1

HAPPINESS

SOPHIE What are you reading about?

JUSTIN Lying, cruelty, murder, and betrayal.

SOPHIE About why these are bad things, I assume.

JUSTIN That's what is interesting about the book: I think the author is saying that in politics these aren't necessarily bad.

SOPHIE That sounds crazy. Give me an example where cruelty and betrayal are good.

JUSTIN Here's one from the book. Back during the Italian Renaissance there was a man named Cesare Borgia. He became powerful because he was the illegitimate son of the pope. A territory he controlled was in chaos and turmoil. So first he sent in one of his men to restore order, using as much cruelty as was necessary to get the job done. The man restored order, but was hated by the people because of his cruelty. Then Borgia himself came to town and pretended to have had no idea about the cruelty his officer had used and had that very officer cut into two and his body left in the town square for all to see. Borgia both restored order and avoided a reputation for being cruel.

SOPHIE What are you reading? That sounds like a show on cable.

JUSTIN The book is Machiavelli's *The Prince*.

SOPHIE So you think being "Machiavellian" is a good thing?

JUSTIN I didn't at first, but the more I have thought about it, the more I agree. In politics you don't do anyone any good

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unless you get results. Sometimes getting results means you have to lie or even kill.

SOPHIE I disagree. People who say they are going to do evil to bring about good are just rationalizing. If you do evil it changes you; you become more evil. You'll keep going further and further.

JUSTIN What else should Borgia have done? The region was in lawless chaos, and lawless chaos would have killed far more people in the long run. Politicians who go around trying to be merciful actually end up being cruel. The pain that these measures prevent outweighs the pain that they cause.

SOPHIE I don't think one person's pleasure cancels out another person's pain. And besides, what about the rights of the people who were brutalized? If you intentionally inflict pain on an innocent person you are violating her rights, end of story.

JUSTIN Nothing in politics really benefits everyone equally. We don't have any choice but to make tradeoffs. We have to pass laws asking whether the costs to some outweigh the benefits to others. Everyone's happiness is relevant.

SOPHIE There has to be more to the public good than that. Some people find pleasure in humiliating others, but I don't think that should count as a reason for letting them do it.

JUSTIN But the pain of the person being humiliated would be greater than the pleasure of the one doing the humiliating.

SOPHIE Maybe, maybe not. You can't know that for sure. Anyway, the desire to humiliate others is wrong no matter how happy it makes the person who's doing the humiliation. We should protect people's rights no matter what.

Doing Political Philosophy

1.1 In this dialogue Justin and Sophie are discussing an issue in political philosophy. One of the most important questions is what values governments should promote. Is the point of government to increase happiness? What if promoting happiness conflicts with promoting freedom? In Aldous Huxley's book *Brave New World* people are happy and content, but the contentment comes from a society where people are genetically modified and brainwashed so that they will happily accept a life with very

little liberty. Bouts of boredom or anxiety are remedied through easy access to psychedelic drugs. People live lives of comfortable, meaningless amusement. There is more happiness and less pain in a world like that than in ours, but would we really say that such a world is better? In this chapter we will explore debates about whether the purpose of government is to increase happiness.

Happiness, Welfare, and the Aims of Government

Political philosophers look for ways to evaluate political institutions and the behavior of the people who shape those institutions. Are presidents better than kings? Is it better when governments leave people free to organize their own lives, or should governments constrain people's freedom, so as to prevent them from making mistakes? 1.2

Whether it is institutions or actions that we evaluate, it is natural to consider whether they make people happy or unhappy. It is hard to conceive that a government could be good if it caused widespread suffering and misery. In the same spirit, it seems that any nation in which citizens are all happy and content must be doing something right. This chapter will examine the view that the goal of government is to make people happy. We will also consider the closely related view that the goal of *politicians* should be to promote the happiness of people who are affected by their choices. 1.3

To some philosophers, the view that government should promote people's happiness has appeared to be so obviously true that it hardly seemed necessary to provide reasons for it. But happiness is more complicated than it might initially seem: what is it for people to be happy? Can we be wrong about our own happiness? Is it possible to know in advance which institutions will promote happiness? How should happiness be measured? If we can't gauge happiness directly, are there other standards we should use to measure well-being? 1.4

If You're Happy Do You Know It?

If political institutions are better when they make people happy, then we need some way of judging whether people are happy. But we are often bad judges of other people's happiness. Worse, we may not even be reliable 1.5

judges of *our own* happiness. If you think you're happy, could you be wrong? Those who advocate a *subjective view of happiness* say that you can't possibly be wrong about your own state of happiness. If we define happiness in terms of experiences like pleasure or satisfaction, a person who is experiencing these things knows it. Suppose a person's body were wasting away because of a terrible disease, but the pain medications were so good that she reported feeling happy. (Perhaps the medicines also keep her from realizing what is happening to her.) On the subjective view, she is happy.

1.6 Those who advocate an objective *view of happiness*, by contrast, would claim that people are sometimes wrong about whether they are truly happy. Suppose that a person is content to live a life devoted to video games. When asked, he honestly and sincerely says he is happy. Then he leaves virtual reality for actual reality and decides that having friends he sees with his own eyes is far better than his life before. He then looks back on his previous life and no longer sees it as a time of happiness. In principle, the same judgment could be made by someone else, that he is not happy even though he thinks he is. If a slave claims to be happy, should we believe her?

The Pursuit of Happiness

1.7 Philosophers often distinguish between things that are valued *intrinsically* and things that are valued *instrumentally*. A thing is valued *intrinsically* just in case it is something we want for its own sake. If you want something *instrumentally*, you want it because you can use it in order to get something else you want—perhaps something you want for its own sake. For example, suppose Sophie wants to be rich. If she wants money *for its own sake*, then she values it intrinsically. If she values money because she can use it to get things she wants, then she values it *instrumentally*. We might also ask whether money *has* intrinsic value—that is, whether it *should* be valued for its own sake—or whether its value is essentially instrumental.

1.8 Happiness, one could argue, is something that everyone wants. Even people who like depressing movies may go to them because they enjoy the sadness. An important school of thought in political philosophy, *utilitarianism*, takes the claim that happiness is the highest good as its starting point. In fact utilitarians would claim that nothing is good unless it is part of a person's happiness, or unless it contributes to a person's happiness. According to utilitarianism, happiness is the only thing we should value intrinsically. Everything else has only instrumental value.

