



If there is some end of the things we do...will not knowledge of it, have a great influence on life? Shall we not, like archers who have a mark to aim at, be more likely to hit upon what we should? If so, we must try, in outline at least, to determine what it is. **—Aristotle**

THE IDEA OF HAPPINESS

V. J. McGill

(Part 3 of 4)

THE FORMALIST POSITION AND ITS DIFFICULTIES

Nothing can possibly be conceived ... which can be called good, without qualification, except a good will,” Kant wrote in 1785.¹ Happiness itself may arouse pride and presumption and is good only if there is a good will to protect us against such effects. It is not happiness, then, which constitutes the supreme good of man; it is rather the performance of duty, i.e., obedience to the moral law “out of pure respect” for this law. Only in this way can

¹ Fundamental Principles of the Metaphysic of Morals; GBWW, Vol. 42, p. 256a.

we become *worthy* of happiness. The moral law stated: Act only according to rules which can be consistently universalized, so that all other rational beings could also act according to them. Keeping promises, telling the truth, etc., could be universalized, Kant argued, while breaking promises, lying, etc., even if doing so would save many lives or produce much happiness, could not possibly be universalized and would therefore be always wrong. For a duty makes no sense unless it is equally the duty of all men, regardless of the consequences of the dutiful act. A duty must also be binding on the will of all men, as rational beings; i.e., *as* rational beings they must necessarily assent to it and make it their own. In the same way, as rational beings, we necessarily adopt the multiplication table, and not for the sake of future happiness or any other extraneous reason, but out of a rational respect, as we might say, for arithmetic. It follows, accordingly, that the moral aim must never be the production of one's own happiness, for tastes differ and my duty would thus be determined by my peculiarities and would not be duty at all. Men necessarily desire their own happiness, Kant holds, whereas duty involves "*constraint* to an end reluctantly adopted."²

In recent times, philosophers have been greatly concerned with the problems raised by Kant and by related questions. H. A. Prichard set off a chain reaction by his early article in *Mind*, "Does Moral Philosophy Rest on a Mistake?"³ when he raised the question: Why should I keep my promises and fulfill my engagements in those cases where I stand to lose by it—where my happiness is at stake. Prichard argues that in the utilitarian doctrine there is a glaring gap between the happiness of the greatest number and the individual's duty to contribute to it. Suppose a man is told he ought to keep his promise because his doing so will contribute to the general happiness. He can reply in a number of ways, viz.: "Why should I work for the happiness of others? My happiness is my concern." "I concede the general rule, but I stand to lose too much in this particular case. If I repay the debt now I'll be ruined." "I admit that in general keeping promises is essential to the existence of a social order, but this is a special case. If I return Jones's pistol to him now, as I promised, he will probably shoot himself, for he is in a suicidal mood." If duty is based on the happiness principle, it would seem that a man need not keep his promise when it entails too great a personal sacrifice or creates misery instead of happi-

²*Metaphysical Elements of Ethics; ibid.*, p. 369d.

³ Reprinted in *Moral Obligation: Essays and Lectures* (Oxford: Clarendon Press, 1949).

ness, or when he simply does not accept the obligation of promoting the happiness of society. How can a mere factual situation—the possibility of contributing to the future happiness of society—generate an obligation? Does existence, or possible existence, ever imply that anything ought to be done? Moore had already answered this question, in effect, when he argued that the good (which includes happiness) is something that *ought to be*, and that this *ought to be* defines and justifies the *ought to do*, one *ought* thus generating the other. Prichard, however, rejects this remedy since, he says, *ought* refers to actions, never to things or states of affairs.

The notion that we should keep our promises, pay our debts, and tell the truth *for the reason* that it will make people more comfortable and prosperous, or happier, Prichard says, is “plainly at variance with our moral consciousness.”⁴ Imagine a man saying he is going to keep his promise or pay his debt to you *because*, after considering the matter, he is inclined to believe that a better balance of pleasure over pain would result from his doing so than from his refusing! Utilitarianism fails to account for our sense of obligation, Prichard says, and he implies that the Aristotelian theory is not much more successful. According to Aristotle, we should fulfill our engagements because such acts are good in themselves and go to make up happiness. But the difficulty here is that, if we care for our parents because of the intrinsic goodness of the act, we shall not feel that we are obliged to do it, that it is our duty. If, on the other hand, we care for them because we feel obliged, it will not be because of the intrinsic goodness of the act.⁵ The fact is, Prichard contends, we are never obliged to do our duty *from a good motive*. The man who pays his debt from a bad motive (e.g., to further his plan to fleece his victim later) has discharged his obligation as much as his neighbor who acted from a noble motive.

