**Theory of Conduct**

**“Consequences”**

**Learning objectives:**

**Knowledge:**

* Understand the Principle of Consequentialism: The consequences of action are more important than the action itself
* Understand the consequences in Utilitarianism: The greatest amount of happiness for everyone affected
* Understand Bentham’s Theory of Utilitarianism
* Understand Mill’s Theory of Utilitarianism
* Understand the theory and moral judgment process of Act Utilitarianism
* Understand the theory and moral judgment process of Rule Utilitarianism
* Understand the Strengths and weaknesses of Utilitarianism

**Skills:**

* Critical thinking skills
* Apply Utilitarianism in different context

**Values** **and Attitudes:**

* Respect for Rationality
* Integrity

Important notes:

1. This learning resource is prepared for teachers of Senior Secondary Ethics and Religious Studies. Teachers are expected to make adaptation and enrichment according to the needs of their students. Moreover, after each learning activities, teachers should provide debriefing to students for their development of positive values and integrative application of generic skills.

2. The ERS curriculum is for S4-S6 SS students. This learning resource uses plain language as far as possible to explain theories of ethics, which, in some cases, are simplified to suit the learning needs of the students.

3. Cases, stories, movie plots, and classic moral dilemmas are included for the purpose of students’ reflection in the learning process. To illustrate moral dilemmas, some viewpoints in this material may seem exaggerated and critical. Teachers should always remind their students of the difference between these viewpoints and the reality in the present world. Judging the past with contemporary standard is not the intended perspective, rather, students should be guided to make contrast and holistic understanding of the relationship between these practices and their historic, cultural and social contexts.

4. The discussion questions, key points and knowledge content of the learning resource are suggestion in nature. Learning and teaching should not be limited to these suggestions. Teacher should use them flexibly for ongoing development of school-based resource according to the learning objectives of the curriculum.

**Suggested teaching period: 5 lessons**

**Teacher shall prepare:**

* Introductory Activity: How to Calculate Consequences?
* Knowledge Content of The Subject (1): The Principle of Utilitarianism
* Knowledge Content of The Subject (2): Is There a Hierarchy of Happiness?
* Knowledge Content of The Subject (3): Act Utilitarianism and Rule Utilitarianism
* Knowledge Content of The Subject (4): Strengths and Weakness of Utilitarianism
* Case Study (1)**: Is It Moral to Bring the Villain to Justice by Lying to Them?**
* Case Study (2): Round Table Discussion on Prostitutes
* Case Study (3)**: The Story of Two Midwives**
* Case Study (4): The Parable of The Burning House
* Case Study (5)**: Severe Punishment for Troubled Times**
* Case Study (6): No Boundaries or Human Rights: Rather Be Lenient Than Accuse Wrongly
* Case Study (7)**: $6,000 Plan**
* **Worksheet (1)**: Different Levels of Happiness

Teaching process:

1. Teacher discusses with the students the two cases in “Introductory Activity: How to calculate consequences?”

Teachers can guide students to understand that, when making moral decisions, we sometimes use the method of weighing the consequences of the action. These consequences are the result of autonomous choice.

1. **Teacher explains “**Knowledge Content of the Subject (1): The Principle of Utilitarianism”

Teacher may ask student to summarize the key points about utilitarianism:

* The priority of the good over the right
* Aiming at the greatest amount of happiness for everyone affected
* Rational calculation
* Everyone is to be treated equally

1. Students shall finish “Worksheet (1): Different levels of happiness”. Then, teacher explains “Knowledge Content of the Subject (2): Is There a Hierarchy of Happiness?” and points out the different views on the issue. Teacher may ask student to conclude the following key points:

* Bentham’s theory: All kinds of happiness in the world are the same and have no difference in nature. The only difference lies in the magnitude of different kinds of happiness.
* Mill’s theory: Happiness varies not only in terms of magnitude but also in terms of levels. Although the lower kind of happiness is more intensely gratifying, they also lead to pain when overindulged in. The higher happiness tends to be more refined, gradual and long lasting.

1. Teacher explains “Knowledge Content of the Subject (3): Act Utilitarianism and Rule Utilitarianism” and illustrate with cases the steps for moral judgement in act utilitarianism and rule utilitarianism. Teacher may ask student to conclude the following key points:

* Act Utilitarianism: to choose, from all the possible actions in the current situation, the one that can “bring the greatest happiness to the affected persons”
* Rule Utilitarianism: to follow the rules generally accepted as having good consequences, instead of calculating on the basis of each current situation

1. Divide the students into groups of 4-5 and ask them to discuss “Case Study (1)**: Is it moral to bring the villain to justice by lying to them?” as an illustration for the differences between act utilitarianism and rule utilitarianism.**
2. Divide the students into groups of 4-5 and ask them to discuss “Case Study (2): Roundtable discussion on Prostitutes”. In the form of a roundtable meeting, discuss the “prostitute” issue in class and invite other students to express their opinions. Discuss whether it is necessary to enact a law to prohibit prostitutes from soliciting on the street. After discussion, a representative of each group shall present the answers of their group.
3. Teacher explains “Knowledge Content of the Subject (4): Strengths and weakness of utilitarianism” as conclusion.
4. Divide the students into groups of 4-5 and ask them to discuss Case Study (4) to Case Study (7) and finish the questions. After discussion, a representative of each group shall present the answers of their group.
5. Teacher may integrate the contents of Case Study (5) and (6) and let student have a simple debate competition on the topic: Severe punishment for troubled times can maintain social order better than being lenient and not accusing wrongly.
6. Teacher wraps up students’ debate by concluding the strengths and weaknesses of utilitarianism and prompt students to reflect on the conditions for utilitarianism to bring the greatest good to the society.

