a man becoming rich by robbing the treasury, of stealing a piece of loaf to save from starvation, the evils that result are of the second order which Bentham has defined. Similarly, a person who commits rape. He may satisfy his appetite but the pain it brings on the woman and on others, is disproportionate. Hence, rape is declared as an offence.

The legislator must measure the good and the evil with a kind of moral arithmetical calculation. He must weigh the evils, their duration and their result. He must measure

them properly before erecting the act as an offence. He must also weigh the derivative evils that may result from the act. Thus, Bentham lays down a solid foundation to erect an act as an offence basing his ordered reasons on his concept of pleasure and pain.

MORALS AND LEGISLATION

According to Bentham "Legislation has the same centre, but it has not the same circumference." Morality is an art. It directs the acting of men to produce the greatest possible sum of good. The objective of the Legislature must be the same. Though these two differ in their extent, still the end is the same. All actions, public or private come within Morality and individuals are guided by it throughout their lives. However, legislation cannot do this. The reasons are :

- i) Legislation can have no direct influence over individuals, except by punishment.
- ii) There is the possibility of punishing the innocent, in the anxiety of punishing the culprits. Hence, Bentham vertically divides the area of legislation and suggests the legislators not to interfere with the personal interests of an individual. The reason is the person himself is the best judge and he will correct himself when he finds he is in the wrong, e.g. Temperance. The legislator must look to those areas when a person's actions create evil on others & to legislate there.

SANCTION

Bentham's theory of pleasure or pains explains away the sanction of law. He says, The pleasure or pain which is attached to a law, is the sanction. The laws of one State, have no force in another State as they have no sanction there. Pleasures and pains are of four classes. 1) Physical 2) Moral 3) Political 4) Religious.

1) Physical or Natural sanctions: These are in the ordinary course of nature. There is human intervention. A man's house is on fire by accident. There is the pain of natural sanction.

2) Moral sanctions : These are with reference the actions of our fellow men, friends etc. in society. Sanction of honour.

3) Political sanction: The pleasure and pain which result from the actions of the Magistrate in punishing according to law. This is the legal sanction.

4) Religious: The pleasure or pain which results from threats of religions. These are religious sanctions. e.g: Legal sanction. A persons house is pulled down by orders of a Magistrate. All these four sanctions have their own impacts. The natural sanction is the one which acts always. The popular & the religious sanctions are highly variable and change in accordance with utility. The legal sanction acts on all men with equal force: it is clear and specific. But it requires proof. Hence the crafty can escape. Hence, Bentham suggests using all the three sanctions: Moral,

political & religious. They are like magnets-their power is doubled by putting the corresponding poles together.

UTILITARIANISM

The Basic Idea of Utilitarianism

The Greatest Happiness Principle:

“Actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness” –John Stuart Mill

Happiness = pleasure, and the absence of pain
Unhappiness = pain, and the absence of pleasure

Happiness is the only thing that has intrinsic value

“pleasure, and freedom from pain, are the only things desirable as ends...all desirable things are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.”

Background on Utilitarianism

English philosophers John Stuart Mill (1806-1873) and Jeremy Bentham (1748-1832) were the leading proponents of what is now called“ classic utilitarianism”.

The Utilitarian’s were social reformers :

They supported suffrage for women and those without property, and the abolition of slavery. Utilitarian’s argued that criminals ought to be reformed and not merely punished (although Mill did support capital punishment as a deterrent). Bentham spoke out against cruelty to animals. Mill was a strong supporter of meritocracy.

Proponents emphasized that utilitarianism was an egalitarian doctrine. Everyone’s happiness counts equally.

Utilitarianism and the Enlightenment

The science of the Enlightenment featured theories with a very small number of general laws and vast explanatory power. Newton's laws, for example, seemed able to account for all of the motion in the universe. Utilitarianism fit right in: it was an ethical theory compatible with science and featuring a single law of morality with great explanatory power. It was a sort of science of morality.

Utilitarianism is a form of *consequentialism*

Consequentialism: Whether an action is morally right or wrong depends entirely on its consequences. An action is right if it brings about the best outcome of the choices available. Otherwise it is wrong.

The Good: Things (goals, states of affairs) that are worth pursuing and promoting.

The Right: the moral rightness (or wrongness) of actions and policies.

Consequentialists say that actions are Right when they maximize the Good. *Rhetorical argument: How could it be wrong to do what produces the most good? Wouldn't it be irrational to insist that we ought to choose the lesser good in any situation?*

Utilitarianism defines the Good as pleasure without pain.

So, according to Utilitarianism, our one moral duty's to Maximize pleasure and minimize pain.

OBJECTIONS TO UTILITARINISM

Utilitarianism = Hedonism?

1. Objection:

There is more to life than pleasure; knowledge, virtue and other things are important too. Utilitarianism is a doctrine worthy only of swine.

Reply:

Utilitarianism requires that we consider *everyone's* pleasure, not just our own. Also, says Mill, there is more to life than physical pleasure. Pleasures of the "higher

faculties” (including intellectual pleasures inaccessible to lower animals) are of higher quality than physical pleasures (and thus count for more).