W. D. Ross added a further reason why we are never obliged to do our duty from a good motive. It is never my obligation to do something I cannot do, he says, and surely I cannot instantaneously call forth a praise-worthy desire I do not have, which will be effective in causing me to do my duty. The best I can do is to try to discipline myself so that in the future such a praiseworthy desire, e.g., love or sympathy for my creditor, will appear of itself.⁶ Although Ross’s argument has a plausible ring, it has been frequently ques-

⁴ *Ibid.*, p. 5.

⁵ *Ibid.*, p. 6.

⁶ *The Right and the Good* (Oxford: Clarendon Press, 1930), pp. 4-5.

tioned. For example, the Cambridge philosopher A. C. Ewing has pointed out that we do blame people for acting from a malicious motive, which seems to imply that they could have altered their motive as well as their action. Moreover, if we assume with Ross that the motive is the cause of the action, it is not clear how the action could be in our control if the motive to it is beyond our control.

According to Prichard, however, the reason for our doing our duty cannot be the good or happy consequences that will ensue. It cannot be anything but the formal structure of our commitment. Promises are things to be kept, contracts to be fulfilled, debts to be paid, by their very nature. The apprehension of obligation “is immediate, in precisely the sense in which a mathematical apprehension [as that $2 + 2 = 4$] is immediate.”⁷ If we consider the *consequences* of the act, it is only to assure ourselves that it is the act which will fulfill our duty, as when we consider whether a check sent to a certain address will get to our creditor in time.

Formalism in ethics gives rise at once to two difficulties. First, since the moral rules prescribed by one society differ, often widely, from those prescribed in another, what is your right or duty in one location may be wrong or wicked in another. Formalism leads to ethical relativism, which is precisely what, above all, it wished to avoid. Morality depends on where you were born and the rules which were inculcated in you in childhood. The other big problem for formalism is what to do with conflicts of duties within a given society—within a given code. Suppose the time has come for Mr. Smith to pay his debt, but his child has suddenly been struck down by polio and the best care for him will take every cent he can raise for a year to come.

How can Mr. Smith, if he is a formalist, justify his refusal to pay his debt, to honor his solemn promise? Or how, if he is a formalist, will he justify his absolute duty of truth-telling to people who insist that being kind on all occasions is the self-evident and paramount duty? The ethics of happiness has a clear answer: Perform that act which will, or to the best of your knowledge will, produce the greatest possible happiness, or the least unhappiness. The partisan of happiness has an answer because he has the yardstick of happiness. The formalist, it seems, has none.

To take account of the conflict of duties, Ross distinguished between overall obligations and *prima facie* obligations, and he

⁷ Prichard, *op. cit.*, p. 8.

thereby set the stage for the current debate between formalists and utilitarians. A *prima facie* duty is a moral claim on us, which we recognize as obligatory unless it conflicts with a stronger claim, i.e., a more stringent *prima facie* obligation. If a *prima facie* duty is not contradicted in a given situation by a more stringent *prima facie* duty, it is our overall duty or obligation; it is actually incumbent on us to do it. Although these *prima facie* duties are “conditional,” Ross says, there is nothing arbitrary about them. We do have *prima facie* duties to tell the truth, to keep our promises or engagements, to make reparations for wrongful harm we have done others, to act with gratitude, to improve the condition of others “in respect of virtue, or of intelligence, or of pleasure,” to avoid injuring others, to improve ourselves in virtue or intelligence, and to aim at a redistribution of happiness more in accord with deserts, with justice.⁸

We have an additional duty, whenever there is a conflict of duties, to perform the one that carries the most stringent *prima facie* obligation. Unfortunately, it would be very hard to obey this second-order duty, since Ross gives us no rule for deciding which *prima facie* duties are more stringent. He had no yardstick of his own, and he cannot, in general, use the yardstick of happiness since more happiness for him does not necessarily mean more good.

Increasing the sum of happiness in the world might result in a loss of goodness, said Richard Price in 1758, in his *Review of the Principal Questions and Difficulties in Morals*, for suppose the increase all went to the worst villains. It cannot be our only duty to work for the greatest happiness of the greatest number; a just distribution of happiness is also something intrinsically good. Many contemporary philosophers, including Ross, echo Price’s conviction. They repeatedly cite examples to show that utilitarianism, by neglecting the *distribution* of happiness, falls into one absurdity after another. If all that counts is the quantity of happiness produced, why should I keep my promises to a person in cases where it will only make him or myself unhappy, or when I can make someone else just as happy or even happier? Why make reparations to the person I have injured, when I am in a position to do more good to someone else? And why not punish an innocent man if doing so, in a particular case, will serve to deter others from crime most effectively and thus redound to the greatest net happiness of society? And why should not a judge impose very unequal penalties for the very same offense if some defendants can be more quickly reformed than others and returned to society as good citizens? Or, as Samuel Butler

⁸ Ross, *op. cit.*, p. 21.

once put it, why not send all the prospective murderers to jail (if they could be located) instead of the murderers? One procedure would stop murder just as effectively as the other. Suppose, too, that criminals could be reformed by kindness and luxurious surroundings, and all other purposes of punishment could be served equally well by pampering. There would be a clear gain in the general happiness. What would be lost?

