

Reflective Equilibrium in Rule Utilitarianism

Author: Joe Politz

Humanities and Arts Course Sequence:

Course Number	Course Title	Term
PY1731	Introduction To Philosophy & Religion	A05
PY2711	Philosophic Theories of Knowledge and Reality	B05
PY3712	Philosophy of Religion	B06
PY3731	Philosophy of the Environment	D07
PY2731	Introductory Ethics	C08

Presented to: Professor Roger Gottlieb
Department of Humanities & Arts
Term D08
PY5500

Submitted in Partial Fulfillment of
The Humanities & Arts Requirement
Worcester Polytechnic Institute
Worcester, Massachusetts

Peter Singer has provided a practical view of utilitarian ethics that is applicable to many contexts. His work has been especially influential in the animal rights movement, and he has been a key voice in advocating more practical ethics that are immediately applicable to our lives. Several things about Singer's work make it especially persuasive in defense of preference, or interests-based, utilitarianism. His frequent use of examples highlights in obvious ways the direct moral implications of many situations. He can point to specific instances, like people living in poverty on the brink of starvation, where there are clearly things wrong, and there are clearly simple things that people could do to help the situation. Singer argues that we should try to satisfy the greatest number of interests of the conscious beings involved, and in many situations he can easily show ways where sacrificing relatively little of our own interests satisfies the interests of many to a much greater degree. This is the pattern that he follows in a number of arguments, and it works well for a lot of cases – the obvious abuses that warrant protecting animals' rights and the obvious suffering of people in poor nations are two clear examples. Outside of unambiguous examples like these, however, there are areas where the ethical principles suggested by Singer directly conflict with our moral intuitions in one way or another. Many situations come up in life where abstract ethical theory, utilitarian or otherwise, can conflict with our "gut" reactions to situations. I would suggest that most people, Peter Singer included, come up with a way to reconcile the two on a case by case basis, using what they know about the situation and how they feel to balance the ethical rules in question. In this way, some sort of *reflective equilibrium* is at work in determining what to do in complicated (i.e. real-world) situations.

The notion of reflective equilibrium is at the core of this paper, so a clear definition is needed at the outset. I will begin with the definition as it appears in the Stanford Encyclopedia of Philosophy (Daniels):

The method of reflective equilibrium consists in working back and forth among our considered judgments (some say our "intuitions") about particular instances or cases, the principles or rules that we believe govern them, and the theoretical considerations that we believe bear on accepting these considered judgments, principles, or rules, revising any of these elements wherever necessary in order to achieve an acceptable coherence among them.

In this paper I am primarily concerned with how our “considered judgments,” which I generally refer to as our “intuitions,” interact with different “theoretical considerations” of utilitarianism. The “principles or rules” that govern situations are where the line in the middle begins to blur – certain theories give us guidelines for general behaviors, but do so in a way that could still be considered theoretical. In addition, an influential part of our judgments of the situation comes from rules or principles that we have learned from experience but are not part of any cohesive theory. What the process of reflective equilibrium suggests is that when one makes an ethical judgment, all of these things are taken into consideration and should balance each other out, instead of relying too heavily on any single theory, emotion, or rule. It could be that a logical argument convinces us that our feelings would guide us in the wrong direction, but it could also be that the theory is not coherent with the way we live our lives, and should be altered accordingly.

One way to consider handling moral situations that challenge a typical utilitarian view is by adopting what is called two level utilitarianism, which is the stance Peter Singer assumes. Two level utilitarianism is a theory intended to provide guidelines for acceptable behavior, rather than relying on a strict utilitarian analysis of every situation. One can consider the “total” level of the theory, which would take into account only the various interests that would be satisfied as a result of certain actions, and the correct action is the one that maximizes utility. In practice, however, this analysis is often impractical, so one more often considers the “rule” level of the theory, which would instead prescribe certain guidelines of behavior that are generally accepted to maximize utility in the long run.

An example helps to show the reasons for adopting two level utilitarianism over total utilitarianism, and I will borrow one of Gruen’s in this instance (Gruen 139). Assume there is a person, call her Jane, who happens to be an excellent chef. Her husband has been recently fired from his job, and could really use cheering up. They go out to dinner, where they find a number of diners disgruntled because none of the cooks made it to work that particular night. Surely Jane could maximize the happiness of everyone by running into the kitchens and cooking for the whole restaurant, since only her husband would be disappointed and the disgruntled diners would be satisfied.

