Political Utilitarianism as a Framework for Public Policy

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Abstract

This article defends the idea of political utilitarianism as a framework for devising public policies to augment the good and reduce the evil. Although Jeremy Bentham used the expression 'political utility' primarily denoting to the abuse of political power, it could be used for devising public policies. I distinguish between political utility and disutility to know how political utility could be employed for making public policies. Political utility means the good, while political disutility means the bad. I argue that political utilitarianism creates two kinds of public policies: The first kind of public policy maximises the good, such as peace and justice. Robert E. Goodin's account of utilitarianism supports the public policies that enhance the good. The second kind of public policy minimises evil, such as violence and injustice. Karl Popper's account of negative utilitarianism supports the public policies that minimize evil. So, the article argues that political utilitarianism is an adequate framework for devising public policies that increase the good or reduce the evil.

Keywords: political utilitarianism, negative utilitarianism, public policy, moral and political philosophy

Introduction

This article defends the notion of political utilitarianism as a framework for devising a public policy that enhances the good and reduces the bad. In a crude sense, political utilitarianism is a framework for institutions, such as governments, courts, and universities, that helps measure their political role in society. Jeremy Bentham founded utilitarianism with moral, political, and legal implications. Bentham's account of 'political utility' has a limited scope because he only equates it with punishment. Bentham writes: "the fine feelings of the soul are not to be overborne and tyrannized by the harsh and rugged dictates of "political utility" (Bentham, 1996, p. 25). Bentham's use of political utility is pejorative, explaining that political utility may not tyrannize the soul's fine feeling. This means that political utility can only be used as a deterrent device. Bentham's understanding of political utility as a deterrent device is a narrower

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sense of it. 'Political utilitarianism' refers to political utility acquired through public policies, political actions, or political decision-making. Instead, political utility can have a broad scope in that whatever is good or just out of political decision-making or action is the outcome of political utility. If political institutions provide people with quality education or good health due to genuine political decision-making, this is what we call political utility.

Political institutions are born out of laws, rules, or constitutions. Political institutions are created to promote the common good. Russell Hardin, an American moral and political philosopher, states, "The chief result of successful utilitarian actions over the long run, therefore, must be on the creation of institutions that will take over the task of enhancing the general welfare" (Hardin 1988, 13). Hardin's claim is valid that the sole end of creating political institutions is to augment social benefits and eradicate social suffering.

If a utilitarian act or rule enhances good and reduces evil on a large scale, this is the result of political utilitarianism. Some classical utilitarians, including Henry Sidgwick, hold that government should enhance general happiness. Sidgwick argues, "The utilitarian doctrine that the ultimate criterion of the goodness of law, and the actions of government generally, is their tendency to increase the general happiness" (Sidgwick, 1897, p. 39). Hardin and Sidgwick agree that political institutions like governments should devise policies or decisions that increase people's general welfare. Yet utilitarians diverge on the nature of the common good; to some, it is happiness, and to others, it is pleasure.

Explanation of Political Utilitarianism

Tim Mulgan, a New Zealander moral and political philosopher, employs the expression "institutional utilitarianism" to explain how political, legislative, or social institutions can increase the total well-being of people (Mulgan, 2007, p. 128). I reckon that political utilitarianism is consistent with institutional utilitarianism. In a crude sense, institutional utilitarianism is based on the philosophy of political utilitarianism. This institutional utilitarianism is consistent with rule-utilitarianism (Mulgan, 2007, p. 128). According to Mulgan, impartiality is a foundation of utilitarianism that helps design

institutions (Mulgan, 2007, p. 128). Peace, decaying ecology, health, human rights, and human development are crucial global challenges to contemporary institutions. The institutional responsibility of states/governments is to devise public policies in their respective countries to either improve the good or reduce the bad.

Utilitarianism is not a single normative doctrine but consists of several philosophical theses about the nature of morality (Scanlon, 1982, p. 108). Institutional utilitarianism is one such utilitarian doctrine. Political utilitarianism is a political theory that has moral implications. There is no doubt that much twentieth-century literature on utilitarianism focuses on interactions of people at the individual level in game-theoretic perspectives to evaluate their rational choices, such as trolley problems. In contrast, political utilitarianism focuses on public affairs to assess the social decisions of people to resolve common issues, including global peace, a clean environment, or public health. Political utilitarianism deals with the public state of affairs, which creates public policies and the creation of constitutions or laws for the greater good. I now turn toward the supporters of political utilitarianism, including Jeremy Bentham, James Mill, Robert Goodin, and Karl Popper.

