

Utilitarianism with a Human Face

Bernward Gesang

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1. Utilitarianism: An Inhumane Calculus?

Utilitarians are said to sacrifice the interests of individuals for a greater collective good, to threaten human rights and scorn justice. Utilitarianism is a monistic ethical theory with just one ultimate value, the maximization of happiness. Such monism is criticized for having absurd and inhumane moral consequences. Many people do not deny that happiness is important, but most people do not believe that happiness is the only thing that matters. This criticism is plausible. Utilitarianism starts with basic intuitions that are widely accepted, but it ends up absolutist, which leads to conflicts. In one respect, such conflicts are welcome to a utilitarian who seeks to oppose accepted conservative intuitions with the voice of reason. However, many utilitarians take confrontation too far. There are already resources available for a more humane utilitarianism that are worthy of development.¹ They might help to temper the provocations of some utilitarians and to bring us closer to common sense. We need a greater correspondence between utilitarianism and common sense to gain a more humane utilitarianism. Ethics cannot be radically revolutionary.² The so-called revolutionists emphasize that ethics is normative and that it cannot be its task to affirm the existing egoistic ethos. The so-called conservatives argue that revolutionary ethics will never be realized because only philosophers understand and believe in it. We seek to steer a middle course between pure conservatism and revisionism that is compatible with the fundamental concept of utilitarianism that means justified by a gain of utility. It is too easy to disregard this centerpiece of utilitarianism and just

to add some arbitrary modifications, justified by conventional morality.

As a starting point, every utilitarian bases his decisions on the interests or happiness of everyone affected, in a neutral balancing of happiness. For a more humane utilitarian, it is worth considering that, e.g., people who demonstrate against abortion are also affected by the abortion debate. Their vital interests are touched by abortion or infanticide rules. Some of them even make it their aim in life to campaign against such rules, but many utilitarians forget their so-called external preferences while balancing happiness. There are arguments for an integration of external preferences in utilitarianism. This makes utilitarianism humane because humaneness is in part definable in terms of its relation to the enlightened moral convictions of the majority of people. The convictions create external preferences and the preferences reflect the current concept of humaneness in a society. As a result, the external preferences of the majority of people and humaneness are linked and utilitarianism and the moral convictions of the majority are also coupled. Therefore, utilitarianism cannot be a revolutionary ethics in the sense defined above because the majority convictions about morals have influence on the utilitarian calculus.

2. Criticism on the Use of External Preferences: Formal Arguments by Dworkin and Harsanyi

Criticisms have been raised against this idea that are worthy of consideration. In this section, formal arguments by Ronald Dworkin and John Harsanyi are discussed. Dworkin seeks to show that utilitarianism is a failure because it has to include external preferences that lead to absurd consequences. But the consequences are not given. Dworkin's criticism is based on the distinction between internal, or as he calls them personal, and external preferences.³ This distinction is made clearly by Christoph Fehige and Ulla Wessels:

External preferences, i.e., preferences whose content entails the existence or non-existence, or the satisfaction or frustration, of other people's preferences . . . can be moral, benevolent, altruistic preferences, or immoral, malevolent, anti-social . . . preferences or mixtures of these.⁴

We can distinguish preferences that refer only to the personal wealth of an individual and preferences that are related to other people as well. The type of relationship is probably not only causal because many private preference realizations have causal effects on others, perhaps unintentionally. Instead, it must be based on intending the well-being or harming of others. Unless this was the case, nearly all preferences would be external. Harsanyi takes up Dworkin's distinction and illustrates it as follows:

Thus my personal interests include my economic assets, . . . the benefit of being alive, . . . my health, . . . my friendships, etc. I have no 'personal interest' in my neighbour's joining a particular church, even if I would strongly prefer his doing so – unless his doing so would yield my prestige . . . or would provide other personal benefits for me.⁵