**Introductory Activity: How to calculate consequences?**

**The legacy of the elders**

Suppose you know an elder who trusts you very much. Before he died, he invited you to go to his house and told you alone, “I have had a passion for football all my life and I want to support local football. I am so ill that I am about to leave. I want to donate my savings of $1 million to the Football Association to support its development.” He pointed to his wallet and continue, “The money is here. I have not told anyone. I just ask for help. Can you help me fulfil my wish?” You respected this elder and promised to do this for him. After that, he died peacefully. When you got home, you learned from the news that that a huge natural disaster occurred in South Asia and caused heavy casualties. The aid organizations urgently needed a lot of money to buy food and medicine. After hearing this news, you consider whether you should keep your promise or send money to the needy victims.

(Fictional story)

Questions to discuss:

What is the right thing to do? Why?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

In this case “you” face a dilemma: either (a) keep the promise to the elder, or (b) help the needy.

* The rationale for choosing (a) is often based on a moral intuition similar to that of “deontology”: one must keep his promise, or else the society will lose interpersonal trust and collapse (“perfect duty”). Helping others is something that people may do when they one has the ability to do so, but it is not something they must do (“imperfect duty”). Kantian deontology will be explained in the next section. The focus here is on moral intuition.
* The rationale for choosing (b) often based on a moral intuition similar to that of “utilitarianism”: taking into account the number of affected persons and the great suffering they have suffered, the benefits of developing football are relatively insignificant. The use of the estate for disaster relief will produce greater benefits. We use the consequences to determine how to use the estate.

**Using the railroad switch**

Suppose you are the driver of a train. The train rounds a bend, and there come into view ahead five track workmen, who have been repairing the track. You must stop the train if you are to avoid running the five men down. The distance is too close for you to use the brake. Now you can use the railroad switch to guide the trolley to the side track. However, you notice that there is one person standing on the side track.

Reference:

<http://www.trolleydilemma.com/>

Questions to discuss:

What will you do? Will you use the railroad switch to kill one person in order to save five? Why?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

Two Choices:

* Do not agree on using the railroad switch: The reason is that if I use the switch, I am the one who kills the worker, and killing a person is wrong anyway. This is the idea of deontology. The next section will explain why it is wrong.
* Agree on using the railroad switch: The lives of five workers are obviously more important than the life of one worker. The overall consequence of using the switch is to reduce casualties and reduce pain, so it should be done. This is the idea of utilitarianism. (Compare this with the case of “organ transplant” in the next section.)

**Knowledge Content of the Subject (1): The Principle of Utilitarianism**

In western ethics, there are two schools of theory of conduct: consequentialism and deontology; The former focuses on the consequences of an action, while the latter focuses on the action itself. Utilitarianism is a well-known branch of consequentialism.

**Utilitarianism**

According to the principle of consequentialism, our judgement of right or wrong depends on the goodness or badness of the consequences of an action. An action is moral if it can produce good consequences.

The consequences that utilitarianism is concerned with is “happiness”. Whether an action is ethical or not depends on whether the act can maximize the happiness of all affected persons (while minimizing the overall pain).

It should be emphasized that utilitarianism treats each person's happiness equally. If one of my actions makes myself happy but bring greater pain to another person, utilitarianism will judge my behaviour as immoral.

We usually put the happiness of ourselves or those who are close to us on top of the happiness of others. It is not easy to be unbiased in the way that utilitarianism demands.

Reference:

<https://en.wikipedia.org/wiki/Utilitarianism>

**Worksheet (1): Different levels of happiness**

The following are seven things that may bring you happiness. In your opinions, which one has the highest score in the happiness scale? In the “ranking” column, fill in “1” for the highest one, “2” for the second highest, and so on. Give your reasons for this ranking. Do you think these things give you lasting happiness?

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| Ranking | “Happy” things | Reason | Brief/Lasting? |
|  | Significant progress in examination results |  | Brief/Lasting |
|  | Playing in the theme park for a day |  | Brief/Lasting |
|  | Good friends celebrating my birthday |  | Brief/Lasting |
|  | Having bought the limited-edition plastic model/ handbag I love most |  | Brief/Lasting |
|  | Having won the championship of an inter-school competition |  | Brief/Lasting |
|  | Getting admitted to your favorite university |  | Brief/Lasting |
|  | Having a delicious dinner |  | Brief/Lasting |

**Knowledge Content of the Subject (2): Is There a Hierarchy of Happiness?**

**Bentham’s Theory vs Mill’s Theory**

It seems that “the greatest happiness for all the affected persons” is a reasonable principle of judging whether an action is ethical or not. However, what is “happiness”?

Is the happiness of enjoying food after being hungry equal to the happiness of winning the Nobel Prize? How to measure the strength of happiness? There is a clear difference between what Jeremy Bentham (1748-1832) and his student John Stuart Mill (1806-1873) say about being happy.

**Bentham’s Theory**

Bentham’s theory: All kinds of happiness in the world are the same and have no difference in nature. The only difference lies in the magnitude of different kinds of happiness. We can only say that a certain action brings more happiness and another action less happiness.

**Mill’s Theory**

Mill is a student of Bentham. They are fundamentally divided on the meaning of “happiness”. Mill thinks that happiness varies not only in terms of magnitude but also in terms of levels. He divides happiness into two categories: lower (including diet, sex, rest, sensual pleasure and so on) and higher (including friendship, higher culture, scientific knowledge, intellectual thinking and creativity). Although the lower kind of happiness is more intensely gratifying, they also lead to pain when overindulged in. The higher happiness tends to be more refined, gradual and long lasting. Mill thinks that all those who have wide experience in both types of happiness will agree that happiness of the higher type has a better quality and give people true happiness. Therefore, Mill said, “it is better to be a human dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.”

