

## REPLY TO PROFESSORS MACHAN AND KLIEMT

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Utilitarianism invokes comparisons among alternative sets of institutions, laws, traditions, patterns and maxims of behavior, and traits of personal character. It approves or disapproves of them according as they tend to support or to subvert the kind of society that affords people relatively good opportunities to succeed in making satisfying lives for themselves. Institutions and practices that facilitate fruitful cooperation among individuals pursuing their own diverse specific ends score ahead of ones that make for destructive clashes. "Social cooperation" (so called by numerous thinkers in the utilitarian tradition, as I noted in my article of 1985) is so nearly essential to individuals' success in their own diverse pursuits that it is a nearly ultimate criterion of institutions, ethical rules, and so forth. On this criterion, truth-telling and promise-keeping command approval. So do respect for justice (as John Stuart Mill emphasized in *Utilitarianism*, ch. 5) and respect for property rights and other human rights. So, within limits, do certain kinds of honest partiality toward oneself and one's compatriots, friends, and associates.

Positive analysis—economics, political science, sociology, psychology, and even the natural sciences as well—can contribute much to judging whether particular institutions, practices, and character traits tend to serve or to subvert social cooperation. But social cooperation is only a *nearly* ultimate criterion. It is instrumental toward something more completely ultimate, something simply taken as desirable because no further argument for its desirability is possible. I can only take stabs at labeling that ultimately desirable "something": it is individuals' success in making good lives for themselves, or fulfillment, or satisfaction, or life appropriate to human potential-

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ity. No single word is an adequate label; but when a single word is required, "happiness" is the traditional choice.

This is utilitarianism as I understand it. The supposed utilitarian who goes around looking for opportunities to frame and execute innocent men to pacify raging mobs (or to torture redheads for the amusement and greater net satisfaction of the multitude, or to approve of rape when the rapist's pleasure outweighs the victim's distress) is an invention of superficial critics. Real utilitarians stress why respect for truth and justice and individual rights is essential to a good society and so to human happiness. The popularity of cheap shots at utilitarianism is, by the way, a puzzling phenomenon. What good are phony victories over a contrived, caricatured version of a doctrine one has not taken the trouble to understand?

Utilitarianism is sometimes criticized as being all-encompassing to the point of vacuousness. (This seems to be one theme of Professor Machan's criticism.) Yet it is not vacuous; alternatives to the criterion of "happiness" are conceivable. They include conformity to the will of God, somehow ascertained; or performance of duty for duty's sake, even if only intuition rather than analysis of consequences has entered into the identification of duties; or conformity to intuited ethical precepts for conformity's sake, even though any consequentialist inquiry into the bases of those precepts is scorned; or respect for individual rights that have simply been postulated rather than argued for on utilitarian or any other grounds, and again regardless of consequences; or conduciveness to the flourishing of the highest or noblest specimens of the human race, however ordinary people might then fare (a view sometimes attributed to Nietzsche, how rightly I do not say). Or instead of taking the "happiness" of people in general as the criterion of institutions and so forth, one might conceivably adopt the happiness of oneself or of some other specific person (say Gordon Tullock, to carry on a kind of joke that Tullock himself has used).

The conceivability of these alternatives shows that the utilitarian criterion is not vacuous, while their implausibility strengthens the utilitarian case. Anyone who knows a plausible and appealing alternative to the utilitarian criterion is hereby challenged to state it clearly.

Professor Machan stresses everyone's need "to be free to seek happiness on his or her own initiative." His brand of ethics and politics stresses rights vigorously. "[H]appiness is of paramount concern to [him] in the defense of individual rights [he] find[s] most sensible. But this happiness must come about by way of the self-determined actions of . . . persons. . . ." I agree—positive analysis

leads to these judgments—and I see little or nothing of substance in ethics that Machan and I actually disagree about.

We disagree, if at all, on what label to apply to doctrines we share. I have used the term “utilitarianism” so far because it is historically warranted—because a favorable attitude toward utility, broadly conceived, is the fundamental value judgment involved—and because abandoning the term would seem like an unwarranted concession to superficial critics. But if someone can come up with an equally descriptive and more generally acceptable label, fine. How about “eudaimonism”? (Machan and I do applaud much in Aristotle.) I doubt that “eudaimonism” will fly, but let’s see.

Warning against my supposed “cognitivism and universalism,” Professor Kliemt recommends “noncognitivism, subjectivism, and relativism” instead, and apparently even “ethical skepticism.” He argues, if I read him correctly, that ultimate value judgments cannot be scientifically validated. Well of course they can’t: not being amenable to further argument is what “ultimate” means in this context. No one can prove that general happiness is preferable to general misery. But ethical skepticism hardly follows from Kliemt’s own perplexity in the realm of ethical discourse. The judgment in favor of happiness is pretty tame and noncontroversial, and much scope exists for factual and logical investigation into what institutions and ethical precepts and character traits serve or undercut happiness.

Admittedly I may not have answered Kliemt’s points; I may not even have grasped what they are. His comment does strike me as a remarkable stringing together of abstract nouns and phrases (“universalism in the first sense” and “universalism in the second sense,” for example).

I’ll summarize. Utilitarianism is an approach to ethics—to the appraisal of institutions and rules and character traits and the like—that combines factual and logical analysis with a fundamental value judgment in favor of what the word “happiness” alludes to, however inadequately. Utilitarianism is not so broad as to encompass all approaches to ethics; others, based on alternative fundamental value judgments, are conceivable, although unappealing. Yet utilitarianism has somehow gotten a bad press, as the comments by Professors Machan and Kliemt again illustrate. (The unduly shallow, act-oriented versions formerly to be found seem to have offered critics a target; but I still wonder what, except worthless triumphs, is to be gained by blowing down what are hardly more than straw men.) Another name for utilitarianism (“eudaimonism”?) might serve communication, but the merits of the doctrine itself would remain unaffected.