> Utilitarianism: Actions and policies should be judged according to the aggregate amount of happiness or well-being they produce. Actions are morally better the more happiness they produce.

According to utilitarianism, we should seek to *maximize* happiness. It is a popular theory: most economic theories of policy choice *assume* that the goal of policy is to promote the happiness or well-being of the people who are governed by them.

1.9 The view that we *should* promote happiness is sometimes associated with a very different view: the view that people *do* pursue happiness, but their own happiness, not the happiness of everyone. This view is often called

> Psychological egoism: People exclusively pursue their own happiness in all their voluntary actions.

Psychological egoism claims that each person acts on the basis of what she thinks will bring her the most happiness. She may be wrong, but even foolish things are done for the sake of what we think will bring us happiness. Notice that this is a claim about human psychology and motivation, while utilitarianism is a normative theory—a theory about what people *should* do. Some philosophers have tried to put these two views together. The nineteenth-century British philosopher Jeremy Bentham defended them both. But if psychological egoism were true, then utilitarianism would seem to be irrelevant. Why would we develop theories about what people should do if these people are already determined to act in a certain way anyway?

Whose happiness?

1.10 Subsequent philosophers have noted other problems that arise if one tries to combine utilitarianism and psychological egoism. What I think will bring the most happiness to me is different from what will bring the most happiness to everyone. If I can steal something and get away with it, I might admit that the happiness I get is smaller than the pain others will feel but still think that stealing will maximize *my* happiness. If promoting my own happiness and promoting the happiness of everyone conflict, then the psychological claim and the normative claim are also in conflict.

1.11 There are different strategies for reconciling these claims. One is to note that human beings have not only self-interest but also sympathy. Sympathy (or empathy; for present purposes we use them interchangeably) causes us

to feel pain at the pain of others or pleasure when others feel pleasure. Through education and other forms of socialization we can encourage people to develop this sympathetic faculty. So pursuing your own happiness will often involve doing things that are good for other people too. While this strategy can reduce the gap between what is good for me and what is good for the world, it does not bridge it completely.

1.12 Scientists who study human motivation reject psychological egoism: human motivation is much more complicated than this simplistic theory would imply. Utilitarians reject it too: many contemporary utilitarians say that, while people generally do pursue their own happiness (including the happiness of those they are sympathetic to), this is not an iron-clad rule. What is central to utilitarianism is the normative claim about what people *should* do, not the psychological claim about what people's motives are.

1.13 Utilitarianism gets its name from the word "utility," which comes from the Latin word for "usefulness": *utilitas*. This seemed to be an apt name, because utilitarians say that we should choose things because they are useful for bringing about happiness. According to utilitarians, happiness is the only intrinsic good. Everything else is only instrumentally valuable.

Can you measure pleasure?

1.14 **Jeremy Bentham**, one of the first utilitarian philosophers, thought that utility is happiness and that they both can be reduced to *pleasure*. According to Bentham, pleasure is the only thing that is good *in itself*. Other things may be *instrumentally* good, but only if they bring pleasure. This view is sometimes called *hedonism*, a word based on the Greek word for "pleasure": *hēdonē*. Hedonism is one answer to the question of what human **well-being** consists in. Utilitarianism can be described as maximizing utility, maximizing happiness, or maximizing pleasure (and minimizing pain). Bentham sees all of these as meaning the same thing.

1.15 In **Bentham's** version of utilitarianism, there is a clear sense in which the ends always justify the means. I can't know if lying or stealing are wrong until I first figure out whether, in a given case, lying or stealing will increase or decrease overall pleasure. One potentially confusing aspect of Bentham's terminology is that, instead of only talking about utility as that which is useful for bringing about pleasure (or happiness), he also used "utility" and "happiness" as synonyms. So for Bentham maximizing utility and maximizing happiness are the same thing.

By identifying happiness with pleasure, Bentham meant something fairly specific. He was targeting the sensible experience of pleasure. He also included, as part of utility, the avoidance of pain, by which he meant, again, an internal subjective experience. His idea was that we could add up the pleasures, subtract the pains, and then arrive at an estimate of the total amount of utility that a decision would likely produce. 1.16

This may sound odd. It is obvious how you add up numbers, but how do you add up pleasures? Bentham's strategy was to quantify them, or at least treat them in a way similar to the way we treat numbers. For any given pleasure or pain we can, at least roughly, assess its intensity. 1.17

> Imagine someone asking: "On a scale of 1 to 10, how much does *this* hurt? OK, now how much does *this* hurt? OK, 58 more of these and we will have the scale calibrated."

We can also measure its duration. We can add or multiply these together to get an estimate of how much pleasure or pain something would bring.

There are many assumptions implicit in Bentham's view: not only does he assume that we can assign numbers to pleasures and pains, so that the numbers reflect the value or disvalue of these experiences, he also assumes that one person's pain or pleasure is the same as another's and that it makes sense to add up or multiply different people's numbers in a grand total. As later utilitarians have insisted, these are controversial assumptions. 1.18

Other difficulties with this view are associated with uncertainty: we're never certain what the consequences of our choices will be. But if we're not certain, how can we know which of our actions will maximize utility or happiness? A common strategy is to say that we should maximize *expected utility*. That is, for any action, we should qualify the value of that action by the probability that it will bring about the good results we hope for and by the corresponding probability of bad results. 1.19

To get an idea how expected utility works, consider what happens when I buy a lottery ticket. I might win, but I am much more likely to lose. If I want to determine the expected utility (or expected value) of buying the ticket, I should figure out the pain of buying a losing ticket times the high probability that I won't win, added to the pleasure of winning multiplied by the (very low) probability that I will win. If the expected utility of buying a ticket is positive (perhaps this is unlikely?) then I should buy the ticket. 1.20

Focusing on expected utility means that, just because something produced good effects, it does not follow that I acted rightly. I might have done 1.21

something foolish and just gotten lucky. Similarly, things might turn out badly even though I did the right thing, perhaps I was just unlucky. If you chose the action with the highest expected utility, there is at least a case for the view that you did the right thing.

