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A Model of Rationality: The Perspective of Utility in Social Policies

Abstract: This paper aims to show that utilitarianism remains the essential way to justify social policies, despite the criticisms received from deontological approaches. Two questions are of interest: one of them concerns the utilitarian roots of social reforms which have led to the improvement of the situation of disadvantaged people; the other concerns the type of answers that can be given in order to maintain the utilitarian position. If we analyse the distinction between utilitarianism of action and utilitarianism of rules, we can understand that there is a kind of cunning of utilitarian reason which makes it possible to achieve maximization of general utility without directly seeking this goal. It would then be possible to extend this view and consider in the same way the unavoidable question of universal rights and obligations (that are concepts from the opposite approach). Thus, we can admit that some non-utilitarian principles of moral action can be inserted into the general logic of the production of happiness, in order to obtain mixed criteria of decision.

Keywords: utility, utilitarianism, social policy, social justice, liberalism, distribution of welfare, deontologism

The social policy analysis seems to be easily accessible to everyone, since it focuses on aspects of social action that are well known in everyday life (poverty, unemployment, abandoned children etc.). Nevertheless, it requires a considerable knowledge since there are different elements that determine social action, and these elements belong to different areas, each with its own logic and its reasons of action, such as politics, economics, social relations, as well as ethics. Social policy decisions are essential for society, but the determination of political system by the need to solve a series of social issues (*cf.* Poede

2002) depends on the actual level of social and economic development. Nevertheless, it depends also, and to a large extent, on the prevailing value system of society. A correct evaluation of the efficiency of social policies must takes into account the harmonization of economic arguments with those of a moral nature, and especially with those that pertain to social justice.

1. From Liberalism to Utilitarianism: Rights to Happiness

There should be a more systematic concern in the field of social policies for the study and understanding of theories of social justice, and especially, for the definition and the justification of distribution schemes. This is because social policies are a much debated subject in democratic societies: there is not just the simple separation between right- and left-wing doctrines, which are found extremely simplified in political ideologies and in government programs, as schemes of taxation and redistribution; there are also different ways to morally justify each course of action. So, one and the same redistribution scheme could be analysed, justified and criticised from different theoretical perspectives, and by using different moral arguments. However, the different modalities of analysis can be subsumed to two main strategies. On the one hand we can derive different cooperation schemes starting from the axiomatic assumption of some principles and giving priority to a certain universal value; either individual freedom or the security of the person, or life's fundamental needs, or a certain balance between them could be privileged here. This approach based on principles leads to the consideration of a list of rights and duties for every person. On the other hand, we can define the cooperation schemes in a more relativist perspective, considering the idea of utility with the correlative concepts of happiness and satisfaction as central, and building action pathways so varied that they have nothing else in common except the validation through consequences.

Nevertheless, not all distribution schemes are feasible in a given society, because the real way of distribution of welfare depends on the correlation between the well-weighed conception of those in power and the values shared by society. For example, in a system in which the libertarian principles are assumed, the supreme value is individual freedom, which implies the right of individuals to freely possess their goods, and the limitation of state rights to intervene on the market mechanisms. In the libertarian vision, this principle must be applied unconditionally, irrespective of the utility terms which would lead, by any

potential state intervention, to an increase in efficiency or general utility. The problem of public intervention in the field of education, health, transport, infrastructure, and green space is not raised, because all these imply taxes that certain citizens pay against their will, which constitutes a violation of freedom and justice. "But there is no social entity with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others uses him and benefits the others." (Nozick 1974, 32-33) At the other extreme, Marxist socialism states the importance of justice expressed through material equality, which can only be achieved through total state control over the market, by restricting individual freedom and abolishing private property. Between these two extreme positions, we can place liberalism and utilitarianism, pointing out that liberalism can admit the criterion of utility (of instrumental rationality), if it has not already accepted the criterion of natural rights: "the teachings of utilitarian philosophy and classical economics have nothing at all to do with the doctrine of natural right. With them the only point that matters is social utility. They recommend popular government, private property, tolerance, and freedom not because they are natural and just, but because they are beneficial" (von Mises 1996, 175). So, the liberalism of John Stuart Mill, which was utilitarian, is different from that of John Locke, which was based on natural rights, and both differ from the liberalism of Adam Smith and Edmund Burke, which was based on the spontaneous order and inspired the libertarianism. Locke is still compatible with libertarian vision, since Libertarians have admitted his conception of pre-political, pre-contractarian state of nature with moral rights and obligations; nevertheless, they do not accept the idea of that Great Society which is generated by social contract. On the other hand, utilitarianism is demonized by some (*old whig style*) Liberals, since its egalitarian vision is considered as being of "continental" inspiration: the utilitarian conception of individualism is not "true" because it is "rationalistic" and "have invented the bogey of the *economic man*" […] by their assumption of a strictly rational behaviour or generally by a false rationalistic psychology" (Hayek 1958, 11). Egalitarian Liberals also rejected utilitarianism, but on the opposite grounds: "indifference concerning the subjects of pleasure and pain makes utilitarian calculations insensitive to questions of distribution and distributive justice." (Häyry 1994, 47: *cf.* Rawls 1971, 26) However, "there are many forms of utilitarianism" and the decision to work with "the strict classical doctrine which receives perhaps its clearest and most