Dworkin and Harsanyi try to show that a utilitarian is in trouble when he includes external preferences in his measurement of utility, and they think he cannot avoid this. The main justification given by Dworkin and Harsanyi for the accusation of external preferences is the injury of the impartiality postulate. Harsanyi and Dworkin regard the inclusion of external preferences as an injury of the principle of equality, which says that everyone counts as one, no one for more than one. Dworkin explains himself, using the example of a swimming pool, the construction of which was supported by many nonswimmers out of sympathy:

If the altruistic preferences are counted, the result will be a form of double counting: Each swimmer will have the benefit not only of his own preference, but also of the preference of someone else who takes pleasure in his

success.⁶

Harsanyi agrees with him. Are they right? We should distinguish a formal and a material point. An injury of the formal impartiality postulate exists when specific individuals count extra. In this formal sense, the impartiality postulate is not injured by the counting of external preferences. An individual does not count for more just because he is the particular individual he is.

In Dworkin's example, all swimmers could profit from external preferences, and the same holds true in every relevantly similar situation. People affected by certain external preferences are considered twice in a way and counted twice because of these preferences. That does not change the fact that we can claim in a clear and understandable sense that everyone counts the same. The preferences of minorities affected by so-called prejudices are not disregarded. They are considered as before and then weighted according to their intensity. Also, the external preferences of members of these minorities are considered, so there is no procedural unfairness. No one is counted twice because the internal preferences of Arthur and the supporting external preferences of Jane and Jill are still preferences of different people, each of which still counts as one. The interests of Arthur, Jane, and Jill are different, each is an individual interest with similar content, and every interest counts as one, whose weight is only adjusted according to its intensity.

In any case, the core of Dworkin's objection is not directed at formal impartiality but at material egalitarianism.⁷ Dworkin speaks explicitly of an unfairness that arises through the unavoidable consideration of external preferences in utilitarianism.⁸ Material fairness, the lack of which Dworkin actually criticizes, only takes place in utilitarianism when we include the external preferences. Additionally, we can turn the reproach of injuring the equality postulate against Dworkin. If we consider external preferences to be independent preferences, then we do not treat every interest the same way if

the external preferences are abandoned.⁹ All classical utilitarians went about their calculations in the same way, considering all interests equal, and that seems to be reasonable for every ethics based on interests. Exceptions from this principle of equal consideration have not been well justified until now. It goes against the logic of utilitarianism to acknowledge bad preferences or unauthorized welfare, which are only bad and unauthorized in the light of commonsense morality.

3. Criticism on the Use of External Preferences: They are Irrational

A utilitarian therefore has to include in his calculations the interests of parties who are not directly affected. He cannot simply discard them as irrational. But this seems to be the standard reaction of many utilitarians. According to them, most external preferences are irrational because they are motivated, e.g., by religion or metaphysics. This allows them to be rejected. Rationality standards could be used as a filter with which we could exclude certain preferences as irrelevant. It may sometimes be correct to label external preferences as irrational in a special sense, but this does not mean that they should not be considered. In order to understand this, we must clarify the definition of rational interests.

A utilitarian can insist on the rationality of interests, but only in a narrow internal sense. Justifiably, nearly all utilitarians start from the idea that in the ideal case only enlightened preferences should be counted.¹⁰ This means that, in the ideal case, preferences are tested. In the test procedure developed by Richard Brandt, it is relevant, e.g., whether the different preferences of a person are consistent with one another and whether they are based on correct factual assumptions.¹¹ According to this procedure, one of Jim's preferences is internally irrational precisely when Jim would not have this preference under ideal conditions of information. This measure of rationality is internal and

not related to rationality in the light of modern science, since Jim himself is the authority who decides the rationality of his preferences. A preference is internally rational if Jim still holds it after Brandt's test, where Jim has received all the relevant information. This is independent from the question of whether Jim's preference is rational according to the external rationality standards of scientists. Jim is not in any way dominated by external standards. Instead, Brandt's test simply guarantees that the factual preferences of Jim are not based on carelessness, a mood, or a mistake. It should not be assumed that all factual wishes of Jim can be disregarded or that the only relevant wishes are those that Jim would have in an ideal, perhaps unachievable, informational situation. However, it is reasonable to give more weight to wishes for which there are fewer indications that they would be rejected by the desiring individual himself after Brandt's test.