Reference:

<https://plato.stanford.edu/entries/bentham/>

<https://plato.stanford.edu/entries/mill/>

Jeremy Bentham, *The Works of Jeremy Bentham: Now First Collected, Volume 10* (William Tait, 1843), 37.

Jeremy Bentham has been hailed as a genius. It is said that he started to read the history of England when he had just learnt how to walk and began to learn Latin at the age of three. He started to study at the Queen's College of Oxford University from the age of twelve. However, he did not have a happy university life because his teacher and classmates were unfriendly to him. Since then, he hoped to improve the British education system so that people can enjoy happiness in education. He even pursued the fair treatment of people from different social strata in the education system so as to reflect social equality. At the same time, he was a friendly and generous philosopher who sponsored several young students who came to England because of the Greek War of Independence and provided residence to Mill’s father. Through his father, Mill knew Bentham and develop a close relationship with him. Mill later became Bentham's disciple and successor of utilitarianism. They jointly advocated the Principle of Maximum Happiness, holding that the purpose of education is to bring people the greatest happiness.

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| Jeremy Bentham  （by Henry William Pickersgill (died 1875), National Portrait Gallery, London） | John Stuart Mill  (London Stereoscopic and Photographic Company, 1870) |

John Stuart Mill was a famous British philosopher and economist in the 19th century. His father let him learn Greek when he was three, learn Latin, algebra and geometry at the age of eight. He had widely read Greek history books when he was nine. He is said to have learned a much broader range of knowledge than college graduates at his teenage years. However, during his teenage years, he had neither playmates nor games, which became a problem for him in the future. When he reached the age of 20, he started to realize that he did not know the value of being human. He felt lost and considered committing suicide. Later, inspired by William Wordsworth's poem, he realized that the beauty of nature could arouse his compassion and joy for others. By then, he gradually departed from spiritual distress and explored again the theory of social justice. He built the theory of liberty on the basis of utilitarianism. He advocated that a person should be left to act freely as long as this action is not harmful or is considered to be harmful to others. Today, freedom of thought, freedom of speech and religious freedom are still based on his theory. This shows the far-reaching influence that his liberal thinking has on future generations.

Reference:

Andy Green, *State And The Rise of National Education Systems: A Comparative Study of Educational Development In England Prussia* (Springer, 1990), 250.

Bhikhu C. Parekh, *Jeremy Bentham: Critical Assessments, Volume 1* (Taylor & Francis, 1993), xxi.

Jeremy Bentham, *The Works of Jeremy Bentham: Now First Collected, Volume 10* (William Tait, 1843), 37.

**Knowledge Content of the Subject (3): Act Utilitarianism and Rule Utilitarianism**

**Rule Utilitarianism vs Act Utilitarianism**

So how does utilitarianism calculate the consequences of an action? For this issue, utilitarianism is divided into two branches: act utilitarianism and rules utilitarianism.

**Act Utilitarianism**

Act utilitarianism takes a direct strategy: to choose, from all the possible actions in the current situation, the best action, namely, the one that can “bring the greatest happiness to the affected persons”

Act utilitarianism holds that each situation is unique. Each time, when considering the current situation, it is necessary to list the possible options of action. We then calculate in each option the happiness and the pain of all the affected persons. Finally, we choose the option that brings “the greatest happiness for all the affected persons” and that action is what we should do.

For example, we cannot simply assert that lying is immoral. If in some situations where lying will bring more happiness (or less pain) to the affected persons than being honest, then lying is a moral action.

**Rule Utilitarianism**

Rule utilitarianism takes an indirect strategy. Rule utilitarians think that we often need to make immediate and quick moral decisions and cannot calculate unhurriedly on a case-by-case basis as how act utilitarianism does. We may also wrongly calculate the consequences due to our poor personal conditions and judgment. Therefore, we should follow the rules generally accepted as having good consequences, instead of calculating on the basis of each current situation.

For example, in general, honesty can bring about trust among people, promote social harmony and stability, and bring maximum happiness to members of society. Therefore, honesty has been recognized for bringing greater happiness to the affected persons than lying. Honesty is a general rule. When we encounter situations in which we have to judge whether we should lie or not, we need not consider the current situation but only need to refer to the rule if honesty.

“Do not lie”, “keep your promise”, “do not hurt others”, “do not steal” and so on are all well-known rules. Other codes of daily life, such as “obeying traffic rules” and “queuing up when waiting service”, are rules that will bring greater happiness.

Reference:

<http://www.iep.utm.edu/util-a-r/>

**Steps of Moral Judgment in Act Utilitarianism**

We can follow three steps of act utilitarianism in making moral judgments. We can use a hypothetical case as an example.

Suppose you are listening to music in your mobile phone while rushing back to school to have a project discussion with your classmates. On your way, you find a person lying on the pavement injured and bleeding. It seems that he is seriously injured, but no one to stop and help. You know if you stop, you will be late and even the meeting cannot be carried out.. Will you stop to help the injured person?

1. Possible Choices

First, you have to find out the possible options. You have at least two options:

Option A: You stop and help the injured, but you will be late.

Option B: You ignore the injured and continue to go to school and you will not be late

1. Consider the consequences of each option

You calculate the good and bad consequences of each option, i.e. their amounts of happiness and pain. Suppose in options A and B, you, the injured person and your classmates are the only persons affected.

You: You are directed affected. If you stop, you will be not go back to school on time, and you will be blamed by your classmates. If you do not stop, you will continue listening to your favorite music and be back to school on time but may feel guilty at the same time.