accessible formulation in Sidgwick" (Rawls 1971, 22) is highly contestable, since it is precisely Sidgwick who puts an end to the connection between utilitarianism and universal altruism (Häyry 1994, 53).

However, it is not wrong to include in our ideas about justice certain considerations of efficiency, whatever version of utilitarianism is considered. So, utilitarianism states that a correct redistribution needs to be done so that the general utility of the members of society be maximised, in other words a just distribution should focus on ensuring welfare to the many. Formulated in a simplistic manner, utilitarianism claims that actions and behaviours can be considered just, from a moral point of view, if they produce the greatest happiness to members of society.

> "The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion that they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure... pleasure and, freedom from pain, are the only things desirable as ends... According to the Greatest Happiness Principle,..., the ultimate end, with reference to and for the sake of which all the other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, an as rich as possible in enjoyments, both in terms of quantity and quality." (Mill 2015, 121, 125-26)

So, the purpose it promotes is attaining happiness, which equals welfare and utility. Ancient Epicureanism represents its source of inspiration. According to that ancient moral theory, in their behaviour, all people aim to seek happiness and avoid suffering, wherefrom we can deduce that the fundamental moral value is the pursuit of happiness. Therefore, an action is good or useful if its consequence is obtaining happiness. If ancient and medieval moral theories stated that happiness depends on the existence of divinity and is oriented towards eternal life, in the modern and secular world, utilitarianism considers that all people have the ability to achieve happiness in the sublunary dimension of existence. Happiness or welfare represents a goal that we all pursue both for ourselves and for those we love. A single condition is imposed on us: the pursuit of happiness should be done in an impartial manner by every member of society, because, in calculating satisfaction, nobody can occupy a privileged position; we start from the consideration that all people have the capacity of enjoying and suffering: "the question is not, can they reason? Nor, can they talk? But, can they suffer?" (Bentham 1970, 283)

This is the reason why the actions that satisfy the largest possible number of preferences of the members of society have to be favoured. Contrary to a preconceived idea, classic utilitarianism does not define happiness in an egotistic manner, since the claim that the moral rightness of actions depends on the amount of happiness (or good) that those actions produce is provided by a "link between traditional forms of universal altruism and present-day utilitarianism" (Häyry 1994, 46). In its quality of social being, man not only seeks his own pleasure, but also takes into account the happiness of others. From this point of view, someone's happiness cannot be more important than someone else's happiness, as Bentham's *dictum* says: "everybody to count for one, nobody for more than one" (Mill 2015, 175). The moral standard of utilitarianism is to acquire collective happiness (the greatest happiness for the many). Being founded on the value of the equality of all men, utilitarianism assumes an important social dimension, by the concern of reciprocity, since the happiness of the one who performs an action is no more important than the happiness of the people affected by that action.

In assessing the consequences of an action, utilitarianism also takes into account its effects on future generations, even on animals, considering that the subject of justice is any living being capable of suffering and likely to feel happiness – at least in the sense of absence of suffering. Even if we can approach social policies and their effects on future generations from a non-utilitarian perspective, such as deontologist theories that pretend to "approach the question of the demands of intergenerational justice via the question of the demands of distributive justice among contemporaries" (Barry 1999, 96), we have to take into account that these theories developed only after utilitarianism had an impact on social philosophy of the 19th Century, when it inspired a series of important claims for social and political reforms (see Mill 1988, 91-93, 239-242).