However, there seems to be something wrong with saying she *should* do this, especially since requiring behavior like this all the time would preclude giving her husband any attention. Two level utilitarianism is a form of rule utilitarianism, which says that rather than trying to maximize the interests or total good in each situation, there are certain sets of acceptable guidelines which can be followed to maximize the total utility in the long run. In Jane's case, allowing for one's partner's interests to be considered more highly than most other people's allows her to spend some time with her husband without worrying about neglecting her obligation to the hungry diners. Singer's two level utilitarianism is an attempt to generalize rules for certain instances where common behavior would go against the actions that would create maximum utility in the particular instance.

Reflective equilibrium is a process by which an agent's subjectivity in a situation is a uniquely relevant factor in determining a coherent ethical course of action. The rule level of utilitarianism is an abstraction of certain general roles that people play, and the acceptable actions for the role in a given type of situation. Both represent a way of resolving a conflict between the core theory of utilitarianism and commonly held beliefs under certain circumstances. I am suggesting that the process of reflective equilibrium is better suited to handle this type of conflict and provide reasonable resolutions, for a few reasons. In cases where the core theory is at odds with some intuition we have, that intuition is filling a powerful role in mediating the conclusions that we draw from the theory. We cannot simply follow a theory in all cases because we have been convinced by its arguments – people make mistakes and in ethical situations it is often intuition that can help us realize where we are mistaken or inconsistent. Two level utilitarianism, instead of considering our intuitions, abstracts things further by removing the person's subjective role in the situation, using the idea that certain guidelines for acceptable behavior should be used in cases where a total utilitarian theory is impractical or not applicable. In practice, considering the rules in two level utilitarianism is usually done when total utilitarianism would conflict with commonly held beliefs and principles about the correct action in the situation. But why remove the personal element, based on experience or intuition, from the situation, if that is where the problem with the theory exists, if any? And why do certain cases where our intuitions conflict with the theory

represent a general practice and others not? The important thing to realize is that these cases of conflict should not be dealt with more generally, but instead be considered as more personal balancing between a person's intuition, experience, special knowledge of the situation, and consideration of rational arguments in the situation.

An argument against this position is that this makes the process of moral decision making far too subjective. How can we have any notion of rightness or wrongness to judge against if it is a person's intuitions and emotions that bear on their decision? The answer is that from the outside, we cannot judge if the conclusion reached by an individual is right or wrong in general. We can only make similar judgments about what we find to be the correct course of action, finding coherence between our theories, beliefs, and intuitions about the situation. Living in a society naturally provides a form of feedback for this process, so the knowledge of what people find to be the right decisions becomes new information to factor into one's own decision making process. The rightness or wrongness of an action as judged by society becomes another important part of the basis we start from in reaching reflective equilibrium in our decisions.

I should be clear that Singer's utilitarianism does not discount the importance of reflecting on the tensions between different issues. Singer does acknowledge that some form of personal reflection could be important to the basis of ethics. In *Singer and His Critics*, in a response to Solomon, Singer talks about *cognitive dissonance* between what we feel is right and our attempt to rationalize why we feel that way. Singer uses this to suggest that dissonance could be a way for reason to play more of a role in ethics. (Singer (2) 285) That is, through trying to universalize or otherwise rationalize our feelings about a situation, we provide a rational basis for the ethical process that leads to our decisions. Singer is hesitant to suggest that he has found the way to base ethics in reason, but his argument does show how reason can be used to balance other considerations in making ethical judgments that stem from emotions. Singer brings up a similar point in *Practical Ethics*, in which he discusses the question "Why act morally?" He agrees that this is a difficult question to answer, but tentatively suggests that "rationality, in the broad sense that includes self-awareness and reflection on the nature and point of our own existence, may push us towards concerns broader than the quality of our own existence." (Singer (1) 334) Here again, Singer refers to reflection as a key feature in the grounding

of ethics. It is important to note that when Singer considers reflection, he is usually talking about coming up with reasons and arguments in reaction to feelings or some existing state of mind. I am suggesting that the opposite is equally important – that is, allowing for emotion to be a guide in ethical decisions, rather than always trying to force ourselves to accept the “rational” conclusions of arguments that could be disturbing.

To continue, it is helpful to look at an example. Let us assume that there is some group of thousands of people who would be made extremely fulfilled if one completely innocent person were to be tortured. As an initial reaction, I’m sure few would accept that committing the torture is a moral choice in this situation. However, total utilitarianism would have a hard time saying that there isn’t some number of happy people that can offset the harm to one person. Two level utilitarianism can answer readily by arguing that this type of behavior being endorsed by society will probably lead to further abuse in the future and should not be tolerated. The utilitarian guideline would be that torturing innocent people simply for pleasure should never be done, because following this rule will lead to a better society that satisfies more interests in the long run.