Bentham's Account of Political Utilitarianism

In his work, *An Introduction to the Principles of Morals and Legislation*, Bentham coined the term 'political utility'. According to Bentham, "utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, or to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered" (Bentham, 1996, p. 12). Bentham uses the expressions' utility' and 'political utility' in different senses at different times. Bentham explains his notion of political utility in three different ways.

The first explanation of Bentham's political utility is something that can be called the abuse of political power. He explains his notion of political utility by making a distinction between two kinds of actions: a particular kind of human actions that are approved, and others are disapproved by society. If an action is approved, it is judged with fine feelings; if it is disapproved, it is linked with

punishment. Bentham states, "If you hate not at all, punish not at all: the fine feelings of the soul are not to be overborne and tyrannised by the harsh and rugged dictates of 'political utility'" (Bentham, 1996, p. 25). Bentham's notion of political utility concerns with the abuse of political power. This explanation of 'political utility' is pejorative because it holds that the fine feeling of the soul may not be threatened or distorted by the wrong use of 'political utility' as 'political power'.

Instead, the political utility can protect the fine feelings of the soul with political power. If utilitarianism increases the good and decreases the bad, political utility refers to global peace, ideal ecology, human rights, human development, or good public health. Contrary to Bentham, Sidgwick conceives the idea of political utility correctly. He writes, "It may be fairly said that the end of government is to promote liberty, so far as governmental coercion prevents worse coercion by private individuals" (Sidgwick, 1897, p. 46). According to Sidgwick, the government should not only promote liberty but also protect the weak from the coercion of the powerful. Sidgwick understands the right role of a government. Political utility, which is the outcome of legitimate political action, is contrary to political disutility.

James Mill provides a corrective position by arguing for security against the abuse of power (Mill, 1978). James Mill holds that there are two ways to control the abuse of political power. First, political institutions ought to be controlled by the rule of law under the Constitution. In this political system, the rule of law is prior to anything else. In this context, rule-utilitarianism offers solid foundations for proper actions. Rule- utilitarianism can strengthen political institutions which may direct people on the basis of rules. Thus, rulemaking and rule-following can significantly control the abuse of political power.

Second, political power could be controlled by public protests, long marches, and sit-ins. James Mill's proposal is promising and practical in the contemporary epoch. In almost every country of the world (except those countries where there is no democracy), people show their democratic power through public protests, long marches, and sit-ins. These strategies make democracy strong and keep it on the right track. Like any other country in the world, Pakistani people have become aware of James Mill's proposal to control political power

through public protests, long marches, and sit-ins. Peaceful protests, long marches, and sit-ins are pillars of real democracy. This is a promising sign that Pakistani society has developed political consciousness by itself, and this consciousness shall bring Pakistan out of crisis in the future.

The second explanation of political utility is that it helps resolve disputes between parties. This function of utility, in Bentham's way, is promising. In *A Fragment of Government*, Bentham writes, "A measure of government (which is but a particular kind of action, performed by a particular person or persons) may be said to be conformable to or dictated by the principle of utility when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it" (Bentham, 1996, p. 13). The principle of utility, Bentham believes, helps the concerned parties to discuss the matter to reach an agreement among them. In case of disagreement, a chance of agreement is always possible because it is not a matter of emotions but a divergence in judgment. This sense of utility as a decisive factor in resolving disputes sheer on the grounds of "usefulness or general advantage in future" rather than on any emotional, ideological, and historical basis is promising in politics that may be designated as 'the political utility' (Bentham 1988, p.104-105).

The third explanation of political utility is the explanation of the idea of political society. Contrary to both social contract theory and the invisible hand tradition, Bentham develops the idea of a *political society*. In *A Fragment on Government*, Bentham infers the idea of political society from a 'state of society', which is similar to the Hobbesian notion of a state of nature. Bentham considers a 'state of society' to be parallel to a 'natural society'. Yet, a (political) society refers to a society that has a government (Bentham, 1988, p. 39-40). Thomas Hobbes infers the notion of political society from the notion of the state of nature: a society without a government. Bentham does not want to use the expression' state of nature', he prefers, natural society. However, there is no difference between Bentham's 'political society' and Hobbes' 'political society' and Hobbes' 'state of nature' and Bentham's 'natural society'.