In answer, the utilitarians point out that the common rules pertaining to telling the truth, keeping promises, making reparations to injured parties, etc., and legal rules such as equal punishment for equal offenses, represent the accumulated wisdom of the race, and that society itself might not survive if they were not *generally* observed. The short-range gain in happiness by telling a kind lie or by murdering a wicked tyrant, therefore, is usually outweighed by the long-range loss in happiness resulting from the weakening of these precious rules, which suffer attrition with every violation. Generally, then, and unless the overall hedonic gain from infraction is clear and unmistakable, most utilitarians insist that we obey these accepted moral injunctions. Some indeed claim that the way to achieve the greatest happiness (pleasure) of the greatest number is not to attempt to calculate the total gains and losses entailed by a given act but rather to be guided in particular actions by general rules which will, we can be sure, give the best results in most cases. These utilitarians are called “rule utilitarians.” The “act utilitarians,” on the other hand, emphasize that there are rules and rules, and some embody more prejudice or ignorance than wisdom. They object to consistently obeying any rule that is admittedly only true in *most* cases. Although general rules can be useful, it is the consequences of the act itself that determine its rightness. But whether of one camp or the other, all utilitarians accept general rules (when they do), not because they disclose what is intrinsically right, but because following them has generally had good or happy consequences, or avoided the reverse. Human happiness or good gives them a measure, as we have seen, by which to decide between general rules which often conflict when applied in particular situations.

The formalists, however, show ingenuity in conjuring up instances in which the breaking of a moral rule could hardly be supposed to weaken it; e.g., as when I have made a solemn promise to a dying man in secret which I find inconvenient to keep. Why should I, if I am a utilitarian?

The formalists also enjoy asking the really challenging question: “If there is to be a certain quantity of happiness in the world, is it

really a matter of indifference to you, as a utilitarian, how it is distributed?” Price and Kant were greatly impressed with this consideration, and so are contemporary philosophers. John Rawls argues that an increase of general happiness would be desirable only if it were *fair*; i.e., if it did not involve depriving some to give to others.⁹ Richard B. Brandt, similarly, insists that utilitarianism be “extended” to include another intrinsic good, in addition to the maximum good or happiness asserted by utilitarianism, namely, “an *equal* distribution of welfare.”¹⁰ Although this “extended utilitarianism” is really inconsistent with utilitarianism as usually defined, it is interesting to remember that it was Bentham who had given impetus to egalitarianism in economics. He had argued that “the nearer the actual proportion [in the distribution of wealth] approaches to equality, the greater will be the total mass of happiness.”¹¹ Thus equal distribution was, for Bentham, not something to be added to utilitarianism, but precisely the condition which favored the greatest general happiness.

Another formalist argument against utilitarianism is that to calculate the pleasure–pain consequences of keeping our promises or paying our debts is discordant with our moral consciousness and convictions. Utilitarians answer that they do not claim we should always be carrying out hedonic calculations; but only when they are needed; i.e., when there is reason to suspect that the act in question is an exception to the general rule, or the rules themselves conflict. Utilitarians also point out that reference to moral convictions, which are evaluations, does not refute utilitarianism in the sense that the citing of facts can refute a scientific theory.¹² It is true, as the formalist says, that in practice we often praise actions which have no tendency to produce the greatest happiness, e.g., as when a man returns to a cruel death at the hands of a tyrant only because he had promised him to do so, but the praise *may be* owing to our sentimentality, confusion, or thoughtless rule-worshiping. On the other hand, there are clear cases where an act of great generosity or courage just *happens* to turn out badly for all, but these the utilitarian himself would be eager to praise. He praises them because they are kinds of acts which *usually* have happy consequences, and he wants to encourage acts of this kind.

The present revolt against the happiness principle is often based on

⁹ “Justice as Fairness,” *Philosophical Review*, 67 (1958) 164-94.

¹⁰ *Ethical Theory* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1959), p. 404.

¹¹ *The Theory of Legislation* (London: Routledge & Kegan Paul, Ltd., 1950), p. 104.