Previously, Kantian deontology was a movement in moral philosophy that looked for answers to serious difficulties encountered by any morals based on the idea of happiness, especially in line with the possibility of universal justification of moral theory. However, this does not mean that deontologist theories inspired by Kant will not encounter difficulties as well, the most important being that of moral paradoxes generated by the conflict between different rules of moral action (see Alexander & Moore 2020, §4 The Weaknesses of Deontological Theories). If deontology solves more easily the problem of finding some universal action principles, utilitarianism will nevertheless remain the main inspiring element of the idea of social action that fights against the

suffering of the most disadvantaged. It should be noted that deontologist critiques have determined a transformation of utilitarianism which began to make use of increasingly refined distinctions such as: quantity vs. quality of pleasures, hedonist satisfaction vs. pleasures of the mind, utility of the action vs. utility of the rule (with the idea of impartiality), principle of utility vs. principle of proportionality.

It remains therefore indisputable that social policies appeared as an expression of utilitarian preoccupations for solving social problems, even if the interests of social classes in England (where the utilitarian paradigm developed) were different in essence: the idea of a general utility made it possible to find a compromise between the position of those who wanted more freedoms and better life conditions and the position of those who wanted to preserve their old privileges, that is to avoid a radical social movement (like the three revolutions in France, that established the three republics of the 19th century). In other words, the basic idea of utilitarianism – an idea that can be fully found in liberal social policies – was to preserve liberalism with the market economy and to improve the situation of disadvantaged social classes. Continental social-democracy will adhere to this programme, and we can say that the great error of Marx and the communists was that of not seeing and not learning from the social transformations that took place before their eyes, in England where liberalism was changing under the pressure of social claims (see Popper 2013, 363); but precisely these transformations and reforms of liberalism were utilitarian in their essence.

Therefore, social policies keep with the liberal reformist vision and consist of the effort to create institutions that anticipate certain needs, to solve some of the social issues and to improve the quality of life, thus performing a sort of maximisation of general utility. The social action of the respective institutions, coordinated by the government, follows two strategies of action that are distinct in terms of moral content and that correspond to the two meanings of happiness according to John Stuart Mill. On one hand, happiness is seen positively, as a presence of pleasure, and on the other hand, it is seen negatively, as an absence of suffering (Mill 2015, 121). It is understood that the measures taken by the government will give priority firstly to actions that are urgent and that have a negative character, of eliminating the causes of suffering, and only afterwards passing onto the creation of some positive conditions for ensuring a decent living in accordance with people's ideas of happiness.

This theory of social action, when it is put into practice, does not contravene the priorities defined by human rights philosophy and by the

list of rights which, after 1948, was provided by international organizations. In theory, utilitarianism and human rights are very different issues; the intellectual source of human rights is not a utilitarian way of thinking, but rather illuminist deontology with the ideas of human dignity and natural rights[1]. But we can assume a certain superiority of utilitarianism in terms of the real action, because, as we said, if deontology with the idea of rights is more appropriate to justify action that *has to (*or *should)* take place, it is not mobilising enough (it is not providing the motivation) for action, in order to ensure a „decent minimum" of care or „an adequate level" of welfare (Baily 1994, 167). We can take as an example the action at the international level: governments act out of utilitarian reasons and want to justify their actions on deontologist grounds. In social policies, things are the same. The government acts out of utility and opportunity-related reasons (because the political competition implies certain realistic grounds), but this requires also a discourse based on rights and obligations in order to set „a higher standard of universality and equality" (Chapman 1994, Preface, ix) and to justify the actions towards those who are likely to be opponents of social policies. What matters for us if the fact that the real source of governmental initiatives regarding public policies is an idea of utility that goes beyond the calculation of a purely economic utility, without necessarily passing to a deontologist language (that cannot be ignored though, since the idea of human rights has become the current paradigm of political thought and no policy can be led today in the absence of preoccupations for legitimacy). Thus, the idea of happiness is fundamental in social protection systems, because the preoccupations for human suffering led to the appearance of social assistance, "from primary forms of human solidarity to modern and innovative forms of providing specialised services. The entire history of social assistance is related to loss, trauma, and suffering" (Buzducea 2010, 41) and the effort to find solutions to eliminate them.

But the relationship between utilitarianism and social policies is much deeper (this was suggested above, but it was not revealed as such).

