

## Consequentialist complications<sup>1</sup>

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(1) Recall the trolley case from the first lecture. A trolley car drives unstoppably towards a group of five people. These five people are caught on the trolley tracks. They cannot escape. If the trolley hits the five people, all of them will die inevitably. However, *you* have the opportunity to divert the trolley through changing a switch. Unfortunately, on the diverted tracks there is also *one person* caught on the tracks. This person will also die inevitably if hit by the trolley car. What should you do?

Remember the intuitions behind the argument in favor of diverting the trolley car through changing the switch. They were mostly consequentialist, if not utilitarian. Saving five lives represents better consequences than saving one. Or, put differently, causing one person's death is better than letting five people die.

Compare the trolley case with the following example. Suppose there are five people who need an organ transplant. If they will get a transplant, they will lead happy and long lives. Suppose they all need a different organ. You happen to know a healthy person who – if killed – could provide the needed organs. So, by killing her, you could save five people's lives. Again, what should you do? Is this case ethically different to the trolley case?

In fact, this exposes *two* potential problems of the consequentialist and/or utilitarian approach. On utilitarian grounds, killing one person for the sake of saving five seems not only right and permitted; instead, it is morally required. By not doing so, you infringe a requirement of morality. This shows, for one, that utilitarianism does not take *rights* seriously. To many, this is a flaw of utilitarian ethics.

Suppose utilitarianism were correct. Morality would thus require of us to maximize human welfare. Consequently, it would seem that the right- and wrongness of allowing slavery or guaranteeing freedom of speech depend on the outcome of a complex and uncertain empirical calculation concerning whether disallowing slavery and guaranteeing freedom of speech maximize welfare over the long run. However – and this is a point made by John Rawls – our moral beliefs regarding slavery and freedom of speech are not tentative and uncertain. They are not prone to flip in according to an expected welfare calculation. Or as the political philosopher Arneson puts it:

Even if a utilitarian theory conjoined to a complex set of plausible empirical claims could support the positions that slavery and violation of freedom of

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<sup>1</sup> This lecture is primarily based on chap. 7 of Sanbu's 'Just Business: Arguments in Business Ethics'.

expression are morally wrong, utilitarianism is in tension with the strength of our moral conviction in these matters and seems not to capture our intuitive grounds for these convictions. These concern individual rights. Hence we need a theory of rights, a genuine theory of justice, that makes sense of our core convictions about individual rights and extends these core judgments to controversial cases in a plausible way.<sup>2</sup>

In sum, individual justice, as well as considerations of fairness, do not follow considerations of aggregated welfare.

Furthermore, utilitarianism fails to 'take seriously the distinction between persons'<sup>3</sup>. Suppose there is a conflict between a person's interests at two points of time. Self-interest, or personal rationality, plausibly requires a person to accept a smaller pain now to avoid a larger pain at a later time. Utilitarianism extends this reasoning *across* persons. It requires imposing on *one (group of) person(s)* a smaller pain in order to avoid a larger pain for *another (group of) person(s)*. In the *intrapersonal* case, the person accepting a small pain now will be compensated by the gain in the future. In the *interpersonal* case, a loss imposed on, say, *you* does not necessarily lead to you being compensated in the future. In fact, someone else may receive the 'compensation'. Utilitarianism is simply indifferent to the distribution of utility across persons, yet the distribution is morally significant.

## (2) Utilitarianism and negative responsibility

Consider a first example from Bernard Williams:

George, who has taken his Ph.D in chemistry, finds it extremely difficult to get a job. He is not very robust in health, which cuts down the number of jobs he might be able to do satisfactorily. His wife has to go out to work to keep them, which itself causes a great deal of strain, since they have small children and there are severe problems about looking after them. The results of all this, especially on the children, are damaging. An older chemist, who knows about this situation, says that he can get George a decently paid job in a certain laboratory, which pursues research into chemical and biological warfare. George says that he cannot accept this, since he is opposed to chemical and biological warfare. The older man replies that he is not too keen on it himself, come to that, but after all George's refusal is not going to make the job or the laboratory go away; what is more, he happens to know that if George refuses the job, it will certainly go to a contemporary of George's who is not inhibited by any such scruples and is likely if appointed to push along the research with greater zeal than George would. Indeed, it is not merely concern for George and his family, but (to speak frankly and in confidence) some alarm about this other man's excess of zeal, which had led the older man to offer to use his influence to get George the job... What should he do?<sup>4</sup>

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<sup>2</sup> Arneson, 'Rawls versus Utilitarianism in the light of Political Liberalism', p. 3.