The injured person: He is also directly affected. If you stop, he will receive sooner treatment and his pain will end sooner. If you do not stop, his pain will not end sooner and may increase because of delayed treatment.

Your classmates: They may also be affected. If you are late or even absent in the meeting, you will hinder the discussion on the project and affect the progress of the assignment, leaving everyone dissatisfied. If you do not stop, following the original plan, your classmates will remain happy.

Next, you can calculate the total utility (the sum of good or bad consequences) of each option, according to the consequences borne by the persons affected. In your calculation, you follow the principle of equality. You should only consider the good or bad consequences, without judging differently because of the different identities of persons.

If you choose option B, you and your classmates follow the original plan of activity and keep the original level of happiness. However, the injured person cannot get immediate treatment and his injury will become more severe and even life-threatening. So, the pain of this situation may increase enormously.

If you choose option A, you will stop listening to music and will be blamed by your classmates. Your happiness will be reduced. You and classmates will become unhappy because the progress of your assignment will be delayed. However, the injured person will receive earlier treatment, his injury will be reduced and his pain will be greatly reduced. Because of all this, the pain of you and your classmates will increase, but the pain of the patient will be greatly reduced. The total pain of option A should be less than that of option B.

1. Choose the Right Action

After calculating the consequences of happiness and pain, should we choose option A or option B? In accordance with our calculation in step 2, both options will increase pain. Yet the pain of the injured may increase tremendously in option A. In contrast, the pain of me and my classmates caused by option B is relatively small. Therefore, choosing option A (that is, stop to help the injured) is the right thing to do.

**Steps of Moral Judgment in Rule Utilitarianism**

Rule utilitarianism takes an indirect strategy that takes into account general principles that produce good consequences, instead of calculating the consequences of the current situation. We can use the following three steps of rule utilitarianism for making moral judgment. We can use the above hypothetical case again as an example.

1. Ascertain your choice for rule of conduct

In this case, you can choose to follow one of the following two rules:

Rule A: “Keep your promise.” (You promised your classmates to go back to school to discuss a project at a specific time.)

Rule B: “Help people in urgent need.” (You want to help the seriously injured person in front of you)

(In other cases, we may only have one rule to follow. For example, if you pick up a wallet in the street, your rule of conduct can be “Do not pick up lost articles on the street”.)

1. Consider what would happen if everyone followed this rule

Then, you have to determine whether these rules have brought about good consequences, that is, the greatest happiness, to society in the past.

As far as the rule A “keep your promise” is concerned, history seems to have confirmed that if members of society follow this rule, they will be able to cooperate with each other by mutual agreement. They can then plan their life on the basis of this rule and make life happier. Similarly, as far as the rule B “help people in urgent need” is concerned, history seems to have confirmed that if members of society follow this rule, they can enhance their survival and increase their chance of leading happier lives by helping each other. Therefore, the two relevant rules are in line with the requirements of utilitarianism.

If the rules are contrary to the requirements of utilitarianism, we have to consider the consequences of following the opposite rules. For example, if we follow the rule “pick up lost articles on the street and take them as their own” instead of “do not pick up lost articles on the street”, then the result is equivalent to theft.

This rule will only weaken the members’ sense of security of their property and will also reduce their mutual trust and cooperation. This will reduce the overall happiness of the society. On contrary, the opposite rule “do not pick up lost articles on the street” will lead to greatly different consequences.

1. Choose the Right Action

If you have only one rule and it meets the requirements of utilitarianism, you can then act according to this rule. If you have two rules that meet the requirements of utilitarianism, you have to follow your common sense to judge which one is more important.

In general, “helping people in urgent need” will have an immediate impact on the safety of others than on “keeping your promises.” Therefore, priority should be given to “helping people in urgent need”.

If you cannot judge the priority of the two rules, you should adopt the method of act utilitarianism and make judgment on individual basis according to the current situation.

**Case Study (1): Is It Moral to Bring the Villain to Justice by Lying to Them?**

Suppose a police officer is going to answer the court whether he witnessed a suspect committing a crime. The police officer knew perfectly well that the suspect did not commit any crime at that time, but he knew that the suspect was a bad person and had committed a lot of crimes. Yet, there was not enough evidence to bring him to justice. Therefore, if the police officer tells a lie, he can guarantee that the bad man can be sent to jail for the good of society.

(Fictional story)

Questions to discuss:

1. According to the judgment of act utilitarianism, is this action moral? Why?
2. According to the judgment of rule utilitarianism, is this action moral? Why?

(suggested answers)

Students may give answers containing the following key points (other reasonable answers are also acceptable):

1. According to the judgment of act utilitarianism, is this action moral? Why?

Answer:

* Two options:

Option A: The police officer handled the case truthfully, saying he did not witness the suspect committing the crime. Consequence:

Suspect: No increase of pain because of fair treatment

Police officer: Feel disappointed and a little pain because of failing to bring the suspect to justice, but also feel happy because of being upright.

The general public: because the suspect is not caught, their fear and pain increase

Option B: the police officer told a lie of witnessing the suspect committing the crime. Consequence:

Suspect: Pain increased because of wrongly sentenced

Police officer: feel happy because of bringing the suspect to justice, but also feel painful because of false testimony.

The general public: since the suspect is brought to justice, their happiness increases

For the police officer, both options will produce happiness and pain at the same time.. For the suspect, Option of A is obviously better than Option B. The biggest difference between the two options lies with the general public because of their large number. The amount of their happiness and pain greatly affect the overall utilitarian calculation. Option B increases the pain of the suspect in exchange for the happiness of the general public. According to act utilitarianism, Option B, that is the police officer tells a lie, is moral.