Bentham makes a distinction between a political society and a

natural society with a 'habit of obedience'. In a natural society, people do not respect the value of obedience. By contrast, in a political society, people believe and practice the 'habit of obedience'. Bentham explicates that people develop a habit of obedience in a political society. This obedience may be to an individual or a group of people, who may be governor or other officials. Instead, a society where people communicate with each other but do not obey one or a group of individuals is living in a state of natural society. The key factor that makes a line of demarcation between two states is the habit of obedience (Bentham, 1988, p. 40).

To sum up, Bentham's standpoint of political utility has three strands: first, political utility is an abuse of political power. The abuse of political power causes political disutility. Second, political utility helps decide disputes based on the advantages and disadvantages of the parties. The principle of utility plays a decisive role in settling disputes among parties. Third, political utility is an explanation of the creation of a political society from a natural society on the basis of a habit of obedient.

James Mill's Account of Political Utilitarianism

To defend Bentham's position, James Mill, a significant Scottish political philosopher, applied utilitarian logic to politics. In his influential work, *Essay on Government*, James Mill develops an argument that "The whole science of human nature must be explored, to lay a foundation for the science of Government" (Mill, 1978, P. 55). He suggests a scientific approach to understand the ontology of government. No doubt, juxtaposing human nature with the nature of government is a unique way to theorise political philosophy. The central idea is that the notion of government must be based on the notion of human nature. This scientific approach in modern Western political philosophy goes back to Thomas Hobbes.

Mill argues, "The question with respect to Government is a question about the adaptation of means to an end" (Mill, 1978, p. 55). The terms 'mean' and 'end' refer to the moral theories of the right and the good, respectively. By the theory of the good, Mill means that the "science of government" ought to be based on the "science of human nature". This science of human Nature contains two premises: first,

pleasures and pains govern human actions. Second, it is the happiness of individuals that determines the happiness of society (Mill, 1978, p. 55-56). Thus, Bentham and James Mill converge that happiness is the central criterion of the theory of good squarely applies to people and government.

Bentham's principle of utility and Mill's idea of human nature-based politics suggest determining the structure of a political state. The theory of right holds that how maximum happiness might be achieved. Mill maintains that the government should exercise legitimate power by establishing institutions for the protection of every community member. According to Mill, institutions are imperative to limit power because individuals are driven by their wills, and their wills are controlled by their desires. The limits for desiring wealth and power are unlimited, and the subsequent action of the members for this desire characterised a government as a bad government (Mill, 1978, p. 69). The crucial problem is how to deal with the abuse of power. In the absence of government, the powerful persons from the community would grab the resources from the weak to satiate their desires. The end of establishing a government is to provide security to people. But what if some members of the government behave similarly to the powerful community members, who snatch the resources of the community (Mill, 1978, p. 58)? To delimit the power of members of government, the rule of law is essential.

The right choice that could affect people at large is only possible when a government is impartial. Individuals are self-interested, and the resources are scarce, and each individual desires to acquire them, which might lead to a dispute among them. In this case, the government should manage the resources and should distribute them equally to the community members for the sake of overall utility (happiness) and not let every individual harm other (Mill, 1978, p. 56). In utilitarian language, the sources of pleasures and pains of people are either caused by fellow people or independent of them (Mill, 1978, p. 56). These may be called human-caused problems and nature–caused calamities, such as earthquakes, tsunamis, and tornados. James Mill reckons that the government should consider the people-caused problems to enhance happiness and reduce pain (Mill, 1978, p. 56). According to James Mill, "The union of a certain number of men, to

protect one another. The object, it is plain, can best be attained when a great number of men combine and delegate to a small number the power necessary for protecting them all. This is Government" (Mill, 1978, p. 57). James Mill's account of the genesis of government has striking similarities with Thomas Hobbes' account of government. Yet, Bentham's account of the genesis of government, in terms of political society emerging out of natural society, is neither consistent with Hobbes nor with James Mill.