This is the reason why a desiring individual should accept a rationality filter for his preferences at all. Internal rationality affects the interests of every actor, since otherwise he would often not reach his goals. No actor prefers that. Consequently, Brandt's test should be part of the internal rationality measure of every actor, since we would not be able to get anywhere without a minimum of information and consistency. The lower the internal rationality level, the higher the later tendency for frustration. That is why every actor has at least a latent preference for internal rationality. A utilitarian can use such as preference to legitimize the application of the internal rationality measure. In contrast, external irrationality need not lead to frustration. People with mythical conceptions of the world can be happy. They have false convictions, according to our common scientific external rationality standards, since they incorrectly explain facts about the world they live in. However, the lack of external rationality need not result in frustration. In the sense of internal rationality, enlightened wishes have a higher non-frustration potential for

their possessor than does unenlightened wishes. In exceptional circumstances, somebody can be very happy with illusions and even happier if he were to have enlightened wishes. In any case, for a decision maker in a case of conflicting interests, who has to weight wishes of differing enlightenment levels, there is something to be said for weighting enlightened wishes more heavily. A utilitarian seeks to maximize happiness and avoids producing frustration. Internal rationality is a question of degree, since our information is never perfect. We may ask how much internal enlightenment is necessary in order to give full weight to a wish. There are no clear general criteria for this, but a decision about this is not completely arbitrary. With the justified internal rationality postulate, a utilitarian only seeks to guarantee that the information about preferences available before his decision is really a hint to the later satisfaction of the person who holds the preferences. Consequently, someone with such preferences must have as much information as necessary to avoid future frustrations. In concrete decision-making situations, it can often be assessed whether or not this is the case. This relevance standard can be useful when analyzing some examples, as we will see later. An external rationality standard is introduced by many utilitarians when they view the interests of anti-abortionists as irrational. Whether interests are based on false religious grounds or other convictions is a question of external rationality and is therefore irrelevant for a utilitarian. A utilitarian might be able to convince individual people by using external rationality standards. He should even try to do so, especially as some external rationality deficits can lead to frustrations in the long run. However, as long as his external standards do not become internal standards of the affected party, they remain irrelevant.

4. Criticism on the Use of External Preferences

To regard external preferences might lead to new problems with respect to

morality and humanity. It may be, e.g., that a large number of people reject foreign people. We may wonder if we have to allow for anti-liberal intolerance because it is based on external preferences that are admissible, and we may ask if external preferences that are bad in terms of the common-sense morality are to be counted. Peter Vallentyne, e.g., thinks that every welfarist ethics has to include a “welfare authorization standard” that allows for “discounting” of suspect external preferences.¹² Here, a utilitarian has to clear away fears. We can respond to an opponent of foreigners using different tools, which characterize the position of humane utilitarianism.

First, we can regard rationality deficits. We could doubt whether somebody who seeks to limit the number of his foreign neighbors just because they are foreigners is really internally rational. Perhaps he does not realize what this would mean for foreigners or he has displaced the consequences. Perhaps he would regret his decision sometime in future, when he gets to know a foreigner and his perspective changes. If considerable doubts arise as to whether or not the opponent of foreigners has thoroughly concerned himself with the consequences, we can either make him do this. Alternatively, we might not count his preference at all, or only in a limited way, in accordance with its enlightenment level. We can, furthermore, question the internal rationality of some interests of citizens within states that do not have freedom of the press and that have an education system based on indoctrination.