1. According to the judgment of rule utilitarianism, is this action moral? Why?

Answer:

* The police officer is required to follow two rules:

Rule A: “Be honest” (not to lie)

Rule B: “Remove harmful people from the society” (bring the perpetrators to the law)

* Both of these rules have been historically proven to enhance the happy life of members of the society and are therefore in line with the requirements of utilitarian.
* According to common sense, sacrificing honesty for the sake of removing bad people from the society will undermine the trust in the rule of law. This in the long run will increase the anxiety of the members of the society. It will also make it difficult for law enforcement and the realization of justice in future. For the members of the society, their happiness will be reduced and pain be increased. So rule A should be given priority. It is immoral for the police officer to lie.

**Case Study (2): Roundtable Discussion on Prostitutes**

Some district councillors have reflected to the police that prostitution in the area is very serious. Some streetwalkers would solicit in the streets for business. Some district councillors have received many complaints from female residents in the area that they were misunderstood as streetwalkers, and were being enquired for their service charge. As a result, they were scared and feared to go out alone.

In this regard, some district councillors requested the police to take action and combat prostitution activities in the district. Below are the views from people supporting and opposing the combat of prostitution activities.

Reverend Lau:

As we all know, prostitution and patronising prostitutes are immoral acts and only undermine human relations, devalue human dignity and disrupt social order. Therefore, it is the responsibility of the government and the police to crack down on them.

Mr. Lee, District Councillor:

I received a lot of complaints. Some of the female neighbors have been approached by whoremaster and often sized up by unfamiliar men, making them very embarrassed and disturbed. Even male neighborhoods have become the target of prostitutes to solicit business. They also feel uncomfortable and harassed. Prostitution of a small number of prostitutes and whoremasters has actually caused the residents in the entire district to suffer. It is really wrong. Therefore, I urge the police and the parties concerned to crack down on prostitution activities in the area.

Representative from the Hong Kong Police:

Prostitution is not unlawful according to the law. However, acts such as “soliciting for an immoral purpose in public premises”, “living on earnings of prostitution of women”, “keeping a vice establishment”, amongst others, are illegal. The police will combat these activities should that happen.

Ms Cheung, a resident in the district:

I once asked a female friend to meet me up in a small park downstairs. It was scotching hot that day and she wore a slip dress. During her 10-minute wait, 3 men passed by and asked her how much she charged for one night of service. At first, she only replied in a displeased manner that she was not a prostitute. In the end, she shouted at them loudly.

This incident made her so embarrassed that she swore she would never meet me in my neighbourhood anymore.

Representative of the Sex-workers:

I am acknowledging the fact that some ladies are embarrassed when whoremaster enquires their “service charge”. And some women feel uncomfortable being sized up by men when they wear trendy costumes. This is understandable.

But according to the law, prostitution is an agreed business deal between both parties, and does not violate the law. “Standing on the street” for business is the way we make our living, and this is where we work.

Prostitution is not illegal, but some people want to combat us merely because we bring inconvenience to their daily life. Is it reasonable?

Questions to discuss:

1. Among the opinions of the above 5 people, whose opinions are closer to “rule utilitarianism”? Why?
2. Among the opinions of the above 5 people, whose opinions are closer to “act utilitarianism”? Why?
3. Among the opinions of the above 5 people, whose opinions do not take up the perspective of utilitarianism? Why?
4. Regarding the above event, what do you think are the strengths of utilitarian analysis?

(Suggested answers)

Students may give answers containing the following key points (other reasonable answers are also acceptable):

1. Reverend Lau: What he/ she said contains the moral rule “ prostitution and patronising prostitutes are wrong”, and that he/she thinks that violating this moral rule would have adverse social consequences.

* District Councillor, Mr Lee: He argues that the act of soliciting is beneficial only for the prostitutes and whoremaster, while other affected neighbours suffer. His implication is that the interest of a large number of neighbors should not be sacrificed for of the happiness of a minority of people.
* The representative of sex workers: She pointed out that prostitution only bring some inconvenience in living, but some people want to stop them from making a living. Her point of view is that if prostitution is stopped, although the number of prostitutes decreased but the pain is extremely great. On the contrary, if prostitution is allowed, some people only suffer the pain of a little bit of inconvenience. It is therefore moral to allow prostitution.



* Police representatives: What he/ she proposes are legal rules and contains no utilitarian analysis of the consequences.
* Miss Cheung: She is only concerned about the adverse consequences of prostitution.

1. (Please refer to “Knowledge Content of the Subject (4): Strengths and weaknesses of utilitarianism”)

**Knowledge Content of the Subject (4): Strengths and weakness of utilitarianism**

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| **Advantages of Utilitarianism**   1. **Simple and easy to understand**   Utilitarianism uses only a simple principle to make moral judgement of right and wrong: “Do things that increase happiness and reduce pain.” This principle of judgment is easy to understand. Most people agree that we should increase the happiness and reduce the pain of the world.   1. **Utilitarianism is more flexible**   Utilitarianism is neither immutable nor fettered by conventions. It can make moral judgments for different situations and different factors. Under the consideration of utilitarianism, there is no immutable moral answer in the world. Theft can be immoral, but it can also be moral, such as chivalrous thiefs.   1. **A closer link with the cost-effectiveness economic values**   Nowadays, the mainstream society stresses on economic benefits and development. The thinking mode of utilitarianism has a closer link with the cost-effectiveness mainstream thinking, and is therefore easier to be accepted. |

**Weaknesses of Utilitarianism**

**1. Ignoring justice and right**

The most criticized aspect of utilitarianism is that it encourages people to judge moral issues purely on the basis of results, ignoring whether the act itself is right or wrong, and in particular ignoring justice and rights. For example, in order to maintain social order, the government abuses lynches to examine people suspected of committing crimes, claiming that it will bring happiness to the majority of the public. Utilitarianism can support this practice because of the happiness of the majority, while ignoring the basic rights of the suspects themselves.