A political society confronts a certain benign and malign state of affairs. These states of affairs are either created by human beings or by Nature: some people generate a benign state of affairs by promoting the common good, and some people bring about a malign state of affairs by increasing evil. A benign state of affairs results from social justice while a malign state of affairs results from social injustice. Although Nature nurtures its inhabitants, sometimes it regulates its natural phenomena adversely that affect the inhabitants: for instance, in cases of earthquakes, Tsunamis, hurricanes, and others. James Mill considers two concerns of a government: power and abuse of power. The government should exercise power to maintain order in society. Lord Macaulay criticises James Mill's argument. Lord Macaulay holds that James Mill's logic of political utilitarianism is deductive, ahistorical, and abstract (Macaulay, 1978). In contrast, Lord Macaulay's logic of political utilitarianism is inductive and historical because he holds that experience is vital for politics. Instead, James Mill concentrates on theory (Macaulay, 1978). James Mill anticipates what we now call political idealism, while Lord Macaulay anticipates what we call political realism. Political idealism is ahistorical, deductive, and normative, while political realism is inductive, historical, and practical.

In contrast to Bentham's and James Mill's accounts of political utilitarianism, another approach helps increase the welfare of society. The question is how government as a political institution can enhance political utility. One way to address this question is for governments to devise public policies to promote good and reduce evil. I draw my argument on Robert Goodin's and Karl Popper's accounts of (political) utilitarianism and hold that the government should devise two kinds of public policies, positive and negative, to

promote the good and reduce the evil.

Goodin's Account of Political Utilitarianism

Robert E. Goodin, an American-Australian political philosopher, argues that utilitarianism intrinsically is a public philosophy that provides a normative guide to public affairs. He uses the expression 'government house utilitarianism' for this public role rather than the individual role of utilitarianism. In his significant work, *Utilitarianism as a Public Philosophy* (1995), although Goodin demonstrates both the moral and political character of utilitarianism, he primarily focuses on the political role. Utilitarianism as a political theory gives a wide-ranging normative account for the "conduct of public affairs" (Goodin, 1995, p. 4). Goodin credits utilitarianism because it deals with public rather than private conduct (Goodin, 1995, p. 8). So, Goodin is a staunch supporter of the political role of utilitarianism.

The main thesis of Goodin's work, *Utilitarianism as a Public Philosophy,* asserts that utilitarianism should deal with public policy for people at large. What is public policy? Public policy refers to a state's decisions based on available knowledge for the satisfaction of people's needs and wants (Goodin, 1995). Utilitarian public policy is the strategic decision-making phenomenon that concentrates on people's real problems. Does Goodin support act utilitarianism? Undoubtedly, Benthamite Utilitarianism is considered to be act utilitarianism, which deals with human personal interactions. Instead, Goodin's account of political utilitarianism is inconsistent with act utilitarianism while it is consistent with rule utilitarianism. According to Goodin, rules are vital for making public policies that could maximise the good and minimise the bad (Goodin, 1995). Significantly, Goodin's account of 'government house utilitarianism' suggests that states should devise public policies to resolve the crucial challenges of the world; for instance, nuclear disarmament and environmental degradation need collective actions of states at the global level.

Goodin distinguishes between two kinds of utilitarian thinking: First, the classical utilitarians believe in asking while doing an action: "of what use is it to me"? This is an individualistic utilitarian

approach. Instead, Goodin suggests that the true utilitarian mind believes in asking while doing an action: "of what use is it to us"? (Goodin, 1995, p. 11). This utilitarian approach is public. However, contemporary utilitarians do not believe in Bentham's calculus of pain and pleasures or what is generally known as "hedonic" philosophy. Contrary to this, contemporary utilitarians focus on maximizing the satisfaction of people (Goodin, 1995, p. 10). So, Goodin's political utilitarianism strives to deal with the public state of affairs for maximising the satisfaction of people.

One significant element in Goodin's position regarding public policy is that policy makers should consider actual people and their problems and actual and possible calamities, such as floods and storms. According to Goodin, "The crux of the issue is whether we should be concerned only with what is actually there–only with real people, their preferences, their pleasures and pains, their welfare–or whether we should allow maximising to range across all possible people (and their preferences, pleasures/pains, welfare)" (Goodin, 1995, p. 14). The government should be able to control people's prevalent problems for political utility. Political institutions should develop educational, health, and recreational institutions: "Institutions can help us achieve better results than we could hope to achieve through individual actions, even well-intentioned individual actions" (Hardin, 1988, p. 11). Sometimes, social associations will develop such institutions, but Goodin argues that states must build such institutions for the greater good.