¹² Smart, *op. cit.*, pp. 40-41.

the conviction that *fairness* or *justice* is also something good in itself, and that, in fact, the greater happiness must give way if it entails unfairness. We have already touched on the demand for fairness, but now we must mention a special form of it, viz., the demand for fairness in the distribution of benefits and burdens. We all see, for example, that if people enjoy the benefits of an electoral system they ought to assume the burden of voting at elections, for without votes the whole democratic process would collapse. But suppose citizen Jones argues as follows: “My one vote can’t affect the outcome in any way at all, and if I stay in the hot city to vote I shall miss my day of relaxation in the country, which I badly need. It is my utilitarian duty to promote what happiness I can and to avoid misery. Therefore I ought to skip voting on this occasion.” Jones’s conscience now says: “But suppose everyone acted in this way.” To this, Jones replies: “I know they won’t. The number of people who will vote in this election is calculated in advance. And my staying away will not influence anyone else to do the same, because no one will know that I didn’t vote.” Conscience: “But will it not have a bad influence on *you*? Will you not, perhaps, be more inclined in the future to excuse yourself from a duty while enjoying the benefits of other people’s doing theirs?” Jones: “I don’t see why. In the future, as now, I expect to do my duty, and my duty consists in acting for the sake of happiness rather than unhappiness. Abiding by this principle, I shall *usually* do what is conventionally expected of a citizen. But I am not a worshiper of conventions; I usually follow them, because doing so usually produces the best results.” Conscience: “Maybe you are right, then.”

Although Jones has succeeded in silencing his conscience, the argument is not finished. It may be asked why the people who voted would be indignant if they learned that Jones had excused himself from voting for the reason that, since he knew *they* would vote, *his* vote was unnecessary. They would say: “What right does this fellow have to make an exception of himself? We were all in the same boat. Suppose we had all reasoned this way.” They would thus be expressing “the generalization principle,” namely: What is right or obligatory for one person must be right or obligatory “for every similar person in similar circumstances,” about which Singer has recently written a whole book.¹³ Singer acknowledges its obvious resemblance to Kant’s categorical imperative: “Act only on that maxim whereby thou canst at the same time will that it should become a universal law.”¹⁴ And like Kant’s imperative, Singer’s

¹³ Singer, *op. cit.*, pp. 37 and *passim*.

¹⁴ *Ibid.*, p. 9.

generalization principle—and what he calls “the generalization argument”: If the consequences of doing X would be undesirable, then it would be wrong for anyone to do X—clearly conflicts with the happiness principle and with teleological ethics in general. When they are in conflict, considerations of “fairness” are to outweigh the prospect of happiness.

In our example above, it was wrong of Jones to skip voting for the sake of a day in the country, since the consequences of everyone’s doing the same would be undesirable. He should have voted, though the result would have been an overall loss of happiness or good. David Lyons has shown that cases of this sort arise not only where “the relative distribution of benefits and burdens” is concerned but also in relation to “impartiality and discrimination,” to the fixing of fair procedures, and to special areas of social cooperation.¹⁵ In present discussions, the utilitarians are mostly concerned to show that clear cases of justice are only apparently in conflict with optimum consequences, that when *all* consequences are taken into account the conflict disappears. Formalists argue the reverse.

Lyons makes the pertinent comment that those who insist on an exact balance between burdens and benefits are assuming the dictum:

From each according to his benefits,
to each according to his burdens.

But an alternative dictum might have just as much justification:

From each according to his resources,
to each according to his need.

“No doubt neither constitutes by itself a sufficient criterion. But these suggest the shortsightedness of that form of egalitarianism according to which all persons are to benefit (or share) equally. It would seem that some consideration must be given to burdens and needs.”¹⁶ Lyons also analyzes the part played by *ceteris paribus* assumptions in Singer’s generalization argument: How often can we know that the relevant factors are equal enough for large numbers of individuals to warrant the generalization?

¹⁵ *Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1965), pp. 161ff.

¹⁶ *Ibid.*, p. 174.

The campaign of recent formalists is naturally directed against utilitarianism rather than other philosophies of happiness. Aristotelian eudaemonism is not in the direct line of fire, for though happiness here is the supreme good, it contains justice or fairness and other virtues within it as integral parts, and these virtues are good in themselves. It might seem, then, that we ought to be fair and just and keep our engagements, no matter what consequences follow. But Aristotle cannot mean this. He does not say that we should return a sword we have borrowed when we have promised if, at that time, the owner is in a homicidal state, or that a ruler should stick rigidly to his engagements even if the authority or security of the state is thereby endangered. On the contrary, consequences must be weighed in with the sanctity of engagements and the general virtues. In particular cases, “perception” must often be our guide. The modern self-realization philosophers also wove justice or fairness and optimal consequences into one fabric, so that here, too, any conflict between them became a problem internal to their system.

We welcome your comments, questions or suggestions.

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