Future happiness

1.22 Bentham also thought that pleasures or pains that are in the future should count less than ones that are more immediate. Suppose that there are two pleasures that are equal in certainty, duration, and intensity but that one will happen tomorrow and the other will happen in three years. Most people would choose the present pleasure over the future one. This is sometimes called *discounting*. You might think that we value now over later because there is some chance (even if it is very small) that the delayed pleasure will not happen (perhaps we will die unexpectedly before then!). But this is not what Bentham means. We might discount for the *uncertainty* of future events, but that is separate from discounting for the very fact that they are *future*. Bentham's view is that, when we have done the math, even after discounting for the fact that things in the future are often more uncertain, we should also discount them simply because they are future.

1.23 Critics of discounting worry that it leads to undervaluing the lives of future generations, which can be important in calculations in areas such as environmental policy. Why should the welfare of future people matter less, merely because their suffering will take place in the future? Proponents note that there are many possible future generations. They worry that their happiness will always outweigh ours unless we discount, and that we might make ourselves miserable in the present while trying to improve the lives of people who don't yet exist. Critics of discounting note that we might be indifferent to future disasters if we discount future costs and benefits. Can it be just to take trivial present benefits for ourselves, at great cost to future generations? If we discount, such a choice might make sense; but perhaps that shows why discounting is a problem. These considerations are important for discussions of global climate change and for policies designed to mitigate change. Should we adopt climate policies that may involve present costs, when those who will benefit from them are our distant descendants—people we can never even meet?

1.24 Utilitarians also have to consider how to sum up pleasures and pains across future events. Pains and pleasures are often part of a chain of events. To assess them, you have to look at the whole chain. The exercise and

healthier eating necessary to get in better shape may bring you less pleasure in the short run than lounging on the couch watching TV and eating chips, but it may well bring more pleasure and less pain in the long run. Some things produce pain in the short run and even more pain in the long run. Some pleasures do the same. In other cases pain now may bring pleasure later, or pleasure now may bring pain later. For example, utilitarians would say that you have to look at more than just the pleasure that casual sex brings, you have to look at all of the long-term effects. **The Center for Disease control estimates that half of sexually active young people in the United States will have a** sexually transmitted disease **(STD) by the age of 25**. That is part of the utilitarian calculation.

Pleasure and pain

Utilitarians often recommend that we both maximize happiness and minimize misery or unhappiness. Are these different goals? Are there contexts where the *positive utilitarian* requirement to "maximize happiness" will come into conflict with the negative requirement to "minimize misery"? If some people are badly off, we might maximize happiness by improving their situation. Or we might instead provide benefits for other people who are already quite well off. If the well-off people are more efficient at creating happiness and the badly off people would only be made a little less miserable with our help, we might maximize happiness by devoting ourselves to those who are better off instead of those who are worse off. But many people think that this would be just the wrong thing to do: we should work to improve the situation of those who are badly off before we add extra benefits for people who already are well off. Some people take this to be a decisive objection to positive utilitarianism. 1.25

While most utilitarians assume that you can cancel out pains with pleasures and vice versa, *negative utilitarians* argue that we should minimize misery instead of maximizing happiness. This view has the advantage of focusing our attention on the elimination of suffering, about which there is arguably more consensus than there is about what is pleasant. It has the unfortunate implication that destroying the entire planet instantaneously would be commendable since it would ensure that there is no more pain in the world. Some people regard this as a decisive reason against negative utilitarianism. Others, including **Karl Popper** and **Judith Shklar**, have argued 1.26

that the elimination of pain, suffering, and humiliation should be the first goal of politics. Still others argue that the negative consequences of our choices should be given *more weight* than the positive consequences. Few philosophers defend negative utilitarianism as a complete theory of morality or political choice.

1.27 But perhaps the negative utilitarian view becomes more plausible if it is qualified by other principles. For example, we might consider a mixed view that requires (1) that people's rights must be respected; and (2) that, with that constraint, we should minimize misery. But if we add rights to the mix, have we left utilitarianism behind?

Is happiness fulfilling your desires?

1.28 A different approach is to identify happiness with desire satisfaction: on this view, happiness consists in satisfying your desires. People who define happiness this way point out that human beings often do desire things that don't seem to be connected to pleasure. Human beings are complex and have a wide range of desires. Sometimes they seek beauty, at other times friendship, at other times knowledge. It is overly simplistic to say that we only want these things as a means to pleasure. Sometimes we want things for their own sakes:

> Suppose that Erica and Allie are friends. Erica asks Allie why she chose to be her friend and Allie replies: "I find your sense of humor entertaining." Erica responds: "So if I quit being funny you would quit being my friend?" Allie says, coldly and without sarcasm: "Definitely."

Allie thinks of herself as a seeker of pleasure. Her commitment to the friendship is only as deep as the pleasure it brings her. This seems to be a shallow view of friendship. Friends value each other and value their friendship for its own sake.

1.29 Desire fulfillment, like hedonism, starts with the subjective perspective of each person. Both are nonjudgmental in that, if a person wants something or finds pleasure in something, then, all else being equal, all of us have a reason to help them get it even if we think it is a bad idea. Just as hedonists must find a way to compare pleasures, so desire fulfillment theorists need a way to compare the fulfillment of desires. Many of the same considerations apply: a person's well-being may depend more on the satisfaction of one big desire than on satisfying many small desires.