To sum up, Goodin's account of utilitarianism contains a political theory that suggests political institutions make public policies. He develops his argument of political utilitarianism on the grounds that the world has actual and possible problems. Philosophical deliberations, mostly, deal with possible problems. Goodin's claim is correct that political institutions should focus on real people and their actual problems while making public policies. By so doing, we can improve our world by minimising the evil in the world.

Popper's Account of Political Utilitarianism

Karl Popper, an Austrian-British philosopher, developed a kind of political utilitarianism called negative utilitarianism. In his

seminal work, *The Open Society and Its Enemies* (1945), Popper argues that the agenda of public policy should be how to minimise avoidable suffering. In contrast, maximising one's happiness should be a matter of the private arena (Popper, 1963, p. 770). Popper's agenda setting for public policy makes a distinction between private and public, subjective and objective state of affairs. He argues that the agenda setting for public policy should be decided to consider public rather than private utility.

Popper holds that agenda-setting for policymaking is the subject matter of politics (Popper, 2008, 118). When a government makes public policies, there are three problems to resolve. First, how can the good in society be promoted? Here 'good' may refer to fundamental human rights, such as the rights to life, freedom, and property, and primary goods, such as education, health, and opportunities to engage in economic activities. Second, governments must determine how to control social evils, such as violence, crime, and fraud in society. Third, governments must determine how to control natural catastrophes like earthquakes, floods, or storms. Popper's account of political utilitarianism holds that the basic agenda of a government is to promote happiness and reduce unhappiness. Thus, Popper argues that the government should eradicate pain rather than increase pleasure.

In *After the Open Society* (2008), Popper reiterates his claim of the agenda of public policy that avoidable suffering should be minimised while happiness is a matter for the private arena (Popper, 2013, p. 503). Popper's account of negative utilitarianism asserts, "misery is a matter for public policy, happiness is not" (Popper, 2008, p. 118). Popper's thesis is correct that the matter of happiness is a private affair. People have different choices and wants. Some may get happiness by reading Plato, others by reading Nietzsche, Tolstoy, or Dostoevsky, some by watching movies, and others by fishing. On the other hand, war, famine, coercion, or pandemic diseases are evils and cause suffering. Like Goodin, Popper supports rule utilitarianism in a distinctive way. Instead, acquiring happiness may be consistent with act utilitarianism because it can cater to people's choices.

One significant aspect of Popper's negative utilitarianism is the distinction between positive and negative values. He differentiates

'positive values', such as happiness, health, wealth, and reverence for one's life, work, and music, from 'negative values', such as pain, injustice, humiliation, exploitation, and starvation. Popper considers positive values to be private values, while negative values are public values. When illustrating his case, Popper imagines a situation where one slips in a public place and fractures one's leg, he claims that everybody at the place has a public duty to aid the victim. In contrast, one does not have a public duty to please one's neighbor with a glass of beer or with something else. Popper did not deny the significance of positive values that people share with their close friends in their private spheres. Public policy regarding positive values should provide people the 'freedom to choose' where nobody should poke their nose into the private affairs of others (Popper, 2008, p. 118-28). Unlike Goodin, Popper focuses only on the negative aspect of utilitarianism the minimises the evil in the world. So, Popper's political utilitarianism is consistent with rule-utilitarianism, which minimises suffering through rules (public policies).

Conclusion

This article defends a thesis that political utilitarianism is a framework that provides a criterion to states or political institutions to devise public policies, laws, or rules that either maximise the good or minimise the evil. I draw on Jeremy Bentham, James Mill, Robert Goodin, and Karl Popper in the article. Political utilitarianism is an outcome of political action or political decision-making. Political utilitarianism has two aspects, positive and negative. The positive aspect of political utilitarianism is that it develops public politics that increase the common good, such as social justice, peace, people's well-being, clean environment. Robert Goodin's argument of political utilitarianism supports the positive aspect of political utilitarianism. The negative aspect of political utilitarianism is that it develops public policies that abolish or at least reduce evil from society, such as violence, poverty, and disease. Popper's argument of negative utilitarianism supports the negative aspect of political utilitarianism.

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