For example, if a survey were taken in which the majority of the Cubans people were against personal autonomy and freedom of speech as a component of a good life, this decision could perhaps be set aside on the basis of suspected internal irrationality. If people are indoctrinated by their education and are subject to a media that is not free, then it must be doubted whether the convictions that they have developed are mainly internally enlightened. The majority of the Cubans perhaps have not put their minds to the formation of

their own opinions, since they do not reflect the mechanisms of a totalitarian education system. In addition, the majority of Cubans perhaps do not know all the relevant facts about leading an autonomous life. They are not extensively informed either by their education system or by the media, and therefore they are not in a position to compare lifestyles. Pluralism and freedom of speech could be necessary conditions for the existence of internally rational preferences, since the preference holder lacks highly relevant information without them. This standard is only founded in internal rationality. It is not supposed to fall into moral absolutism, which requires everyone to follow infallible universal reason that has the authority to correct the preferences of those who are not yet fully enlightened. The welfare of the Cubans is concerned, if they behave not internally rational, as it was argued.

But we must ask ourselves, if the comparison of lifestyles counts as relevant information for the Cubans in this example. We can test the relevance standard from the last section. The suppression of knowledge about liberal ways of life is not possible on a long-term basis in an informed age. In the foreseeable future, the Cubans could receive information about autonomous ways of life. The preferences they had against autonomy might then reveal themselves as suboptimal, resulting in frustration. This shows that the opportunity to compare information with other cultures is relevant for the Cubans, since it enhances their internal rationality. States or cultures that do not guarantee conditions of plurality and freedom of speech cannot be held up to argue against a consensus of enlightened cultures about the relevance of autonomy and the human rights connected with it. We could demonstrate this to the Cubans people using their own value standards, since they also accept the value of internal rationality as a general condition of successful actions. These arguments help a utilitarian in the problematic area of human rights and justice, and they offer a reply to the objection that utilitarianism is unable to protect

minorities against anti-liberal preferences.

After regarding rationality deficits, we can next look at preference education, change, and substitution to cope with the opponents of foreigners. A utilitarian should sometimes work toward the construction of an ideal preference situation.¹³ He looks for maximal utility values. When a minority is sacrificed for the majority, there are many people who might profit from this and some who suffer violently. It is worth striving for an ideal preference situation in which all would prosper because nobody has an interest in sacrificing the minority. The utility would be greater here, in any case, than if we have to override highly intense interests of minorities. Because of this, there is always an incentive to strive for the realization of an ideal preference situation without victims. It does not matter which arrangements promise to increase utility. As long as there are victims in the arrangements, they can be improved by sparing them. Victims suffer, and suffering always lowers the level of happiness.

There are many ways a utilitarian might further ideal preference situations. He might not let really bad preferences arise, or he can bring good preferences into existence. That is called preference education. He can change existing preferences what we call preference change, or he can offer holders of preferences a substitution for the fulfilment of their preference, the so-called preference substitution.

Here is an example of preference education. Overall satisfaction would be larger if there were no preferences against foreigners because the preferences had been prevented from arising at the development stage. There would be no reason to restrict the number of foreigners in the neighborhood of our opponent, and no one would suffer.

Here is an example of preference change. The Romans enjoyed attending games in which gladiators were killed. If the Romans were content with chariot

aces, they would have the same, or at least only a little less, satisfaction. The amount of satisfaction for gladiators, however, would be considerably higher, so the overall level of satisfaction would rise. We could achieve this by offering only chariot races and hoping that the Romans get used to it and dispense with their old bloodthirsty preferences.

Here is an example of preference substitution. Let us suppose that the bad preferences of the Romans remain unchanged but that we offer a substitute to them which they prefer as much as the satisfaction of the bad preferences. This substitute, a new toga every year, will make them just as happy as the games would have. Then we only have to compare the costs of the substitute and the utility for the gladiators. The substitute is not allowed to be too expensive. Preference substitution is a borderline case of preference change. Since “preference change” is the established term, it will be used as a general term that also covers substitution and development.