There are a number of objections to the desire satisfaction approach as well. The hedonist will respond that what people desire will often bring them great pain. Perhaps it is better to give people what they don't want, if that will spare them pain or bring them pleasure in the long run. A child may desire the chance to play in the busy street, but satisfying that desire is a bad idea. Desire theorists respond by noting that a child who is killed by a car will give up a whole lifetime of desire fulfillment opportunities, and that desire theory justifies thwarting some desires so that even more desires can be fulfilled over the long term. 1.30

A different version of the desire satisfaction theory says that we want to satisfy people's informed desires, not their actual desires. By informed desires we mean that people understand the basic facts of what will happen if they go down a particular path. Suppose I prefer eating the steak to eating the chicken, but, unbeknownst to me, the steak contains food poisoning. In that case my informed preference would be different from my current preference. Perhaps, in that case, the best way to promote my happiness would be to give me what I believe to be my second choice. But is it right to prevent people from getting what they want, because we know or think we know better what would be good for them? Such a line of thinking might work best if we could be confident that a person's preferences would change with new information. Can we ever be confident about such a change in judgment? 1.31

Some versions of utilitarianism talk about satisfying the preferences of as many people as possible as an alternative to talking about pleasure and pain. This allows them to talk more easily about the fact that sometimes people have a preference for sacrificing their own pleasure for the good of others. 1.32

Virtue theorists hold that people should act in accordance with good qualities of character (virtues) like courage, compassion, justice, and others. Virtue theorists would point out that preference satisfaction approaches have the same problem that pleasure theories do: if people are of poor character, then it might not be good to satisfy their preferences. Some people cultivate a love of dog fighting and prefer to watch animals inflict pain on each other. Aren't we justified to prevent the satisfaction of bad preferences like this one? 1.33

Lastly, critics of desire satisfaction theory argue that it gets things backward. We desire things because we already think they are good in some way. Desire theory puts it the other way around. It claims that things only become good because we desire them. This makes it mysterious or arbitrary why we desire some things and not others. 1.34

Do the ends justify the means?

1.35 Utilitarianism's claim that one should maximize happiness (or well-being, etc.) implies that the means of achieving happiness are not intrinsically important, only the outcomes are. Critics claim that that there are some cases where the end—the goal pursued—doesn't justify the means used to achieve it. In Dostoyevsky's classic novel *The Brothers Karamazov*, one of the characters says:

> Tell me yourself, I challenge you—answer. Imagine that you are creating a fabric of human destiny with the object of making men happy in the end, giving them peace and rest at last. Imagine that you are doing this but that it is essential and inevitable to torture to death only one tiny creature—that child beating its breast with its fist, for instance—in order to found that edifice on its unavenged tears. Would you consent to be the architect on those conditions? (Dostoyevsky, 1958 [1880], p. 226)

What would you say? Those who emphasize the public good often argue that the good of the whole outweighs the good of the few. Utilitarianism in particular would say that in this case the happiness of a whole society outweighs the happiness of a single child. Perhaps the knowledge that a child is suffering would make it impossible for people to enjoy their utopia, but human beings are often quite accomplished at ignoring the suffering of others when they are having a good time.

1.36 In Dostoyevsky's case, the tradeoff is between the welfare of one child and the welfare of the rest of the society. In other situations, the conflict is between welfare (the public good) and some other value. Let's take a moment to examine potential conflicts between the public good and some of the other values.

Nozick's experience machine

1.37 Robert Nozick, in his book *Anarchy, State, and Utopia*, came up with a famous example designed to test whether what we value is the subjective experience of desire satisfaction or something more objective. It can be paraphrased thus (cf. Nozick, 1974, p. 42):

> Suppose that you had the opportunity to hook up your brain to an *experience machine* that would cause you to experience an entire lifetime of incredibly pleasurable sensations. You would spend the rest of

> your life hooked up to the machine, but you would think you were living a great life with lots of pleasures, minimal frustrations, and satisfied desires. Whatever life you desire or value most, the experience machine would make it seem to you that you were living it: If it you wanted a rich life that includes some poignant longings, the machine could include them. If you value a life of creative achievement, that's the life the machine would *seem to* provide for you. You might experience writing a great novel, followed by public acclaim. You might experience the pain of training for an Olympic gold medal followed by the pleasure of winning the gold! Of course, you would not actually *do* any of these things, but it would seem to you that you were doing them.

Would you plug yourself in if you were sure that it would work as advertised? If Bentham were right about our psychology, it would be irrational not to do so. If the best life is a life of satisfied desires, then the person in the experience machine would be living the best life. Many people, however, think that there would be something very wrong about hooking ourselves up to such a machine.

If you would not enter the machine, why not? Is the problem that you would be living a lie? You wouldn't know it, so the fact that none of the experiences is actually happening would not detract from your pleasure. Nozick suggests that we shouldn't enter the experience machine because it matters to us that we actually achieve things, not that we seem—even to ourselves—to achieve them. A parent who entered the machine might enjoy the experience of watching her children flourish and grow. But good parents don't want it to *seem* that their children are flourishing. They want their actual children to flourish! Where others' happiness is concerned, we want to actually bring happiness to others, not just to think that we are doing so. That question brings us back to the tension in utilitarianism between maximizing one's own happiness and maximizing *everyone's* happiness. If you would not enter the experience machine, perhaps this is because of something objective that matters to you, something beyond the subjective experiences you suffer or enjoy. 1.38

Happiness and virtue

Perhaps happiness is not really about adding up pleasures and pains. Perhaps it is about something the ancient Greeks called *eudaimonia*. This word is sometimes translated "happiness," which can give the impression 1.39

that Aristotle, who wrote much about it, was a utilitarian. Many philosophers prefer the translation "flourishing." A flourishing plant is an excellent example of its kind. Human flourishing requires action, not just experiences.

1.40 According to Aristotle, the virtues are whatever properties make an excellent person excellent. A flourishing human being is an excellent example of a human being. Aristotle's idea is that we find our happiness not in seeking pleasure but in becoming the sort of person who acts virtuously. And our greatest happiness, he recommends, is living a life that involves the exercise of these virtues. Part of virtue consists in becoming the sort of person who takes pleasure in things that are objectively good. Another part is developing character such that you act in virtuous ways because you value the good for its own sake.

1.41 Aristotle agrees that we all want happiness. But some objectives are difficult to achieve directly, when we are expressly aiming at them. Consider an insomniac, so intent on trying to fall asleep that she keeps herself awake. Or imagine two people who both go to an art museum. The first person is constantly thinking, "Which painting will bring me the most pleasure?" The second person is just looking for quality art because he loves good art. The second person, paradoxically, may end up having a better time. It may be better to think of pleasure, like Aristotle, as a byproduct or side effect of pursuing the right things in the right way instead of thinking about it as the actual goal of our lives.