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[1] Broadly speaking, utilitarianism supported the social reforms without resorting to the notion of natural rights. For classical Utilitarian, law is based on the idea of utility and, therefore, it is only positive law. Jeremy Bentham, who was declared *citoyen d'honneur* of the French republic issued from the 1789 Revolution, became outraged when the 1792 Constitution included as its preamble *the Declaration of the Rights of Man and of the Citizen,* from 1789. "Bentham, the radical, shouted: 'Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense.'" (von Mises 1996, 175)

Because, if utilitarianism is the philosophy of social policies *par excellence*, this does not happen because social policies would be something like a practical application of a given theory, existing for long in the set of ideas and moral concepts of mankind. Of course, before utilitarianism, there was Epicureanism, but not even Bentham's hedonist utilitarianism could be reduced to Epicurus's vision of pleasure. The fundamental idea of utilitarianism is mainly the idea of an extended calculation of pleasure for the largest number of people that is the calculation of far-fetched consequences of social action. So, the idea of social reform is not a simple application of the idea of utility, but it is the reason itself for the existence of utilitarianism. More precisely, the utilitarian philosophy was invented to respond to social and political engagement of utilitarian philosophers. The beginnings of utilitarianism are related to the efforts of these philosophers to find solutions to improve the social situation of disadvantaged classes. Therefore, utilitarianism took the form of radicalism at a certain moment. Looking for efficiency marks the intellectual way of thinking of the respective period, and it represents, in full industrial revolution, a trial to breach of conservative tradition. The hard life of workers at the beginning of industrialisation determined the utilitarian philosophers to try to unite morals and politics, thought and action, with the purpose of improving individual welfare and to enlarge the action space of disadvantaged citizens. In this respect, the actual involvement of Bentham and Mill in politics is significant, both being active in the context of liberalisation of institutions against the background of trade union claims and workers' movements. It is known that Mill militated against slavery, exploitation of children through work, and he proposed laws in favour of compulsory education, women's suffrage and birth control.

Therefore, utilitarian moral thinkers reject the theories of natural law, according to which the laws of universal morals are engraved in human reason. Kant's rationalist deontology is the extreme version of this vision, because it justifies not only rights and obligations, but also the idea of moral good, by appealing to the notion of an original human nature supposed to be insensitive to happiness. Bentham and the followers of the principle of happiness were inspired by David Hume, a philosopher of the Enlightenment, but also a sceptic, according to whom the definition of good has to be based on experience, that is on utility, habit and tradition. Any attempt to reach a definition of the "absolute good" is dangerous, as it ignores or even denies individual freedoms. For Hume, the universality of morals does not reside in a moral law

applicable to everyone, under all circumstances, but in the pursuit of happiness which is characteristic of every human being. The moral value derives from the utility of the action, namely from the positive consequences drawn from that action. This means we do not evaluate the action in itself, nor its intention, but its result at a certain time. However, Hume's idea of utility is limited by his scepticism which could not recommend the calculation of utility for a greater number of people; so that Hume's political ideas are (like those of his friend, Adam Smith) in line with the conservative liberalism and can be placed under the category of universal altruism (*cf.* Häyry 1994, 12-20). Utilitarians, on the other hand, through the idea of a *positive* calculation of utility, will define politics in the sense of state intervention in people's lives. Like any charitable action, an interventionist policy is always moral as long as it improves the lives of those in need, regardless of the motivation that determined the action. The assessment of the consequences could be erroneous though, as the proponents of non-interventionist policy have already shown.

Therefore, a continuous assessment of the consequences of an action is necessary, and this supposes that each time, it should be checked whether an action or a policy produces or not the expected good. But the expected good could be long term, and it could be more difficult or even impossible to calculate, or it could happen that the doing of an immediate good produces, in the long run, more unhappiness than that found in the present state. This happens not infrequently with social policies. Intended to solve social issues, they bring immediate advantages to disadvantaged groups, thus contributing to an increase in their welfare. The problem occurs when they come to create dependence, which means a budgetary imbalance in the long run, policies less generous and finally, maintaining or even worsening of social issues.