Compare this to someone trying to make this decision from the point of view of reflective equilibrium (assuming that their “rational” side would argue from a utilitarian point of view). They would likely have a strong initial negative emotional reaction – probably horror or revulsion that torture could be performed for pleasure. Balancing that out with the realization that some thousands of people would get great pleasure out of the act, the person would have to make a decision, and most reasonable people would say torturing the innocent is wrong. Perhaps they considered what ramifications setting the precedent of torture for pleasure would have, but more likely the reaction would be that torturing someone deeply conflicts with their feeling of right on a very basic level.

Another factor to consider is that two level utilitarianism can only base this rule on what the consequences of the action would be, and how that would affect people’s interests in the future. If it could be proven that torturing one innocent for an equivalent amount of pleasure for thousands did *not* have negative impacts in the future, then there would be no need for a guideline against it. But most people would argue that the *act* of torturing an innocent person is wrong if it is performed only for pleasure (there may be other cases, such as saving lives, that could be justified). This distinction illuminates the

role that reflective equilibrium can play in coming to moral judgments. It is the consideration of our intuitive response and judgment that plays counterpoint to the initial utilitarian theoretical analysis.

Gruen brings up several relevant examples in “Must Utilitarianism Be Impartial?” In particular, she considers a case where parents in a relatively affluent society like our own are trying to decide between providing special treatment for their own children, say in terms of paying their way to college, and giving an equal amount of money to save dozens of starving children. The utilitarian, she says, must see the greater utility that comes out of saving all of the children as opposed to incrementally meeting the interests of the already well-fed and clothed child in affluent society. After all, the difference in satisfying interests between not going to college and not eating are significant, and multiple children could eat for the price of higher education. Singer’s response is that we need to have the ability to step back from the situation and make generalizations about it. Singer argues that while in a single case we may see that more interests will be satisfied by a single action, this may not be the best kind of action to promote. Indeed, it may be better in the long run that parents follow the universal rule that they should treat their own children’s interests as more important than others’. The key point raised is the necessity of stepping back from the situation and finding rules and guidelines which are designed to maximize utility across a range of cases.

The question that this raises for Singer is this – how does one know that the utilitarian guidelines in question are the right ones? Is there really a logical argument or evidence suggesting that treating one’s own children or others’ children’s interests as more important leads to greater utility? This seems like an empirical question that is extremely difficult to answer. I think the real answer is that the idea of generalization and getting outside of an individual case is really appealing to some combination of experience and emotion to augment the rational analysis of utility. People really do feel an obligation to their own children that is different than the obligation to someone else’s. Society accepts the norm that parents would probably send their child to college before providing famine relief if there was only money for one. The idea of creating a general guideline to apply this rule as a rational moral judgment is mistaken – it is simply a different way of saying that the rational theory is being balanced with a more intuitive

sense of the way things should be. Using one's emotions and subjective judgments in this way is not a bad thing – it provides a meaningful counterbalance to strict ethical definitions in complicated or borderline cases where the purely rational theory is difficult to apply.

The idea that parents would even consider giving aid to children far away, as opposed to their own children, suggests that they have been somehow led to consider the interests of those who are not nearby in a similar way as those who are. For Singer, this is part of the “expanding circle” of consideration of interests that people experience, where they continually are able to understand and take into account the interests of those who are further and further removed from themselves. Singer's argument is that it is a primarily rational procedure that leads us towards this conclusion. We may be naturally able to consider the interests of others that are close to us, and from this we can ask why these people who are nearby are necessarily more important than those who aren't. This leads us towards considering the interests of those who are farther and farther away. Solomon counters in “Peter Singer's Expanding Circle, Compassion and the Liberation of Ethics,” that compassion is what plays a far larger role in our ability to extend our considerations to those beyond our borders. He argues that we are really empathizing with those who are far away from us – it is a process that involves us feeling compassion rather than simply forming a logical argument. He says, “Reason no doubt can play a role in this expansion, but the primary ingredients of this growing awareness are perception, sympathy, and reciprocity.” (Solomon 71) This relates directly to the idea of reflective equilibrium, and how these feelings relating to other people, in conjunction with rational conclusions, leads towards a coherent ethical decision.