<sup>3</sup> Rawls, *A Theory of Justice*, p. 27.

<sup>4</sup> Williams, *Utilitarianism and Integrity*, 97-8.

In sum, George has a choice between bringing about two outcomes. On the one hand, he can (i) work towards producing chemical weapons with a comparatively low output. Or, on the other hand, he can (ii) end up unemployed with another person producing chemical weapons with a comparatively high output.

Here is another example from Williams:

Jim finds himself in the central square of a small South American town. Tied up against the wall are a row of twenty Indians, most terrified, a few defiant, in front of them several armed men in uniform. A heavy man in a sweat-stained khaki shirt turns out to be the captain in charge and, after a good deal of questioning of Jim which establishes that he got there by accident while on a botanical expedition, explains that the Indians are a random group of the inhabitants who, after recent acts of protest against the government, are just about to be killed to remind other possible protestors of the advantages of not protesting. However, since Jim is an honoured visitor from another land, the captain is happy to offer him a guest's privilege of killing one of the Indians himself. If Jim accepts, then as a special mark of the occasion, the other Indians will be let off. Of course, if Jim refuses, then there is no special occasion, and Pedro here will do what he was about to do when Jim arrived, and kill them all. Jim, with some desperate recollection of schoolboy fiction, wonders whether if he got hold of a gun, he could hold the captain, Pedro and the rest of the soldiers to threat, but it is quite clear from the set-up that nothing of that kind is going to work: any attempt at that sort of thing will mean that all the Indians will be killed, and himself. The men against the wall, and the other villagers, understand the situation, and are obviously begging him to accept. What should he do?<sup>5</sup>

In sum, Jim gets to choose between two actions: (i) not killing anyone himself, yet thereby causing the death of 20 villagers. Or (ii) killing one of the villagers himself, thereby ensuring that the others go free.

Williams argues that a utilitarian cannot avoid that conclusion that (i) is the morally required in both examples: George should take the job; Jim should kill one villager.

However, Williams holds that this is at odds with our ethical intuitions. In particular, common intuitions differ from the utilitarian doctrine when it comes to the issue of 'negative responsibility': common judgment rejects negative responsibility; utilitarians endorse it.

*Negative responsibility.* We are morally responsible for the foreseeable consequences of our actions and choices. Sometimes we choose to act in a particular way, sometimes we refrain from doing so. That is, we choose not to act. In both cases, we are making a choice that has consequences. Consequently, we are just as responsible for the foreseeable consequences that we fail to prevent as we are responsible for the consequences that we caused directly.

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<sup>5</sup> Williams, *Utilitarianism and Integrity*.

According to negative responsibility, “if I am ever responsible for anything, then I must be just as responsible for things that I allow or fail to prevent, as I am for things that I myself, in the more everyday restricted sense, bring about” (p. 591).

In sum, the fact that you refrained from some action is not enough to escape moral responsibility for it. To escape moral responsibility, it must be true that one could not have prevented a consequence of not acting in a certain way.

However, Williams argues that the fact that utilitarians cannot escape endorsing negative responsibility is a flaw of the utilitarian theory. According to Williams it matters morally whether you cause an outcome actively (i.e. by producing a certain course of actions) or passively (by refraining to act in a certain way). It also matters if the chain of causal events that produces an outcome contains someone else’s act and decision or not, i.e. if an outcome includes someone else’s doing or solely my own doing. In short, ‘each of us is specially responsible for what he does, rather than for what other people do’ (pp. 592-93).

However, negative responsibility entails *alienation* and *disintegration*. Take a person with strong commitments towards personal projects play a defining role in characterizing a person’s life and character.

The point is that [the agent] is identified with his actions as flowing from projects or attitudes which... he takes seriously at the deepest level, as what his life is about... It is absurd to demand of such a man, when the sums come in from the utility network which the projects of others have in part determined, that he should just step aside from his own project and decision and acknowledge the decision which utilitarian calculation requires. It is to alienate him in a real sense from his actions and the source of his action in his own convictions. It is to make him into a channel between the input of everyone's projects, including his own, and an output of optimistic decision; but this is to neglect the extent to which his projects and his decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified. It is thus, in the most literal sense, an attack on his integrity.<sup>6</sup>

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<sup>6</sup> Williams, *Utilitarianism: For and Against*, pp. 116-7.