2. From Utilitarianism to Liberalism: Mixed Criteria of Decision

In fact, this is also the main critique against social policies. They aim to provide welfare for everybody, but if their focus is on passive programmes, they can transform able-bodied individuals into demotivated and dependent people, thus contributing in the long run not to maximising, but to minimising general welfare. The question is whether we can in good conscience renounce those programs which provide for urgent needs, which, *as programs*, could not be designed in the absence of the basic utilitarian component. We can say that these programs aim to

ensure basic rights, but in reality, these rights are only the expression of the concern to eliminate suffering. Every human person has the fundamental "right" not to suffer, which is only the negative expression of the natural tendency towards happiness. But since we can eliminate suffering only by action and since this action is not universal action – not with regard to economic and social rights – we must make choices, and these choices must be effective and concern as many people as possible. Deontologist ideas referring to this topic fail to understand poverty as in-process phaenomenon, namely the fact that poverty is not only *a state* for which only the poor are guilty, but also the continuous result of an *impoverishment process.* And in order to fight this process, *a strategic* way of thinking is necessary, for which deontologist approaches are not ready, because of their way of defining the problem. Thus, they come to support, based on some ideas and noble moral principles, either some unrealistic naïve policies (in the tradition of liberal utopianism), or the absence of any policy (in the tradition of libertarian anarchism).

With the risk of making a wrong calculation (but is there a policy or human action without risk?), utilitarianism claims the assessment of the total sum of benefits and disadvantages that ensue from an action or policy. In such situations "the maximum (moral) Good […] is the maximum amount of advantage for a maximum number of persons." (Iliescu 2007, 51) Actually, this is a demand regarding social policies. A criterion for applying the maximum good is the Pareto optimum: "a solution is Pareto-optimal when no improvement can be made for one of the parts without getting worse for the other part" (Iliescu 2007, 52), in other words, when the maximum advantage is reached for everyone and there is no other situation that could be superior for all participants at the same time. Therefore, actions are not good or bad in themselves; according to the idea of justice which consists in understanding the rights and obligations in relation to positive law, utilitarianism claims that anyone who condemns a certain action should prove that this action harms another person. And an agent's behaviour is praiseworthy from the moral point of view if it is to the benefit of the others: undoubtedly, the answer to the question who are those "others" is one of the limits of utilitarianism, to the extent in which "the others" do not constitute a homogeneous category, and their interests are often contradictory and change all the time. Often, the solution to this problem is the decision by majority rule, with the amendment that minorities must be protected. Utilitarianism itself is at the root of the idea that the majority rule cannot be applied without discernment.

The fact that deontologists see in the universal conditions of action a limit of this action, through a set of rules that have to be followed irrespective of the consequences, is not at all an advantage in terms of positive action. Expressing the problem in the terms of the utilitarian theory, one could say that these rules which are derived from abstract principles – and noble, undoubtedly – can constitute neither the motivation for action, nor the universal-pragmatic criterion – available to anyone who has the feeling and the judgement – in order to assess the rules themselves. In other words, the evaluation of the action and of the rules of action requires, especially when it comes to political action, some criteria that should be immanent and accessible to anyone. The paradox of deontologism consists of the fact that, on one hand, the rules of the action are to be found in the reason of each individual, but, on the other hand, concrete moral judgement always needs a Plato or a Moses to remind men to seek the rules of action either in their own conscience or in the written codes. And what they will find in there or out there will not be what one *ought to do*, but rather what one *ought not to do*, and this constitutes a way much more harmful to generate passivity and abstention from action. The man of deontological ethics could compliment himself that he is moral without ever taking action and he could prove that the immoral ones are those who, instead of contemplating the beauty of principles, have taken risks in order to put an end to the suffering of their neighbours. Therefore, moral rules have to be tested taking into account their power to produce happiness as a result, at least in the sense of eliminating suffering for as many people as possible.

But the utilitarian calculation implies a decision-making process in which action is not anything else but the best strategy to reach a certain objective. Nonetheless, this is not without difficulties. First, it is difficult to predict which action provides happiness to individuals in an objective manner; in other words, it's hard to say whether an objective expression can be found for subjective satisfactions of individuals. Second, certain consequences of actions can be unpredictable, as we mentioned above. Third, the calculation of utility can be a laborious method when we judge everyday moral issues. Fourth, it is difficult to apply the utilitarian principle of equality in everyday life, because we naturally have the tendency to favour those who are close to us, and the quantification of pleasures is difficult to achieve. At the same time, we must not lose sight of the fact that resources available for satisfying preferences are limited and furthermore, preferences can enter into conflict with one another. To the question "which are the preferences that have to be satisfied with

priority?" the answer can be but one: those that satisfy the greatest possible number of preferences. Therefore, the preferences of certain persons will not be satisfied if their interest is in contradiction with the global maximisation of utility.