As mentioned earlier, it is interesting to note that Singer takes into account the notion of cognitive dissonance in his response to Solomon. He says that the dissonance arises when we reflect on what we are doing and see inconsistencies in our actions. The example that pertains directly to the expanding circle is the idea that if we are giving special treatment to those close to us, we would experience dissonance when we realize how similar those far away are to the people nearby. Responding to cognitive dissonance in this sense is self-reflective in the same sense that the process of reaching reflective equilibrium is, but avoids mentioning emotions explicitly. We take as the initial case that

we are simply acting a certain way for unstated reasons – we just happen to be concerned with those near us. Then we reflect on this state and come to the awareness that our actions are inconsistent, and can change our actions (or not) accordingly. But cognitive dissonance is not just a rational state where that we use to determine logical inconsistencies in our actions. The term itself suggests a negative feeling that comes out of experiencing dissonance. We feel that something is wrong with the situation, and at the same time we can rationalize why we feel this way. Yes, there is some logical inconsistency in only caring about those near us when distance matters so little in our ability to enact change, but there are also empathy and a feeling of sameness that contribute to the dissonance between our judgments of a situation and our actions.

In the case of Singer's expanding circle, it may be possible to increase our awareness solely through the process of reasoning. But at the same time, what we are reasoning about is our feelings concerning the situation. Our perceptions and judgments about the situation could lead in many directions – perhaps our acquired experience suggests that we should care more about the people in our small town than anyone else. At the same time, we feel empathy for those outside our small world, and can understand that there is no reason we can find (other than our experience as small town folk) that we should treat outsiders differently. Here, we could reach reflective equilibrium by considering our feelings and arguments with our judgments based on experience, and likely come to the conclusion that people outside our small town are just as important as those within. Reason certainly played a role in reaching the conclusion, but a number of other factors were important to consider as well. After all, as small town people perhaps we don't have as much access to information about the outside world as others, and we have to start the process of making ethical decisions somewhere. Singer's utilitarianism would like to have all of these conclusions be based entirely on our rational analysis of the situation, but the fact is that there are many other factors that come into consideration when coming to a coherent decision. To me, the expanding circle is actually an accurate example of the results of people searching for reflective equilibrium, where they know that there are certain things that are unsettling about the world and their relations to people in it, and in coming to coherent conclusions they naturally seek to take into consideration more and more people.

I think what we see is that in many cases Singer ends up with results, while arguing for the use of reason and two level utilitarianism, that are similar to the results of a process of reflective equilibrium. There are decisions people have to make that society could readily give an answer to (providing for one's children first, deciding that torturing innocents is wrong for almost any reason) for which there is an answer in two level utilitarianism. There is also the case of Singer's "expanding circle" which, while not addressed by two level utilitarianism, is an example of the results of a process that is at least partially rationally reflective. I say partially because the process requires some amount of outside information (there are people in the world who are similar to us, but much less advantaged), and the end result involves both assimilating this information and reflecting on where it fits into one's understanding of the situation. I believe that what is really going on in all these examples is that the utilitarian answer (and in some of these cases Singer's answer) is the result of the process of reflective equilibrium. Each of them concerns cases where most people in affluent society could say what most people are likely to do or think, but utilitarian theory may or may not say otherwise. Intuitions and feelings about the situation become premises in the argument, and a coherent conclusion is reached. This conclusion tries to maximize and balance the considerations coming from each of intuition and experience and theory. The expanding circle is an instance in which the rational, theory based part of the process may not start at odds with what we know and believe to be true about the situation, but instead each of these things is influential in the final conclusion of expanding the scope of our ethical considerations.

An interesting way to look at this is to compare several cases that are candidates for two level utilitarianism. For example, take Singer's position on abortion. His utilitarian argument is that the abortion of a fetus isn't any more morally significant in itself than killing an animal of similar mental capabilities. There is little to argue in the way of Singer's utilitarian analysis of this situation. However, one could look at a number of the arguments for abortion and say that maybe abortion is a candidate for receiving a general guideline in the second level of utilitarianism. Perhaps Singer's argument makes abortion seem too acceptable, which would lead to using it's widespread use as birth control, which would be bad for society overall, just because we are making new lives only to destroy them (there are actually conflicting utilitarian views on if this is

a bad thing or not, related to how we use livestock, but for the sake of argument I assume this isn't a desirable state of affairs). So, we could argue that we should have a general rule that one should not have an abortion. Compare this with the general rule mentioned in Jane's case, concerning the ability of people to make certain sacrifices in utility to have meaningful, loving partnerships. This example is important because many people would find an ethical theory unacceptable that did not account for people's interest in having and maintaining loving relationships. Certainly there are large groups of people that find the presence of abortion just as abhorrent as Singer may find the lack of loving relationships in life. Is it only Singer's feelings that cause him to note the general rule for having loving relationships as opposed to a general rule against having abortions? Now, I am not trying to imply that Singer is endorsing abortions, quite the opposite in fact. He says an abortion is only acceptable in a situation where there would be more suffering than good in the life of the baby and the parents as a result. However, he doesn't suggest that a relationship should be abandoned in the case that greater utility would result from devoting one's time to charitable causes rather than with one person.