**2. Too demanding**

Utilitarianism requires that in making every decision of action, it is necessary to judge whether the action can create the greatest happiness for the affected people. Most people will agree that our actions are to be based on moral considerations. For example. to rescue the injured on the road, we are willing to be late for a meeting. However, other cases are not the same. For example, I can give out my wealth to the needy. According to the principle of utilitarianism, my suffering alone can make a lot of beneficiaries happy. If I do not give out my money, it is immoral. However, the principle of “sacrificing oneself for the good of a large number of people” is too demanding for ordinary people and contrary to common sense.

**3. Difficult to accurately predict the consequences of action**

Another criticism of utilitarianism is that it is difficult for us to accurately predict all the possible consequences of an action. We cannot predict the future. It is therefore difficult to compare the different possible consequences and to make accurate moral judgments. Suppose I chose to lie and hide an innocent person in order to save that person from being hunted down by a gangster. Yet, unexpectedly, the gangster became enraged and later killed that person’s family and friends. Then, my moral judgment is wrong.

To solve this weakness, utilitarians classify the consequences into two categories: the expected and the actual. A rational person can only make moral judgments based on the expected outcomes and cannot be blamed for the actual result being worse than expected.

**4. Contrary to personal beliefs**

Utilitarianism only focuses on the result of an act and sometimes it requires us to violate our personal beliefs. Suppose you are a doctor facing a dying patient. If you give up treatment for him, several other patients will be able to transplant his organs after his death and have a chance to recover. Utilitarianism will support you in doing so because it can produce more happiness. However, it may be contrary to your personal belief as a doctor to save everyone’s lives.

5. **Ignoring personal intention**

Utilitarianism does not consider the intention of one’s action, but only considers if it can bring about the consequence of greatest happiness. If a person with an evil intention unexpectedly does a good deed, the action is considered moral. On the contrary, if a person is kind-hearted but unexpectedly does a bad deed, the action is considered unethical. This is another aspect that contradicts people's common sense.

Reference: <https://www.utilitarian.org/criticisms.html>

**Case Study (3): The story of two midwives**

Before the birth of Moses, the Israelites were forced to do hard work under the rule of the Egyptians. Meanwhile, the Egyptians were afraid of the increase in the population of Israel, which in turn would attack the Egyptians with their enemy.

Then Pharaoh summoned two Israelite midwives and told them, “When you are to help with the delivery of an Israelite baby, kill him if the baby was a boy and let her live if the baby was a girl.”

However, the two midwives did not obey the orders of the king due to their personal beliefs.

So the Pharaoh asked them, “Why did you do that and why did you let the baby boy live?”

They replied, “Pardon us! Not that we do not want to. The truth is that Hebrew women are not like Egyptian women; they are vigorous and give birth before the midwives arrive.”

The king of Egypt forgave them. As a result, the population of Israel continues to grow and become stronger.

Reference: Bible, Exodus 1:15-21

Questions to discuss:

1. If you were the midwife facing the above situation, before you made the decision, what factors would you consider?
2. Do you agree with the acts of the two midwives? Why?
3. From the perspective of utilitarianism, do you think the behavior of the two midwives is moral?
4. When do you think lying is correct? If we change our moral judgment as the situation changes, will the moral boundaries become unclear?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* The biblical reason is that “the two midwives did not obey to the King due to their personal beliefs.” This shows that the basis of the judgment of the two midwives is the moral rules of religion but not utilitarianism.
* From the perspective of utilitarianism, we can analyse the case according to act utilitarianism or rule utilitarianism.
* From the act utilitarianism approach, there are two options:

Option A: Obey the king's order, when they help with the delivery of an Israelite baby, kill him if the baby was a boy.”

Option B: Disobey the king's order, let the boy live and lie to the king.

* Since we have no further information, we can only assume that the affected people are the two midwives, the king, the pregnant women of Israel and their families.
* From the rule utilitarian approach, there are two rules:

Rule A: “Be honest”

Rule B: “Rescue innocent people” / “Do not kill innocent people”

**Case Study (4): The parable of the Burning House**

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| In ancient India, there was a very rich man. Despite his senility, he was wealthy and owned a lot of farmland, numerous houses and countless servants. Although the man was advanced in years, he had three sons who were three, four and five years old respectively.  Because of his wealth, he was worried of bandits coming to rob his family, so the house they lived in was enclosed by high and thick walls built with bricks, with only one gate for entrance and exit. The house was his ancestral home and had been built for almost a hundred years, therefore even though the elder was wealthy, the walls and the beam-pillars of the house were old and worn out. The mansion could easily collapse if a storm or a big fire struck.  One day, the house caught fire. The elder and his servants managed to leave the place in time. Then, he suddenly remembered his three sons, who were still playing in the garden, too young to comprehend the danger. They also did not know how to escape. Yet, neither he nor his servants dare to go back into the house. So he shouted to his sons to leave at the gate, but they ignored him. At that time, the man was very anxious and yelled to them the danger of the big fire, but his sons still pay no attention to his warning.  All of a sudden, a good idea came up to the old man. He recalled that each time he came home from business trips with some presents, he used to cry loudly, “I am back! I have some gifts for my lovely boys.” No matter what his sons were doing at that moment, they would run to him quickly for the gifts. So at the critical moment, the old man cried out, “I am back! I have some precious gifts for my lovely boys. I bought a goat cart, deer cart, and ox-cart to take my boys out to play.” When the children heard their father, they ran out of the house to their father for gifts.  Seeing that the boys were safe, the old man was relieved.  The story is adapted from <The Lotus Sutra, The Parable of the Burning House > |

Questions to discuss:

1. If you were the old man facing the above situation, what factors would you consider before making the decision??
2. Do you agree with the old man’s actions? Why?
3. From the perspective of utilitarianism, do you think the old man’s action is ethical?
4. When do you think lying is correct? If we change our moral judgment as the situation changes, will the moral boundaries become unclear?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* From the perspective of utilitarianism, we can analyse the case according to act utilitarianism or rule utilitarianism.
* From the act utilitarianism approach, there are two options:

Option A: The old man remains honest and continue to save his sons by shouting to them

Option B: The old man lies to his sons so as to attract his sons to escape

The affected persons are the old man, his sons and his servant.