A serious issue of utilitarianism, seized upon especially by John Rawls, is that the principle of utility is not sufficient in order to justify the constant and consistent adhesion to this principle. It is clear why one usually acts under the incentive of utility, in individual action, but it is not clear why one should observe the principles of utilitarian ethics any longer when his personal utility has been compromised by applying utility to collective, social, and organisational action. Some critics of public policies showed that, when an individual does not clearly see his interest, or when he sees it compromised, he tends to adopt a *free-rider* strategy so that "a collective good will not be provided unless there is coercion" (*cf.* Olson 1967, 44). The entrepreneur could lose his initiative if the state imposes him income taxes from which he does not benefit or he benefits insignificantly compared to social assistance consumers. Moreover, this problem constitutes the subject of a debate that started along with the welfare state crisis and continues to concern liberal governments. In order to find a solution to this problem, we should probably admit mixed criteria in the design and assessment of public policies. After all, the problem of these policies can be seen from a systemic perspective in which any benefit has costs and produces reverse effects on the whole: on the one hand, the individual orients himself and acts according to his interest and calculation of direct utility, but on the other hand the calculation of social utility and the maximisation of general happiness act retroactively on the individual choices. In order to avoid this problem, good actions that maximise utility should be carried out following the consideration by the individual of certain non-utilitarian principles or rules whose role would be precisely that of setting in motion utilitarian rationality. Then, we could speak of indirect utilitarianism in the decision-making process.

According to Will Kymlicka (2002, 22-23), we can approach this issue from two perspectives, that of special relationships and that of illegitimate preferences. Special relationships are related to the idea of equality that utilitarianism supports. Utilitarian actors, who establish their action strategies depending on the calculation of utility, rely on the hypothesis that all persons have the same moral status. This excludes the possibility of offering privileges to certain moral relationships (with family, friends, and creditors) and of considering them more important

than any others. But this type of special relationships exists in reality, and the obligations they generate are certain: "Our intuition tells us that there are such special obligations and that they should be fulfilled even if those to whom I am not especially obligated would benefit more" (Kymlicka 2002, 22). Thus, keeping a promise has a very high value and is even a moral duty. Not keeping a promise is morally reprehensible, because it leads to resentment. Our moral sense tells us that promise creates an obligation between two persons, and the observance of that obligation leads to the maximisation of general utility.

The second aspect characterises utilitarianism in its quality of the decision-making procedure. The perspective of illegitimate preferences not aim at the requirement to give the same importance to individuals, but the requirement to give the same importance to each source of utility (to each preference) and to satisfy those preferences that represent the choice of the many. Paradoxically, if in this matter we would follow utilitarian principle to the letter, we could arrive at situations in which global utility decreases, even if the preferences of the majority are satisfied. "Utilitarianism's commitment to aggregation creates problems for thinking well about marginalized or deprived people, for whom some of the opportunities that Utilitarianism puts at risk may have an especially urgent importance." (Nussbaum 2006, 73) Precisely for this reason, it is necessary to assess rigorously all possible consequences of an action, and this evaluation has to take into account short, medium, and long term consequences. For example, an ethnic majority may not want to allow children belonging to an ethnic minority access to a particular educational establishment. In the short run, general utility seems to be maximised if the wish of the majority is observed. But in the medium and long term, respecting the will of the majority leads to a decrease in general utility, because once the rule of discrimination has been allowed, it will be applied many times and extended to other aspects of social life. If we make decisions with the sole purpose of satisfying the preferences of the majority, we will always be able to justify discrimination against unpopular minorities. In this case, Rawls's anti-utilitarian position is perfectly justified, as Kymlicka points out: although "the preferences of the many are irrational and can be justified from the point of view of individual utility", our moral intuition tells us that these preferences "are unjust and should not be considered" (Kymlicka, 2002, 28-29). Therefore, we should not deprive minority groups of resources when the majority want it so, since the utility obtained by the majority would be, in these conditions, devoid of any moral value, regardless of its size. An utilitarian

redistribution can be performed only if it follows the principle of maximising utility, but depriving our minority peers of legitimate resources has as a result a decrease in general utility in the long run.