1.42 Aristotle argues that people want to have flourishing lives and that the best way to flourish as a human being is to cultivate a virtuous character. The virtues, according to Aristotle, are qualities of character that are necessary to support our ability to make good choices. In order to flourish, we need to make good choices, but we also need to make them for the right reasons.

1.43 One way to test this theory is to ask yourself: "What is most essential to human flourishing?" Certainly there are some kinds of external things that we need: water, clothing, food, and shelter. If we can't live, it is hard to flourish. But some people manage to live flourishing lives with relatively little, while others, who have great wealth, don't flourish at all. Virtue theorists hold that people's character is more important than their circumstances.

1.44 Aristotle offered a specific list of virtues—characteristics that make good people good, and without which (he thought) people could not be truly happy. Some utilitarians are reluctant to provide such a list, since it involves taking a stand on what virtue actually consists in, something about which reasonable people disagree. Instead utilitarians often focus on political questions about how to change the circumstances of life: provide more

money, better jobs, better healthcare, and so on. Virtue theorists will argue that all of this is insufficient. Without good character people who have all of these things will not flourish. Not only that, but utilitarianism, given its overemphasis on pleasure, may actually make it harder to become the sort of person who has the right sort of character.

A few years ago, **New York City tried to ban extra large sodas** on the grounds that they're not healthy. The rationale was straightforwardly utilitarian: smaller sodas lead to less obesity, which saves on healthcare costs. Aristotle might suggest a different rationale for the same policy: the law will help people learn to be more self-controlled. What starts out as merely complying with the law might over time become a new way of living, which the person consciously and consistently embraces. As we will see, still others might regard such laws as an inappropriate intrusion on liberty. 1.45

The case of John Stuart Mill

John Stuart Mill, born in 1806, was raised by his father, James Mill, to be a utilitarian. His father was a friend of Bentham's and an accomplished scholar in his own right. John Stuart Mill was homeschooled by his father and learned an enormous amount, but then had a mental breakdown in his twenties. In part, he felt that the utilitarian philosophy he had been taught to believe in couldn't make sense of the real world. For example, he denied that all pleasures have the same value. According to the earlier theory, the pleasure you get from watching a trashy TV show is similar in quality to the pleasure you get from reading a great novel or spending the week with your best friends on the beach. The pleasures might differ in quantity because they differ in intensity or duration, but pleasure is pleasure. This means that a certain number of TV shows would eventually be equal in value to a certain number of great novels or to a certain amount of time spent with friends. 1.46

Mill thought this was wrong. Pleasures differ in quality as well as quantity. 1.47

> 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, are [of] a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides. (Mill, 1979 [1861], p. 12)

Perhaps human beings are often less satisfied than happy pigs. (This is not to imply that most pigs are happy!) Our ability to desire things routinely

exceeds our ability to satisfy them. But Mill thinks that none of us would want to be a pig, no matter how good the slop or how comfortable the mud. There is no amount of merely animal pleasures that are equal to the distinctively human pleasures of rational thought and creativity.

1.48 Mill used this line of thinking in his political philosophy. He was a staunch defender of freedom of speech and argued that people should be able to live their lives as they desire so long as they do not harm others (see Chapter 2). The problem is that people can use freedom of speech in ways that cause unhappiness to others. People can make choices that will destroy their lives. It is not clear that utilitarianism will always favor liberty in these cases. Mill wrote: "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being" (Mill, 1978 [1859], p. 12).

1.49 Mill's vision of a truly happy person is of someone who grows and develops in using his capacities for creativity, thought, and originality. It is someone becoming more like Socrates and less like a fool. Because the freedom to think and to criticize is so important to a person's ultimate happiness, the law must protect those freedoms: in the end we will be happier.

1.50 But when Mill argues for this view, has he left utilitarianism behind? Some readers interpret Mill as having become a virtue theorist in spite of himself. The virtue theorist has a particular version of what a flourishing human life looks like and wants laws and policies that help people become that sort of person. Mill is doing something very similar: his particular version of human flourishing emphasizes individual autonomy—but it is a vision of human flourishing nonetheless. He is willing to accept a world where there is more pain and more unsatisfied preferences, if it is populated by people who are creative and original and are autonomously in control of their own lives.

Capabilities

1.51 Another alternative to utilitarianism is the capabilities approach. We can think of it as a goal to be maximized, like utilitarianism. Also like utilitarianism, it arises from a concern for whether people's lives go well. Nonetheless, there are important differences. This approach owes much to the work of **Amartya Sen**. Sen developed the Human Development Index, which provides a rough measure of the quality of people's lives.

1.52 Suppose we want to ask ourselves how well a country is doing. We could start by asking how many people have most of their preferences

satisfied. The capabilities approach would instead ask specific questions: how many people can read? At what level? How many people are able to work? How many people are in good health? How many people have enough access to transportation to move around easily? Rather than taking a poll of utility, the Human Development Index looks at factors such as literacy rates, infant mortality, and nutrition in order to determine the quality of life.

Martha Nussbaum has developed Sen's suggestion with a list of basic 1.53
human functional capabilities that can, she believes, serve both as a target for development and poverty reduction and as a way to compare the relative positions of different people in a given society. Here is Nussbaum's list:

Nussbaum's list of basic human functional capabilities

1. Life. Being able to live to the end of a human life of normal length, not dying prematurely, or before one's life is so reduced as to be not worth living.
2. Bodily health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. Bodily integrity. Being able to move freely from place to place, to be free from violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. Senses, imagination, and thought. Being able to use the senses, to imagine, think, and reason—and to do these things in … a way informed and cultivated by an adequate education including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. Emotions. Being able to have attachments to things and persons outside ourselves; to love those who love and care for us, to grieve at their absence; in general to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. …

6. Practical reason. Being able to form a conception of the good and to engage in critical reflection about planning one's own life. …
7. Affiliation. (A) Being able to live for and to others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. … (B) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This includes provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
8. Other species. Being able to live with concern for and in relation to animal, plants, and the world of nature.
9. Play. Being able to laugh, to play, to enjoy recreational activities.
10. Control over one's environment (A) *Political*: Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. (B) *Material*: Being able to hold property, and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having freedom from unwanted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition. (Nussbaum, 2011, pp. 33–34)

Nussbaum writes:

> My claim is that a life that lacks any one of these capabilities, no matter what else it has, will fall short of being a good human life. So it would be reasonable to take these things as a focus for concern, in assessing the quality of life in a country and asking about the role of public policy in meeting human needs. (Nussbaum, 1995, p. 85)

Utilitarians argue that we should maximize happiness or well-being. But Nussbaum argues that, rather than maximizing people's capabilities, justice requires that we bring everyone across a *threshold* of capability. The first priority is to bring people across the threshold beneath which, as she says, people's lives cannot properly be *human* lives at all. According to Nussbaum, people who are severely deprived, unable to exercise any of these fundamental capabilities, are living a life that is so impoverished and constrained that no human being should ever have to endure it. The second priority is to bring people over the threshold that enables their lives to be *good* human

lives—once again, as measured by their ability to exercise basic functional capabilities. She writes:

> A commitment to bringing all human beings across a certain threshold of capability to choose represents a certain sort of commitment to equality: for the view treats all persons as equal bearers of human claims, no matter where they are starting from in terms of circumstances, special talents, wealth, gender, or race. (Nussbaum, 1995, p. 86)

There are several important advantages to a capabilities approach:

1. Oppressed people often lower their preferences to fit their available opportunities. A woman in the developing world who has never had an education may not express a preference for having an education because she simply accepts her lot in life, yet if she were educated her capabilities would increase.
2. Focusing on capabilities does not force people to use their capacities in a particular way. Suppose an educated woman decides she wants to stay at home and raise children rather than working outside the home. So long as she has the capability to work outside the home, it is not necessary that she chooses to exercise that capacity. Theories that focus on human flourishing are sometimes criticized for restricting our freedom, since they hold up a particular view of a flourishing life. The capabilities approach focuses on making sure that people have real options of how to live their life without telling them which option to pick. In a sense, the capabilities approach focuses on the opportunities to flourish rather than on the actual flourishing.
3. Different people have different degrees of need. If we want to make sure that people are nourished so that their bodies function properly, we should give different amounts of food to different people. Bigger people need more food. Pregnant women need more food. Handicapped people need more funding and support to attain the same level of capabilities as others. Proponents of the capabilities approach see it as a better and fairer way of thinking about equality.

Critics question whether this is really a different approach. It may just be a form of the virtue approach that happens to place more emphasis on capabilities. Moreover, like the virtue approach, one still has to make controversial decisions about which capabilities are important. Both approaches come up with

some list of factors, character traits, or capabilities that are crucial to human well-being. There is, however, no agreement on what those lists should include.

Conflicts between liberty and happiness

1.54 When **Oliver Wendell Holmes, Jr** noted that **freedom of speech does not include the right to shout "Fire!" in a crowded theater** (see *Schenck v. United States*, 249 US 47 [1919]), he was claiming that the public good rightly limits freedoms. People will sometimes justify torturing suspected terrorists on the basis of this same concept of the public good, a topic we will turn to in Chapter 7. One explanation for his position is that the pain people experience in a fire far exceeds the pleasure people gain from shouting fire in a crowded theater. There is no serious damage to political deliberation from such a restriction, so on utilitarian grounds it makes sense.

1.55 Very few people are really "absolutists" when it comes to things like freedom of speech. Here are just a few examples of speech acts that are frequently against the law: incitement to riot, threatening the president, slander, libel, and commercial fraud. In all of these cases there are substantial numbers of people who believe that unrestricted freedom of speech would pose a risk to other people or harm them in some way.

1.56 On the other hand, it is easy to overstate the tension between the two. It takes many people working together "to secure the blessings of liberty." In other words, for many people having liberty or freedom is a crucial component of what it means to have a good life. One of the main "public goods" that governments provide is a general environment where people's freedoms are respected and protected.

Conflicts between equality and happiness

1.57 Suppose that you really could measure happiness the way Bentham suggested. Suppose there were two policies we could pursue that would lead to two different distributions of happiness in Table 1.1:

1.58 If you sum up the total amount of happiness for each policy, policy 1 (189 to 163) wins. If you are more interested in equality, policy 2 is much better. Policy 1 lets one person have seven times more happiness than another, while in policy 2 the gap is less than 20 percent.

1.59 In economic policies these sorts of tradeoffs can happen. Sometimes the policy that generates the largest amount of total wealth will cause the gap between the richest and the poorest to get much bigger. Take, for example,

Table 1.1 Distribution of happiness.

	Allison	**Brent**	**Carlie**
Policy 1	85	92	12
Policy 2	55	58	50

taxes on wealthy estates when people die. Critics will say that these taxes discourage people from being as productive as they could possibly be—with the result that overall productivity and wealth go down. Proponents will say that allowing inequalities to continue increasing from generation to generation makes a mockery of equality of opportunity.

Here, too, what looks at first glance like a simple conflict between the 1.60
public good and another value can be described in a different way. If we ask why people want equality so much, we find that it is often because they think of equality as a prerequisite for a certain kind of flourishing life. If democratic participation is central to a human life well lived, inequalities of wealth that put some people in a position of relative powerlessness are a barrier to flourishing. If poverty keeps some people from being able to participate in the key cultural activities of their state, that may also make their lives less fulfilled. If only those with money have access to education and jobs that will help them fully utilize their abilities and talents, that is also a barrier to their living a fulfilled life. In other words, arguments for equality are often in large parts arguments about what a good society would look like.

Happiness and Government

One explanation of the purpose of government is that it exists in order to 1.61
allow us to live happier, more contented lives than we otherwise would. Certainly governments that prevent crime and mayhem contribute much to our happiness. In countries where there are failed states and the rule of law breaks down, the consequences for people's lives can be devastating. Modern governments do far more to promote happiness than just restrain crime. They build roads, provide libraries and schools, regulate pharmaceuticals, fund academic research, facilitate access to healthcare, and much more. One way to analyze all of these policies is simply to ask whether the costs outweigh the benefits. Do the policies have a net positive impact on human happiness or not?

1.62 But this is not the whole story. Many people would question the premise that the purpose of government is to maximize happiness. That, after all, really could end in something like *Brave New World*. We must also consider arguments that other values, such as freedom or equality, rightly constrain the government in its pursuit of happiness.