A utilitarian can criticize every restriction of liberty or distraction from human rights as ethically imperfect, as there are victims. But endeavors to change preferences have factual limits. For anthropological reasons, preferences are not randomly changeable or capable of substitution, and the costs of substitutes are sometimes too high. Nevertheless, there is often a strong incentive to take pains to achieve a preference change. Generally, sacrifice of minorities brings sorrow into the world. Therefore, in a utilitarian-guided education, we would fight against such preferences. Here utilitarianism and common sense meet.

If we change preferences, we do not injure the autonomy of people whose preferences will be changed. Recall the example of the gladiator games. A utilitarian Caesar only imposes restrictions on freedom to act if he allows only chariot races in Rome. He has no direct control of the preferences of the Romans. Their preferences would hopefully become newly conditioned

on their own. The development of new preferences remains an autonomous process. There are incentives for new preferences, e.g., the offer of chariot racing, but whether an individual adopts such preferences remains for him an autonomous decision. His thoughts and feelings are still free.

Every preference change has associated costs and underlying empirical obstacles. This is why attempts to change existing preferences should only be taken into consideration if the existing preferences would be very damaging for some affected parties. In such cases, attempts are not only desirable but necessary.

5. Two Further Instruments of Humane Utilitarianism

A third instrument of a humane utilitarian is the maintenance of long-term overall interests and structural rationality. Were we to give way to the demands of opponents of foreigners, then we might have to allow all other similar antiliberal demands in other areas. The possibility of a slippery slope effect would be opened. If that was to happen, society would be changed in a lasting way. We could turn into an anti-liberal society, which would, for the overwhelming majority of citizens, be a sensational and undesirable change. As long as the majority of citizens find such a society undesirable, a utilitarian can reject the wishes of the anti-liberals, as long as there is sufficient evidence to suggest that a slippery slope effect is not wholly unlikely. Here, the long-term interest of the majority counts far more than the interests of a few anti-liberals. Also, the exclusive comparison of the interests of the opponents of foreigners and the foreigners themselves is an inappropriate abridgement of the issue, since it does not embrace all relevant dimensions. A humane utilitarian will, in every case, pay attention to all the interests of everyone involved, to ensure that everything is considered. Therefore, a utilitarian should not carry out single, act-by-act utility maximizations. Instead, he should ensure structural

rationality and start from an anticipation of the long-term overall interest. A humane utilitarian does not start with act-by-act maximization, but with a kind of maximization that evaluates the end result of a chain of actions.¹⁴ Consequently, a utilitarian can accept some practices as legitimated, even if they lead to suboptimal results in individual cases. A utilitarian is not a slave to an abridged calculation procedure. He can freely decide what the most useful action is from a final perspective, all things considered. Act-by-act maximizations have the problem of structural rationality. People who maximize in this way do not anticipate the final result of the combined effects of the single optimizations, neither on a diachronic nor on a synchronic level. Single acts are optimized in an uncoordinated manner, and complex beneficial action aggregates are not realized by act-by-act maximization. A utilitarian must optimize chains of actions and complex action systems.

The fourth instrument of a humane utilitarian is the consideration of all external preferences. When most people in a society tolerate or even love foreigners and reject anti-liberalism, then their preferences can take priority over the preferences of the anti-liberals who oppose foreigners. This opposition may sometimes be rejected even when the anti-liberal preferences outnumber the preferences of the foreigners. If the preferences of the opponents of foreigners are to count, then the preferences of the opponents of the opponents must also count. A utilitarian must proceed in exactly the same way with problems of justice. Next to the preferences of the people primarily affected, he must count the internally rational external preferences of the citizens for fairness and justice. Here a utilitarian could appeal to the preferences of many people for a fair national and global order, which is rooted in the sense of justice described by John Rawls.¹⁵ This sense is one of the strongest moral feelings that people have. We can, e.g., observe that even small children seem to have a great sensitivity to unfairness, as is evident in the crying of children

over an unjust division of cake. A majority of enlightened people wish for a fair world. We can see this in the regular outrage that arises in anti-utilitarian thought experiments in which an innocent individual is sacrificed for the benefit of others, thereby realizing an extremely unfair division of utility. The existence of these external justice preferences is, alongside the respective internal interests, a strong grounding for a utilitarian defence of justice.