* From the rule utilitarian approach, there are two rules:

Rule A: “Be honest”

Rule B: “Rescue innocent people”

**Case Study (5): Severe Punishment for Troubled Times**

**What is so good about punishment?**

In the eyes of utilitarians, punishment is evil and will bring about pain. However, if punishment can lead to greater benefits (happiness) for the society than no punishment, then punishing the offenders is moral. In general, there are three larger possible benefits:

1. Pure benefit

In the case of imprisonment, keeping a violent offender in prison has the cost of his great pain. However, if he continues to live freely in society, others will be nervous and will even be harmed. In comparison, the overall happiness of society is far greater than that of the offender.

1. Deterrent effect

If the members of the society do not perform crime due to their fear of punishment, then the joy of society will increase. The deterrent effect will bring some fear to those who intend to commit offence, but the degree of suffering is far less than that of real penalty.

1. Rehabilitation

The offenders will no longer crime perform crime in the future as a result of punishment. The deterrent effect will only stop the offender from committing crime by instilling fear in them. However, rehabilitation stops the offends from committing crime again by reforming them. As a result, prisons provide criminals with learning and job opportunities with the aim of turning them back into useful members of the society.

**Examples of Severe Punishment**

Some countries use very heavy penalties to deter the people from committing crimes. Here are a few examples:

1. Singapore: People who make graffiti may be subject to flogging

2. Countries with Islamic law implemented: theft may be punished by cutting the hands of the thieves.

3. More than 90 countries (including the United States, China and Japan): death penalty

Do you know other heavy penalties? Do these penalties have deterrent effects? Try to find information on the internet and then discuss them in class.

**Astonishing murder of Bai Xiaoyin in Taiwan**

The most serious crime case ever in Taiwan happened in 1997. The case shocked the Taiwan community as the crime was committed in a cruel way and the three suspects were involved in a number of offences while they fled, including murdering and raping of several other people. After this case, the Taiwanese society generally agrees to uphold the principle of “severe punishment for fierce crime”.

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| 14/4/1997 | The only daughter of a famous artist was kidnapped. That night, she received a phone call from the kidnappers asking for a ransom of five million US dollars. Bai also received a half-naked photo of her daughter and her daughter’s fingertip. The police took over the case and planned to arrest the kidnappers during the handover of the ransom. |
| 23/4/1997 | Several days later, the kidnappers called to arrange the collection of the ransom. However, they did not show up. The artist was close to a nervous breakdown after the continuous torments she suffered over the past few days. |
| 25/4/1997 | The kidnappers called again for ransom but still did not show up. The police rounded up and searched for the principal offenders in five locations. All three principals escaped after the gunfire, while two accomplices were arrested. |
| 26/4/1997 | The police announced a seizure warrant. The artist held a press conference in the morning and requested all the Taiwan people to save her daughter together. Taiwan’s major media reported this news on the front pages and entertainment pages. |
| 28/4/1997 | The victim’s body was found. The police started a large-scale pursuance in different places. The three major offenders were also fleeing in all directions in Taiwan. |
| 19/8/1997 | The suspects appeared in Taipei City and were heavily armed. They started a fierce gun fight with the police. The battle lost a police officer and one of the duos was killed. |
| 23/10/1997 | Three people including doctor and nurse killed. A nurse had been even sexually assaulted before her death. |
| 17/11/1997 | Police received tip-offs and launched an operation to capture the suspect. During the arrest a gun fight broke out. When cornered by the police, One suspect turned the gun on himself. |
| 18/11/1997 | Another suspect broke into the residence of an officer of Embassy of South Africa, and held the officer and his four family members’ hostage. The case became an international incident during which two of the hostages were injured. Afterwards, Chen Jinxing accepted phone interviews from over a dozen Taiwan and foreign media. After releasing injured hostages one by one and negotiating with the Taipei Police, the suspect agreed to turn himself in and the crisis was ended. However, this case had seriously tarnished the global image of Taiwan and has badly shaken Taiwan people’s confidence in law and order. |
| After the suspect had been arrested, it was verified by DNA test that he was involved in more than 19 sexual abuse cases during his flees. During that period, Chen broke into houses and raped the women who stayed home alone. He also stole food and properties from the victims, and threatened revenge if the victims called the police. Therefore, the investigators reviewed that the actual number of victims might be far more than 19.  After the case, the artist established a foundation. Apart from facilitating charity works in Taiwan, the foundation is also one of the charitable organisations that encourage the government of Taiwan to maintain the death penalty.  The website of the foundation: http://www.swallow.org.tw/ | |

Questions to discuss:

1. What arguments do you think the case provide for those who support the death penalty?
2. From the perspectives of utilitarianism, do you think death penalty is moral?

Teacher can integrate content of Case Studies (5) and (6) and let student perform a simple debate competition. Topic: Severe punishment for troubled times can maintain social order better than being lenient and not accusing wrongly.