Mill: "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is only because they only know their own side of the question".

2. Is Utilitarianism too Demanding?

Objection:

Utilitarianism implies that we should always act in order to maximize happiness; this is too strict a requirement. It is asking too much of people to be always motivated to promote the general happiness.

Mill's Reply: "...no system of ethics requires that the sole motive of all we do shall be a feeling of duty; on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so...the motive has nothing to do with the morality of the action...the great majority of good actions are intended not for the benefit of the world, but for that of individuals, of which the good of the world is made up."

Many people have questioned whether this reply is adequate. Regardless of motivation, Utilitarianism does require that people always act to maximize overall happiness.

3. Objection:

In the real world, we don't have the time to calculate the effects of our actions on the general happiness. Therefore, utilitarianism is useless.

Mill's Reply:

"There has been ample time, namely, the whole past duration of the human species. during all that time, mankind have been learning by experience ...the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality..."

In other words, we don't need to do direct utility calculations in most cases; we can apply subordinate rules, which are rules of thumb for maximizing happiness.

Subordinate Rules

Examples:

Keep your promises

Don't cheat

Don't steal

Obey the law

Subordinate rules are what we would normally call “commonsense morality”.

According to Mill, these are rules that tend to promote happiness, so we should internalize them as good rules to follow.

They have been learned through the experience of many generations. But subordinate rules are just that: subordinate. If it is clear that breaking a subordinate rule would result in much more happiness than following it, then you should break it.

Breaking Subordinate Rules

In some cases it may be necessary to do a direct utility calculation:

When you are in an unusual situation that the rules don't cover.

When the subordinate rules conflict.

When you are deciding which rules to adopt or teach.

Euthanasia or “mercy killing” (the killing of an innocent in order to end pointless suffering) is a good example of something that violates a subordinate rule (Don't kill innocents) but can be justified on utilitarian grounds in unusual circumstances.

4. Individual Rights

Objection: Just because something makes people happy doesn't make it right. Specifically, it is wrong to harm certain individuals in order to make other people happy.

A Thought experiment: The Case of the Inhospitable Hospital

Suppose that Jack is in the hospital for routine tests, and there are people there who need vital organs right away. A doctor has the opportunity to kill Jack and make his death look natural. It would maximize happiness to cut Jack up and give his heart to one patient, his liver to another, his kidneys to still others, and so on. (We are supposing that the organs are good matches, and the other patients will die if they don't get them). *Utilitarianism seems to imply that the doctor should kill Jack for his organs. But that would be morally wrong.*

Thought Experiments

Scientific Experimentation. Scientists create situations in laboratories in order to test their theories. They want to find out what would happen when certain conditions hold—if what actually happens under those conditions agrees with what their theory predicts will happen, and then the theory is confirmed. Otherwise, the theory is falsified.

A thought experiment is a hypothetical situation that we create in our minds in order to test a philosophical theory. The hypothetical situation should be something that could actually happen (and in many cases, it is something that *has* actually happened, or will happen in the future). So that we can test the theory, the theory must have an implication about what would be true if the hypothetical situation were real. We can then compare this implication to our own beliefs about the thought experiment. If the implication of the theory agrees with our own beliefs, then the theory is confirmed (to some extent). If it does not, then we must ask ourselves, “Which is wrong: the theory or my beliefs?”

It is reasonable to stick with our beliefs until the evidence is against them.

Important Note: It doesn't matter whether the hypothetical situation is *likely* to happen. If a theory has a false implication about something that *could* happen, then the theory is wrong (on that point, at least).

More examples involving Individual Rights

Exploitation: The ancient Romans used slaves as gladiators, forcing them to fight to the death for entertainment. Is it right to force a small number of people to be gladiators if it gives millions of people pleasure? Would it be morally acceptable to *pay* people to fight to the death?

Ruthlessness: President Truman ordered atomic bombs to be dropped on Hiroshima and Nagasaki, knowing that many thousands of non-combatants would be killed, in order to save more lives by ending the war. Assume that the decision did result in fewer lives lost. Was it morally right?

Paternalism: Suppose that banning certain kinds of fast food and snack foods would result in millions of people living longer, healthier lives. Would such a ban be morally justified?

Rule Utilitarianism

Rule Utilitarianism is an option for those who believe that there are *absolute prohibitions* on certain types of actions but do not want to give up on utilitarianism completely. *According to RU, the principle of utility is a guide for choosing rules, not individual acts.*

Rule Utilitarianism:

An action or policy is morally right if and only if it is consistent with the set of rules (moral code) that would maximize happiness, if generally followed.

At first, RU seems to be a good response to make in the face of the involuntary organ donor case and other similar cases. It seems less plausible, though, when we consider cases where there is an action that would result in dramatically greater utility than would result from following the rule.

For example, imagine a case involving a million hostages instead of fifty. In cases like this, RU strikes many as irrational rule worship. It requires us to follow the rules even when doing so defeats the purpose of having them.