6. Should a Utilitarian Eliminate Some Humane External Preferences?

Some people have argued that if we all became utilitarians and agreed that utility maximization and not justice matters, our sense of justice would disappear. Justice then would not be one of our preferences anymore and consequently would not have to be considered. Perhaps we have to work toward a preferential change of this type and thereby work against some of the external preferences that secure the coupling of utilitarianism with everyday intuition and the humanity of utilitarianism. This argument is not effective. For us, it is a de facto increase of utility if things are distributed in a fair way. An unfair world angers us, and a fair world makes us at least a little happier. News programs play upon these emotions every evening. Justice is a type of utility in utilitarianism, since it promotes the satisfaction of many preferences. Perhaps we achieve more utility without fairness preferences. But a preference change that rids us of our sense of justice is impossible because it attacks our anthropological substance. Furthermore, it would be wholly groundless, since preference changes are only sensible for preferences that are substantially damaging. The sense of justice is valuable in society. Fairness is useful from the point of view of structural rationality because it preserves social peace, but it must be confessed that in certain cases justice can diminish utility. We can differentiate between the aspects of our existing inclination for justice that are useful and that are not. Some people may argue that we should

attempt to institute preference change to rid ourselves of useless external preferences. The suggestion here is that preference changes are easily effected. However, they are complex undertakings, which only make sense in cases of extreme utility burdens through external preferences. Furthermore, they are not always successful, since they require much effort and high costs. Preference changes are an emergency brake in extreme situations and not an instrument of regular conflict resolution. Even so, in some extreme cases, utilitarians should take trouble to change some external preferences that may have guaranteed the humanity of utilitarianism until now. But a utilitarian does not lose his humanity even in these cases. When the efforts of a utilitarian are really successful and a preference change takes place, then he has also shifted the concept of humanity. There is hardly anyone left who takes the old position on what is humane, since the preferences and intuitions have changed. The changes of convictions and of preferences are coupled. Some preferences can only change if the convictions have changed first. If the old convictions remain, they would contribute to produce preferences that exclude a successful preference change. A conflict of utilitarianism and everyday intuitions is not a difficulty in such cases, since a utilitarian position would be remain humane insofar as it accorded with the new everyday intuitions.

7. The Limits of Influence of External Preferences

The intuitions of the majority do not amount to the entire morality. We can criticize them, e.g., with rationality demands, and we can refer to internal preferences. Additionally, we might demand an avoidance of victims in every preference change and thereby a protection of minority interests, which would improve the utility balance in every case if it is realizable. Nevertheless, the intuitions of the majority are a considerable part of morality and are reflected in humane utilitarianism. A problem arises for anyone who seeks to

separate moral norms from rational empirical interests and keep the norms, whatever preferences might be. Our morality is, however, an inter-subjective construction, which derives from convictions of individuals and not from eternal values. Morality is coupled with enlightened empirical interests. If there were not such a coupling, we would have to assume that something could be immoral, yet be preferred by all human beings or that something could be moral, yet be preferred by nobody at any time. When we believe that values depend on the interests of individuals, then values are always connected with the informed empirical value judgements of people. States of affairs have worth through the satisfaction they generate.¹⁶ According to this view, a liberal or just society which satisfied nobody would have no value. If we claim the opposite, then we must defend, e.g., a strong form of moral realism, which contains values that exist independently from all subjectivity and that have normative power for subjects. This meta-ethical position is highly implausible. The coupling of norms and empirical interests is legitimate. As long as external preferences exist, a utilitarian has to take them into consideration. But if they lead to unwelcome long-term effects, if they are irrational, if they can easily be changed into better preferences, or if they are outweighed by other external preferences, their influence can at least be diminished. Their strength has to be compared with that of the internal preferences. The arguments of the opponent of foreigners must pass these standards. People who have reservations about the application of external preferences should remind themselves that the preferences are going to be weaker as a general rule than the direct, vehement interest of minorities in survival or freedom. As a general rule, our internal preferences for our own life, sustenance, and health are much more intense than the preferences we have about other people. The influence of external preferences is self-regulated. External preferences can only be influential in the described critical cases if very many enlightened