Happiness and Public Goods

1.63 Bentham argued that the phrase "public good" just means the sum of the pleasures and pains of the individuals who compose the public. For him, utility and the public good were interchangeable concepts. The discipline of economics is heavily influenced by utilitarian philosophy. Economists often analyze policies by adding up the costs and benefits, in terms of utility, to each individual affected. They also frequently assume that people will choose the option that maximizes their personal utility.

1.64 One example is the classic "prisoner's dilemma" scenario:

> Suppose that two people are arrested and charged with armed robbery and a misdemeanor. The police have enough evidence to convict on the misdemeanor but need more evidence to convict on the felony. The culprits are questioned separately and both of them are made the same offer. "If you implicate your friend and your friend does not implicate you, we will give your friend a 10-year sentence and will give you probation. If you don't implicate your friend and your friend implicates you, the sentences will be reversed. If you both implicate each other, you both get a five-year sentence. If neither of you implicates the other, we will not be able to convict either of you on the main charge, so you both get a three-month sentence."

What should you do? The rational thing, the economists say, is to implicate your friend. No matter what your friend does, you get a lighter sentence that way. If your friend confesses, five years is better than 10. If your friend does not confess, probation is better than three months in jail.

1.65 What is interesting about this case is that, if both people act "rationally," they end up serving a five-year sentence, whereas if they both acted irrationally they would only have had to serve three months. It is possible for the rational pursuit of self-interest to lead to very suboptimal outcomes.

A similar kind of logic is important in politics. Consider the following example: 1.66

The city of New Orleans needs levees to protect it from flooding. The levees will cost billions of dollars. One solution is to ask everyone in the city (and those outside the city who would benefit from it) to make a voluntary contribution to pay for the levees. Not enough people make pledges, and so nothing happens. Someone else proposes a tax on everyone who would benefit to pay for the levees, claiming that the levees will promote the public good. Would they?

Economists use the term "public good" for cases like this, but they mean something specific by it. On balance, the city will be better off with the levees. Many people would benefit. The problem is that, if you rely on voluntary contributions or user fees, the levees will probably not be built. This is because there is no way to exclude from enjoying the benefit the people who don't pay for it. If you build a levee and it keeps the city from flooding, people will benefit whether they helped pay for it or not. A public good (in the economist's sense) is something that would benefit the public but that will not occur (in the absence of policy intervention) because there are not enough individuals who will think that the benefit justifies the contribution. A mandatory tax is one policy intervention that might overcome this sort of public good problem.

Free Riding and Small Contributions

Economists often assume a version of the psychological hedonism of Jeremy Bentham. They assume that everyone acts so as to satisfy her own preferences, which are normally about her own pleasures or pains. From the standpoint of a self-interested individual, one of two things will happen. Either enough other people will contribute to building the levees and you can enjoy the benefits without paying the costs (since for a large project your individual contribution will not be decisive) or there will not be enough people contributing to build the levees and you are better off keeping your money. 1.67

In this example there are actually two different problems. One is that there is no way to exclude those who benefit but don't pay. The other is that, because there is a large number of potential contributors, one person's contribution will not make a difference to whether the project is completed. Both reasons lead a self-interested person to not contribute. 1.68

1.69 This is a paradox, because you may actually think that you would happily pay your share of the cost if you could be assured that the levees will be built and that other people will pay their part as well. This is why economists like government intervention for these sorts of public goods. The government can use taxation to make sure that everyone contributes. Without government intervention, the levees will not be built. With government intervention, levees that, on balance, make people better off will exist.

1.70 Climate change is a policy area where these issues become very important. If there are environmental benefits from reducing CO_2 emissions, the whole earth will experience them. People in one country would benefit from the policies of other countries without contributing. Moreover, no one country could make a substantial difference to the long-term outcome without cooperation from other countries. A self-interested country might therefore conclude that it is better to keep emitting large amounts of CO_2.

1.71 Not everything a government does promotes a public good in this strict sense. A highway is not a public good in the same way as a levee, because it is relatively easy to charge people who benefit: set up a toll road. Economists tend to support taxation in cases where there is something that would benefit many people and where you can't exclude people from enjoying the benefit after you provide it. There are lots of things that fall in to this category. Once we have an army to provide national defense, everyone benefits from that defense. There is no way to defend only some of the people.

1.72 There are also many things that are mixed. It is possible to charge admission to a park, but people who live nearby can enjoy looking at it from the outside whether they pay for it or not. If your high-rise apartment looks out over Central Park, that is worth a lot of money. It is possible to charge tuition for elementary education rather than providing it for free, but it is also the case that all of us benefit from having a more educated workforce. In these cases, economists would say that, if we only pay for the good by individual purchases, there will be too little of the good provided. If people can enjoy without paying they will not pay, but that means that often the thing they would enjoy never happens.

Philosophical objections

1.73 Some philosophers think that economists have the wrong definition of "public good." First, economists tend to focus only on what people actually want (as many versions of utilitarianism do). They normally do not ask the

question: is what people want actually good? People may want a levee to protect the town from flooding, but the levee may destroy wetlands that provide a home for endangered species.

Second, the economists assume that, as long as the benefits, on balance, 1.74
outweigh the costs, this is enough to make something "good." This ignores questions about the distribution of the good. Not everyone benefits equally from the levee. Those who own property in the flood zones benefit much more than those who do not. Why should the guy on the hill pay as much for it as the guy in the valley, when they will not benefit to the same extent? Suppose that those who will benefit the most from the policy are those who already are the most affluent. Just looking at net costs and benefits doesn't show you the distribution of those costs and benefits. What people are willing to pay depends a lot on what they are able to pay.

Third, there is an assumption built into the economists' argument. The 1.75
assumption is that the default is for the market to provide things. If people want something, they will pay for it themselves and the market will supply it. Government intervention is only necessary when there is a "market failure." This whole way of thinking privileges people's acting as consumers over people's acting as citizens.

Fourth, many philosophers question the definition of rationality. Kant, for 1.76
example, would have said that free riding on the goodwill of others is actually an example of acting irrationally. The rational action is to act on the principle that you would want others to act on, whether they act on it or not. A Kantian would contribute to a public good even if she could free ride and still enjoy that public good. Interestingly, a utilitarian who believed that people are motivated to act on the principle of utility directly would also disagree. If my goal is the happiness of everyone, I should contribute even if I don't have to. A virtue theorist might consider public-spirited generosity a mark of virtue.

