

LELAND B. YEAGER. *ETHICS AS SOCIAL SCIENCE: THE MORAL PHILOSOPHY OF SOCIAL COOPERATION*. CHELTENHAM, U.K.: EDWARD ELGAR, 2001. Pp. viii + 299.

I find myself in an odd position. Had I read Professor Yeager's book a year ago, I would have heralded it as a fine contribution to the clarification of a sophisticated (and *correct*) utilitarianism. True, there would have remained (in my opinion) one yawning chasm yet to be satisfactorily explained by the utilitarians, but this wouldn't have bothered me too much; after all, science never rests, and can only push back the boundaries of our ignorance.

I now realize that what I had thought was a minor shortcoming of utilitarianism (explained below) is, in fact, a devastating weakness. Yeager's book ingeniously deals with many criticisms, yet fails in this vital regard. Just as it was necessary to discard the Ptolemaic models of the solar system (which *were* helpful in many respects), it is time to discard utilitarianism in favor of a new approach to ethics.

YEAGER'S APPROACH

Yeager advocates a utilitarianism of the variety articulated by Mises in *Human Action*.¹ The normative terms *good* and *bad* make sense only in the context of society, and something (be it an action, law, or ideology) is morally good only insofar as it promotes human happiness or satisfaction. Because of the nature of human interaction (a nature discovered by the positive economist as well as by other scientists), *social cooperation* is the means by which individuals satisfy their diverse, subjective ends. Thus, ethical issues can be reduced to the expected strengthening or weakening of social bonds. In short, what promotes cooperation is good; what hinders it is bad.

I am but an amateur in the field of ethics, so I will not comment on the complicated web of arguments and counterarguments that Yeager references in his book. (Indeed, I often found myself unsure whether Yeager agreed or not with the remarks he paraphrased from a given author.) My relative ignorance notwithstanding, I am confident that *Ethics as Social Science* is the single best reference on modern utilitarianism for the serious student (whereas Henry Hazlitt's *The Foundations of Morality*² is a better introductory book).

¹Ludwig von Mises, *Human Action: A Treatise on Economics*, 3rd rev. ed. (Chicago: Contemporary Books, 1963).

²Henry Hazlitt, *The Foundations of Morality* (Princeton, N.J.: Van Nostrand, 1964).

RULE VERSUS ACT UTILITARIANISM

A major shortcoming of the book is Yeager's harsh treatment of those who deviate even slightly from his own position. This is particularly embarrassing since, at times, Yeager himself apparently makes the very mistakes for which he castigates his opponents. This is nowhere better demonstrated than in his discussion arguing for rule (or indirect) over act utilitarianism.

Act utilitarianism requires that everyone "act in whatever way promises to contribute most to the aggregate excess of happiness over misery, taking full account of all effects of the possible actions compared" (86). One would think that Yeager would at least sympathize with this notion. Not so:

Although [act utilitarianism] illuminates more plausible positions by contrast, it is hard to believe that any philosopher actually advocates it. . . . Although ethical precepts are not objective realities naturally graven in stone, a moral code could hardly be meaningful if it were open to wholesale reconsideration by each individual at the time of each particular decision. Such continual case-by-case reconsideration would come close to a situation ethics and to not having a moral code after all. Rules and codes are best appraised outside the context of immediate decisions.

Successfully applying act utilitarianism would presuppose impossibly great information and foresight about consequences of individual actions—intended and unintended, nearby and remote, immediate and delayed. . . . It overlooks the temptations and excuses that people find to take advantage of vague or pliable rules. (pp. 86–87)

Yeager apparently misses the great irony here in the fact that the bulk of his arguments have been advanced by others against utilitarianism *itself*, act or otherwise. Inasmuch as most of his objections relate to the *feasibility* of act utilitarianism, wouldn't these considerations be handled under its "taking full account of all effects" clause? For example, the act utilitarian could agree that individuals disregarding widely held moral precepts would lead to long-run misery, and for this very reason would reject any such individual acts as immoral.

In contrast to naïve act utilitarianism, Yeager advances a rules version; rather than acting in each case to maximize happiness, individuals should instead adopt ethical precepts that foster social cooperation (and thus happiness). But this is a false dichotomy. On the one hand, if individuals were ordered to follow the single rule, "Always

act to increase human happiness,” this would merely reduce to simple act utilitarianism. On the other hand, if the rules became so numerous and complicated that they covered every possible situation, this would also reduce to act utilitarianism.

Any serious ethical code must propose a set of rules that lies somewhere between these two extremes, if for no other reason than the limits of human memory. But wherever this line is drawn, we know that there exists a *superior* (from a utilitarian point of view) set of rules that cannot be advocated simply because of their complexity. Furthermore, it would lead to widespread uncertainty if moral philosophers were constantly reevaluating the precepts of the ethical code. Indeed, we could say, parallel to Yeager’s argument against act utilitarianism, that successfully applying rule utilitarianism would presuppose impossibly great information and foresight about consequences of individual rules—intended and unintended, nearby and remote, immediate and delayed.

In light of the above considerations, one might find it hard to believe that any moral philosopher could seriously advocate rule utilitarianism.