If one considers life in society only as pursuit of direct utility, one will come to the conclusion that cooperation between men is very difficult. However, the distribution of rights and duties often shows the opposite, since people assume duties and recognize rights which are difficult to express in terms of direct utility. On the other hand, these rights and duties are not natural, since they are derived from and dependent on specific historical conditions which are neither universal nor original. Actually, individuals and organisations are subject to a series of general rules whose source is still the idea of utility, but this is an abstract utility which is derived from the initial idea of happiness and transposed into practice under the form of moral correctness. Doing what is correct in relation to the rules of action is certainly just, because it is right, and it is right because it is still useful; this *other* form of utility constitutes the condition of possibility for the shared existence of people and for the realization of any direct utility. It is useful to have rules, even if it is difficult (if not impossible) to assign some form of individual happiness for an existence regulated by duties and sanctions!

Therefore, if utilitarianism of action seeks the maximisation of strictly individual utility, the ''rule utilitarianism'' envisages the set of rules that make possible the maximisation of social utility and constitute the general condition for individual utility. If we consider the decision-making process from the perspective of rule utilitarianism, we can say that, related to illegitimate preferences, the harm involved in any discrimination against a minority group consists in the fear that may arise in society because of the presumed existence of a discrimination rule. Related to privileged relationships, we must consider that the general institution of promise can be affected by the "strong ties" since, by failing to fulfil (because of them) an obligation assumed through promise, the "strength of weak ties" (Granovetter 1973, 1360) will be further weakened. The appearance of resentment will affect the availability of people to give help when needed, and this means a decrease in general utility. So, we have to take into account the specific obligations, and certain illegitimate preferences have to be eliminated in order to increase general utility.

If we were to define a limit of the utilitarian vision in the field of social policies, this regards the decision procedures; beyond maximizing utility, those who make decisions must take into account the harm experienced by victims of discrimination or by those whose expectations

have been deceived. This means that certain moral demands are a priority relating to the maximisation of utility, even if they are not usually perceived as means to that maximisation. Therefore, we have to give absolute priority to duties and rights, so that they are perceived as inviolable. To a large extent, the rule utilitarianism covers this demand in practice, but it does not cover it in principle. And precisely here is the problem: it is not sufficient that certain values are put into practice, in everyday life – a benevolent slavery or an enlightened tyranny could do this very well; it is required that they should be guaranteed in principle. More precisely, *it is needed* (so it is useful) that not only the rights of a person are guaranteed through general rules, but also that general rules are themselves guaranteed; but to be sure that the positive rules which guarantee the positive rights will not be changed according to the utility feelings of the majority, there must be something beyond utility, such as some unchanging moral principles.

This leads us to saying that our moral reasoning cannot be of pure utilitarian nature. This does not mean that the utilitarian considerations are not valid; it only means that they are not sufficient. The fact that they are not sufficient does not mean they are false and that we must turn to the opposing principles (nor could those principles alone form the basis of an ethic of social policies). Some critics have pointed out that „skepticism about rights flows from a consequentialist moral outlook. On such a view, there are moral truths, but no moral rights: all true moral claims are claims about what leads to the best consequences." (Scanlon 2006, 69) But the problem of skepticism has more to do with some abstract considerations related to the meta-ethical justification of obligations, and less to the practical aspects related to the social recognition of rights. The rule of reciprocity works very well without meta-ethics: it is not for the reason that universal rights were well justified in theory, that the societies recognized them. Scanlon himself has previously admitted that it is possible to give a consequential interpretation to the issue of rights (Scanlon 2006, 71; it is true that more recently it seems to him a mistake). When we look at practical ethical issues, it counts too little if there is an ethics system whose meta-ethical grounds are pure and firm. The purity of axioms and the systematic character of ethical theories are not at all within the competence of practical policy, which is of *impure reason*. It would be sufficient if it would be based on a healthy morality and if it would be able to understand the limits of that morality. It would then understand its own limitations and it would be more apt to assume, while seeking utility, the obligation to take into account a certain number of

rules and principles that go beyond the simple maximization of happiness and lead to some considerations of impartiality and fairness.