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* From the perspective of utilitarianism, the use of the death penalty lies in two consequences: 1. To kill the criminals, so that he cannot commit crime again in the society; 2. To Have a deterrent effect on those who may break the law, making them afraid to break the law. It results in the increase of the pain of one criminal (or including their family member as well), but it can also increase the happiness and reduce the pain of the entire society. It is therefore moral.

**Case Study (6): No Boundaries for Human Rights: Rather Be Lenient than Accuse Wrongly**

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| The teacher may show the TV documentary “No Boundaries for Human Rights: Rather be Lenient than Accuse Wrongly”. The documentary, produced by RTHK, was first released in June 2004. It addresses the issues of wrong imprisonment and putting leniency before wrong accusations. |

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| **Content of the Documentary**  In some western countries, in order to protect the defendant’s rights, criminal trials are conducted on the principle of “presumption of innocence”, which means that a defendant is presumed to be innocent and the prosecutor bears the burden of proving the defendant’s guilt beyond reasonable doubt. The rationale behind this stringent principle of burden of proof is “rather be lenient than accuse wrongly”, which means rather set 10 bad people free than wrongly accuse and convict one good person. At the same time, however, the principle allows some true criminal offenders to be set free, thereby doing injustice to the victims. How then should our society strike a balance?  More than a decade ago, a murder took place in Devil’s Peak, Kowloon. Despite the overwhelming evidence against the murderer, he was acquitted because the police were found to have extorted a confession from him. There was another case which involved illegal abortion causing death. The victim was a girl aged 17 or 18, who allegedly died following an illegal abortion that she underwent at an unlicensed clinic. An unlicensed doctor who performed the abortion, was charged with murder, but he was given the benefit of doubt and hence acquitted. A fair trial is the foundation of justice in the contemporary society. However, occasionally the trial process is liable to be tainted with errors of judgment or deficiencies in forensic technology, as a result of which a defendant may be wrongly convicted. These victims, who suffer from the mistakes of others, have to spend the rest of their precious lives behind bars and may not achieve anything in the future.  Camera crew went to America and the UK to visit local scholars, and visited an American group which specially reverses injustice judgments for innocent people, with the purpose to see how they reverse and find out the truth. In this special series, two controversial cases happened in Hong Kong many years ago were selected as examples to illustrate how the right of the accused is protected under the principle of innocence hypothesis. |

Questions to discuss:

1. After watching *No Boundaries for Human Rights*: *Rather be lenient than accuse wrongly*, what reason and evidence do you think the “Rather be lenient than accuse wrongly*”* supporter hold?
2. After watching *No Boundaries for Human Rights*: *Rather be lenient than accuse wrongly*, do you think severe punishment should be applicable to severe repeated criminals to maintain law and order? What factors do you take into consideration before you make a decision?
3. Analyse in the term of utilitarianism, do you think the reason and the evidence for “Rather be lenient than accuse wrongly” is in accordance with morality?

Teacher can integrate content of Case Studies (5) and (6) and let student perform a simple debate competition. Topic: Severe punishment for troubled times can maintain social order better than being lenient and not accusing wrongly.

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* The argument of “wrongly accusing and sacrificing a small number of innocent people so as to bring as many criminals to justice as possible and to reduce the harm of criminals to society” seems to be consistent with the utilitarian calculation.
* willing to sacrifice a small number of innocent people being wrongly accused to try to put all the criminals in law so as to reduce the criminals, and hence, social harm, seems to fit the calculation of utilitarianism.
* However, wrong accusation will seriously undermine the general public's confidence in the legal system. This will lead to serious harm to society.
* Therefore, “be lenient than accuse wrongly” is moral.

**Case Study (7): Proposal to Give a Sum of $6,000 to Eligible Citizens**

The fourth Financial Secretary of Hong John Tsang announced the 2011-12 Budget on 23 Feb 2011. One of the proposals was to follow one of the initiatives of 2008-09 to inject $6,000 into the MPF account of citizens with monthly income below $10,000 so as to enhance their retirement security. The cost involved was 24 billion dollars. However, this proposal had attracted criticism from citizens who believed that the long term benefit could not solve the immediate problem. There were also concerns about the high management fee of the MPF system. Many law-makers, including pro-establishment ones, demanded a revision of the plan so that citizens can obtain the money directly from the government. On 2 March, John Tsang announced an one-off cash handout of $6,000 with an estimated cost of 3.6 billion dollars. This direct money giving plan was unprecedented and there are criticism that this act had violated the principle of managing public finances prudently.

Reference:

https://www.fstb.gov.hk/en/docs/sp20110325-annex\_e.pdf

http://www.legco.gov.hk/yr10-11/chinese/panels/fa/papers/fa0627cb1-2500-1-c.pdf https://zh.wikipedia.org/wiki/$6,000%E8%A8%88%E5%8A%83

Questions for discussion:

1. Do you think there were more citizens welcoming the direct injection or more criticizing the government for violating the prudent finance management ? Why?
2. According to act-utilitarianism, should the government give money directly to citizens in times of financial surplus?
3. According to rule-utilitarianism, should the government give money directly to citizens in times of financial surplus?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* There are two options under utilitarianism;
  + Option A: direct injection of money to citizens
  + Option B: Injection of money to the MPF accounts of citizens
  + People affected are eligible citizens and government officials in charge
* There are two rules for the government under rule-utilitarianism;
  + Rule A; Listening to the voices of citizens
  + Rule B: Managing finances prudently for long term benefits
* Injection into MPF account is closer to rule B as it aims for long term benefits and giving money to citizens directly is closer to listening to the voices of citizens as the effect can be felt immediately.

Other reference for this session:

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