There are a few responses to this. The first is that Singer actually has mentioned that in two level utilitarianism there is some justification for having a general rule against abortions in general (or any other type of similar case that fits the argument). The other is that two level utilitarianism doesn't need to have rules and guidelines for all situations, only to say that actions in a certain range are generally acceptable. Someone would not be required to avoid or have an abortion, just as they would not be required to spend time with their partner if they wanted to help people instead. The problem with this is that it is incredibly difficult to have any sort of algorithm for clearly defining this boundary. This is the reason general rules and guidelines tend to be mentioned explicitly. The question "Will such and such a view of abortion be a good thing for society?" is an empirical one that is nearly impossible to answer. The guidelines and rules that apply to the action would depend heavily on the situation, and allowing for the broad range of "acceptable" actions across many cases would put utilitarianism on a slippery slope. The boundaries for action in two level utilitarianism are impossible to define and end up being highly subjective.

Acknowledging that reflective equilibrium is a method of making morally valid decisions in complex situations would be beneficial for a few reasons. In cases where it is difficult to find abstract rules and guidelines to govern a situation, the intuitions we have about the situation can be a valuable guide in their own right, without needing to be backed by a particular theory. Doing this provides a meaningful way for societal norms based on people's collective experience and beliefs to both inform ethical decisions and be modified by them. The aggregate of people's decisions in society naturally make up part of what we consider to be people's interests, goals, and needs. This leads us to put some moral worth on the values that we have in our society. At the same time, new information can be introduced to upset the equilibrium, and encourage finding a new balance point that better incorporates all the available points of view. This allows for a moral structure that evolves over time, without needing a set theory that must be proven false or radically altered to accommodate changes in society. There is a lessened need for abstract rules and more emphasis placed on the conclusions that can be drawn from existing theories, experience, and beliefs. All of these factors can complement each other and change independently to provide the best solutions in different situations. In fact, it is possible that the process of reflective equilibrium is important because it accurately models how changes to commonly held beliefs can occur in response to new information or the expression of an important, widely shared sentiment.

Allowing for the process of reflective equilibrium in making ethical decisions provides much of this result, and also allows for the subjectivity of individual cases. Basic utilitarian rules become one important theoretical part of a larger framework for making moral decisions. Singer could consider all the logical arguments for maximizing utility, but use intuition about specific situations to balance and augment the process. When new situations arise, instead of offering a complicated consequentialist argument for why certain sets of actions should be acceptable or not, the intuition that caused the discrepancy in the first place can be used as a tool to suggest the right reaction. The second level of utilitarianism becomes one that is as adaptable as it needs to be in boundary cases where the core theory is insufficient. By not avoiding the important things that our intuitions, experience, and feelings are telling us and tempering them with

knowledge of utilitarian principles, a lot can be gained in terms of making ethical decisions.

Works Cited

Daniels, Norman, "Reflective Equilibrium", *The Stanford Encyclopedia of Philosophy* (Summer 2003 Edition), Edward N. Zalta (ed.), URL = [<http://plato.stanford.edu/archives/sum2003/entries/reflective-equilibrium/>](http://plato.stanford.edu/archives/sum2003/entries/reflective-equilibrium/).

Gruen, Lori. "Must Utilitarians Be Impartial?" In *Singer and His Critics*. Jamieson, Dale (ed.). Blackwell Publishers Ltd, 1999. Malden, Massachusetts.

Singer, Peter (1). *Practical Ethics* (2nd Edition). Cambridge University Press, 1993. New York, New York.

Singer, Peter (2). "A Response". In *Singer and His Critics*. Jamieson, Dale (ed.). Blackwell Publishers Ltd, 1999. Malden, Massachusetts.

Solomon, Robert C. "Peter Singer's Expanding Circle: Compassion and the Liberation of Ethics". In *Singer and His Critics*. Jamieson, Dale (ed.). Blackwell Publishers Ltd, 1999. Malden, Massachusetts.