Therefore, the reason why the decision-making process in social policies has to include some non-utilitarian grounds is that this might be the best way to maximise utility in the long run. This "cunning of [utilitarian] reason" (*cf.* Tucker 1956, 269) is an extension of what Henry Sidgwick called once *the fundamental paradox of Hedonism*:

> „It is not only that the exercise of our faculties is insufficiently stimulated by the mere desire of the pleasure attending it, and requires the presence of other more objective, 'extra-regarding,' impulses, in order to be fully developed: we may go further and say that these other impulses must be temporarily predominant and absorbing, if the exercise and its attendant gratification are to attain their full scope." (Sidgwick 1962, 49)

Therefore, utilitarianism does not offer a set of rules to be followed, but only a criterion in order to distinguish moral actions from immoral ones; it is not based on a mechanics of decision-making process, but only on a *standard of rightness*. "What defines utilitarianism is the claim that the right act is the one that maximises utility, not the claim that we should deliberately seek to maximise utility." (Kymlicka 2002, 30)

This consideration clearly delimits the utilitarian moral theory from the caricature called *homo economicus*, in which the balance between the grounds for justice (moral correctness) and those for efficiency was lost. Precisely this balance permitted the parallel development of economic liberalism and political liberalism; we can say that political liberalism became hostile towards utilitarianism (see John Rawls, but also F. A. Hayek) precisely when this balance was broken: in the place of the owner who calculates his interests (that of Adam Smith and John Locke) has come to settle the phantom of the maximizer of utility, *homo economicus.* However, if we refer to utilitarianism as a type of social mentality (in the "protestant ethics" category), we have to recognise that democratic societies are deeply indebted to utilitarianism. The first contribution that we have to remind is the notion of equal consideration of the interests of all individuals. Undoubtedly, the idea regarding moral equality of the individuals is old, but it was relaunched in modernity by Thomas Hobbes under the form of equality "in the faculties of the body, and mind. […] From this equality of ability, ariseth equality of hope in the attaining of our ends." (Hobbes 1996, 82) Utilitarian philosophers extended the considerations of equality, from formal

equality of psychological faculties to equality in dignity of individual interests. As defined already by liberalism, the interests of individuals have to be *respected,* as they are connected to the existence of each individual and to the idea of property: "every man has a property in his own person [...]. The labour of his body and the work of his hands, we may say, are properly his." (Locke 1980, 19) But the utilitarian thinkers have drawn from here the consequence of the universal vote, thinking that the principle "one man, one vote" represents a materialisation of the principle of equality of interests (and of hope in attaining goals). In this respect we must say that the contested "plural voting scheme" of John Stuart Mill must be interpreted as a strategy to make effective the idea that everyone should vote at a time when not everyone was voting (Mill 1988, 84-85; *cf.* Latimer 2015).

Second, the maximisation of general welfare has become a criterion in the evaluation of governmental policies. Today, policies are assessed depending on the social progress that they determine. For instance, the reduction of budgets for the services that are considered essential to the welfare of citizens is criticised everywhere over the world, and this critique is based on a utilitarian perspective. Although the utilitarian ideas can be found especially in ideologies of the liberal type (as liberalism was based from the very beginning on the idea of the calculation of utility), they are found today equally in social-democratic theories, especially in the preoccupations of these theories to ensure general welfare of all citizens, by developing social policies and services.

3. Conclusion

The question that arises concerns the consequences of social policies on the citizens who do not belong to the vulnerable groups. If we consider the fact that social programmes are financed to a large extent from the taxation of property and work, we should wonder if maximizing the usefulness of those in need does not mean minimizing the welfare of taxpayers. One of the critiques of the social policy refers precisely to this, considering that an injustice towards those who bring revenues is done, because they support a system that transforms able-bodied individuals into demotivated persons, dependent on social programmes and services. More than that, some assistance policies and programmes, instead of reducing the magnitude of some negative phenomena in society contribute to their amplification, such as the policies for fighting poverty. Over time, these do nothing else but lead to an increase in budgetary deficits, contributing to spreading poverty rather than to reducing it.

Undoubtedly, these critiques are legitimate and a solution to the problem has to be found; nonetheless, this solution can be but one of practical policy, that is decision-related. But we have to take into account that beyond the aspects of legitimacy in theory, the present society cannot practice social Darwinism; ultraliberal ideas could generate efficiency, *maybe,* if they were applied everywhere, but they cannot generate social cohesion. Nonetheless, no society can function without cohesion and without a relaxed social climate. In conclusion, we do not have to see in social policy a public activity that consumes funds and human resources, but an essential tool of balanced economic development in which the desired social effects and even the negative ones can be predicted on the grounds of "welfarist consequentialism." (Sen and Williams 1982, 4)

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