and intense external preferences exist, otherwise they would not be able to override the vehement internal interests of minorities. Therefore, influential external preferences mirror broad majority convictions, and this is a desired quality, if we seek to bring utilitarianism closer to common sense. The enlightened intuitions of the broad majority determine our concept of humanity at least in part, and especially influential external preferences must be broad majority preferences, produced under the contribution of intuitions and convictions. This is the reason why influential enlightened external preferences and humanity are coupled. At the same time, the intuitive moral standards of our Western democracies might be dominating, if we include external preferences in our calculations. The preferences that are generated there are most likely internally enlightened, since a principle of pluralistic education and freedom of press and speech exist in such states. Preferences that were developed in non-democratic systems, e.g., fanatical external preferences, would often conflict with rationality, as they are introduced by indoctrination. Brandt distinguished between artificial wishes, which result from imitation of other people, and authentic wishes. Only authentic wishes will survive cognitive psychotherapy, and that will be an obstacle for fanaticism and similar preferences often seen in non-democratic systems.¹⁷ Yet, in each case, we have to collect indications of the enlightenment level of the preferences as far as possible, and we cannot always disregard preferences from non-democratic systems wholesale.

Notes

1. See Peter Railton, *Facts, Values, And Norms* (Cambridge, England: Cambridge University Press, 2003), pp. 151–186; John Stuart Mill, "Utilitarianism," in J.M. Robson, et al., eds., *Collected Works of John Stuart Mill* (Toronto: University of Toronto Press, 1962), p. 10; Nicolas Rescher, *Distributive Justice* (Indianapolis: Bobbs-Merrill Co., 1966).
2. See Brad Hooker, *Ideal Code, Real World* (Oxford: Oxford University Press, 2000), pp.

9–15. Also see David Brink, *Moral Realism and the Foundations of Ethics* (Cambridge, England: Cambridge University Press, 1989), pp. 122–143.

3. Ronald Dworkin, *Sovereign Virtue* (Cambridge, Mass.: Harvard University Press, 2002), p. 17.

4. Christoph Fehige, Ulla Wessels, *Preferences* (Berlin: De Gruyter, 1998), p. xxvi.

5. John Harsanyi, “Problems with Act-Utilitarianism and with Malevolent Preferences,” in N. Fotion and D. Seanor, eds., *Hare and Critics* (Oxford: Oxford University Press, 1988), p. 97.

6. See Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth & Co., 1977) pp. 234–235.

7. See Herbert L.A. Hart, “Between Utility and Rights,” *Columbia Law Review*, 79 (1979), p. 843.

8. See Ronald Dworkin, *Taking Rights Seriously*, pp. 235–236.

9. Richard M. Hare (1998), “Preferences of Possible People,” in C. Fehige and U. Wessels, eds., *Preferences*, p. 247.

10. See James Griffin, *Well-Being* (Oxford: Oxford University Press, 1986), pp. 13–15.

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11. See Richard Brandt, *A Theory of the Right and the Good* (Oxford: Oxford University Press, 1979).

12. See Peter Vallentyne, “The Problem of Unauthorized Welfare,” *Nous* 25 (1991), pp. 295, 299.

13. See Richard M. Hare, *Moral Thinking* (Oxford: Oxford University Press, 1981), Section 2.8.

14. See Jonathan Dancy, *Moral Reasons* (Oxford: Blackwell, 1993), p. 247.

15. See John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).

16. See Bernward Gesang, “Der Nutzenbegriff des Utilitarismus,” *Erkenntnis* 52 (2000).

17. See Richard Brandt, *A Theory of the Right and the Good*, pp. 116–118.