Should We Evaluate Political Institutions According to their Ability to Make People Happy?

Almost everyone agrees that happiness is good and that, other things being 1.77
equal, institutions are better when they make people happy. But happiness turns out to be a difficult objective: it is difficult to measure, even in ourselves. Different theorists have different accounts of what happiness is and of how we might measure it: are people well off when their desires are satisfied, or, as Nussbaum suggests, when they are able to be and do a wide

range of different things? Some people conclude from Nozick's experience machine thought experiment that happiness is neither our only goal nor our most important goal. And, as we have seen, the goal of making people happy may come into conflict with other important political goals, like protecting people's rights.

1.78 Utilitarians, who believe that actions and institutions are better when they more effectively promote happiness, will regard these problems as difficulties to be resolved. Others regard them as objections that constitute reasons not to advocate a utilitarian view. Some people urge that political institutions can't promote happiness, because different people need and want different things in order to be happy. They might urge that what people need is liberty—the freedom to pursue their *own* happiness. On one version of this view, political institutions should be judged according to their ability to protect people's freedom, not according to their ability to make people happy. The following chapter will consider the value of freedom and the idea that political institutions should focus on liberty instead of on well-being.

References and Further Reading

Bentham, Jeremy. 1988 [1948]. *Principles of Morals and Legislation*. New York: Prometheus Books. Bentham's defense of utilitarianism as a theory of government, law, and morals is one of the first full-borne defenses of the view (especially chapters 1–4).

Crisp, Roger. 2013 [2001]. "Well-Being." In *Stanford Encyclopedia of Philosophy*. http://plato.stanford.edu/entries/well-being (accessed February 12, 2016). Crisp offers a very helpful and detailed account of various theories of human well-being.

Dostoyevsky, Fyodor. 1958 [1880]. *The Brothers Karamazov*. New York: Signet Classics. Dostoyevsky's deeply philosophical novel addresses, among many other things, the question whether it is permissible to inflict suffering on some innocent people if the overall effect will be to make others happy.

Galston, William. 1991. *Liberal Purposes*. New York: Cambridge University Press. Galston argues that politics should promote not only happiness, but also virtue as a component of well-being.

Goodin, Robert. 1995. *Utilitarianism as a Public Philosophy*. New York: Cambridge University Press. Goodin's book is a collection of essays that, together, constitute a powerful defense of utilitarianism as a theory of politics and government. It is one of the very best contemporary defenses of utilitarianism as a public philosophy.

Haybron, Daniel. 2008. *The Pursuit of Unhappiness*. New York: Oxford University Press. Haybron argues that we are not good judges of our own happiness. He develops a sophisticated view about what happiness is and how it might be promoted.

Machiavelli, Niccolò. 1988 [1513]. *The Prince*. New York: Cambridge University Press. Machiavelli argues that the ends are more important for political leaders than the means. See especially chapters 8 and 15–18.

Mill, John Stuart. 1978 [1859]. *On Liberty*. Indianapolis: Hackett. *On Liberty* was co-written by Mill and Harriet Taylor. Mill said she wrote most of it, but there is good reason to think that it was truly a joint effort and that the view expressed is one they carefully discussed. *On Liberty* defends a liberal theory of law, arguing that the only legitimate reason to limit people's liberty is to prevent harm to other people.

Mill, John Stuart. 1979 [1861]. *Utilitarianism*. Indianapolis: Hackett. Mill wrote this as a pamphlet, and may not have regarded it among his best works. However, it is the most famous and most widely read defense of utilitarianism in the history of philosophy.

Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books. Nozick's book is the most famous twentieth-century defense of libertarianism as a political theory but also includes spectacular examples (like the experience machine) that challenge traditional moral and political views.

Nussbaum, Martha. 1995. "Human Capabilities, Female Human Beings." In *Women, Culture, and Development: A Study of Human Capabilities*, edited by Martha Nussbaum and Jonathan Glover. Oxford: Clarendon, pp. 61–115. This article goes in greater depth into her view of the capabilities approach and its implications for women.

Nussbaum, Martha. 2011. *Creating Capabilities*. Cambridge, MA: Harvard University Press. This brief book is a popular presentation of Nussbaum's version of the so-called capabilities approach.

Sen, Amartya. 1979. "Equality of What?" Tanner Lecture on Human Values, Stanford University. Lecture delivered at Stanford University, May 22. http://tannerlectures.utah.edu/_documents/a-to-z/s/sen80.pdf (accessed February 12, 2016). This paper develops Sen's capabilities approach.

Sidgwick, Henry. 1981 [1874]. *Methods of Ethics*. Indianapolis: Hackett. Sidgwick provides a more systematic and "modern" defense of utilitarianism than either Bentham or Mill. Sidgwick's complex version of utilitarianism urges that *institutions* should be set in place to maximize utility but that individual actions people undertake might not appear to be justifiable on utilitarian terms.

Sher, George. 1997. *Beyond Neutrality: Perfectionism in Politics*. New York: Cambridge University Press. Sher argues that a good state will not only protect people's liberties or promote their happiness, but should also make them better people.

Online Resources

1 http://plato.stanford.edu/entries/bentham/
2 http://plato.stanford.edu/entries/well-being/
3 http://www.utilitarianism.net/bentham/
4 http://www.cdc.gov/std/stats/STI-Estimates-Fact-Sheet-Feb-2013.pdf
5 http://plato.stanford.edu/entries/popper/
6 https://en.wikipedia.org/wiki/Judith_N._Shklar
7 http://www.nytimes.com/2014/06/27/nyregion/city-loses-final-appeal-on-limiting-sales-of-large-sodas.html
8 https://en.wikipedia.org/wiki/Amartya_Sen
9 https://en.wikipedia.org/wiki/Oliver_Wendell_Holmes,_Jr.
10 https://www.law.cornell.edu/supremecourt/text/249/47
11 http://www.nola.com/hurricane/index.ssf/2013/08/upgrated_metro_new_orleans_lev.html