THE PROBLEM OF AGGREGATION

Ever since its earliest prescription of seeking the greatest good for the greatest number (an empty formulation that even Bentham himself subsequently abandoned), utilitarianism has been plagued by the problem of aggregation. Even setting aside the (devastating) issue of interpersonal utility comparisons, the utilitarian must decide whether to maximize total, average, or median utility. This decision will lead to different policy recommendations. If the goal is *total* utility, for example, then population growth will likely be favored. Championing “happiness” is not enough; the utilitarian must be *specific*.

Yeager is aware of these alleged problems—he feels “almost outrage at the slipshod scholarship they betray” (p. 112)—yet he does little except deny that such criticisms apply. This is a standard tactic for Yeager. For example, he admits that

the social philosopher or policy advisor cannot avoid all *semblance* of a maximizer’s viewpoint. Whatever his conception of the general good, he must have some notion of institutions and rules serving it better or worse. Although desiring the best in this harmless sense, the utilitarian does not envisage maximizing some quasi-homogeneous substance. . . .

Book Reviews

In a benign way, impartiality has some affinity with this faint semblance of a maximizer's view. The detached mood appropriate to a social philosopher or policy advisor *does* in a sense require regarding individuals equally as "statistics," so to speak. . . .

Anyway, the detached mood cultivated by such a conception does not require forgetting that each person is special to himself and within his own circle. A utilitarian recoils in horror from empowering any authority to manipulate individuals as mere statistics. (pp. 115–16)

But a reader curious as to how Yeager's "harmless" and "benign" utilitarianism—in contrast to the outrageous caricatures of its critics—is actually to be implemented (or even defined) will find little elaboration. This is most distressing, for unless he sticks to generic statements such as "murder reduces human happiness," the utilitarian will need to seriously address the problems of calculating the "general good."

MISES'S ILLUSORY SOLUTION

Ludwig von Mises cleverly sidestepped the problems of traditional utilitarianism. No appeal to idiosyncratic intuitions or false altruism and no reliance on invalid utility comparisons or aggregation were necessary. There was no conflict between the demands of morality and self-interest. Since the vast majority of people can achieve their ends only through the benefits of the division of labor, it is within their "rightly understood interests" to refrain from antisocial actions. Against the superstitious doctrines of natural law and mystical creeds stands the practical man and his use of reason to attain his goals:

[I]t is obvious that the appeal to justice in a debate concerning the drafting of new laws is an instance of circular reasoning. . . . [The notion of justice] makes sense only when approving or disapproving concrete conduct from the point of view of the valid laws of the country. In considering changes in the nation's legal system, in rewriting or repealing existing laws and writing new laws, the issue is not justice, but social expediency and social welfare. There is no such thing as an absolute notion of justice not referring to a definite system of social organization. . . . There is neither right nor wrong outside the social nexus.³

³Mises, *Human Action*, p. 717.

Mises tries to avoid the vexing problem of value judgments by assuming that the vast majority of people prefer the security and material comforts of civilization over the temporary thrills of aggressive behavior. But this alone does not make it rational to obey the dictates of morality. The economist can rightfully observe that if *everyone* behaves ethically, we will all be better off. Such an argument, however, violates the cherished Austrian principles of marginalism and individualism. It is true that a society suffering from widespread theft would be intolerable, even from a thief's point of view; but any individual robbery has little impact on the overall level of crime. If everyone became an engineer, humanity would also perish; this does not prove engineering to be an immoral profession.

This was the lingering doubt I had always had; utilitarianism can give the individual no good reason to obey, in all cases, the rules it prescribes for the good life. Yeager himself has the courage to admit this, in the sense that certain situations call for a genuine sacrifice of one's interest to "society" (p. 186). (Yeager does provide thoughtful remarks concerning the role of character and ingrained habits, although, strictly speaking, the rational individual should lament that such psychological constraints apply to *himself*.)

If, indeed, there is nothing behind morality besides expediency, then the egoist should not feel bad for violating "rules" when he can profit (all things considered) from doing so. One possible response—that a general ethical code by definition must apply to everyone—is just as superstitious as any natural law principle that Mises and Yeager ridicule.

WEAK DEFENSES, POOR FOUNDATIONS

Another problem with Yeager's utilitarianism is its vacuity. Judging by his responses to certain arguments, it appears that his system comes close to being non-falsifiable. Yeager, who reminds his reader in several places (e.g., p. 143) that he is more "scientific" than many of his critics, will certainly be concerned with such a charge. To demonstrate this, let us consider Yeager's treatment of a sophisticated argument against utilitarianism. (Note, too, Yeager's less-than-disinterested tone.)

An example contrived by J.A. Mirrlees . . . affords insight into what the critics may have in mind when complaining about aggregation (and if they are not just mindlessly echoing one another). Social welfare is the arithmetic sum

Book Reviews

of the utilities of society's two members, Tom and Dick. Both have the same utility function with plausible properties. . . . Intuitively [and as a result of the specified properties], working a lot leaves a person less time and capacity to enjoy income, and having a large income reduces one's willingness to work. The production function is very simple: 1 unit of Tom's labor produces 2 units of real income, while 1 unit of Dick's labor produces only 1 unit of income. Only in their productivities do the two men differ.

On these radically simple assumptions, straightforward calculus shows that maximizing social welfare requires Tom both to work more hours and also to receive less income than Dick. Tom, though more productive, is unequivocally the worse off of the two. . . . Tom has both absolute and comparative advantages over Dick in transforming labor into income. In transforming income into utility and welfare, Dick has neither an absolute advantage nor an absolute disadvantage, but he does have a comparative advantage. Tom should therefore specialize in producing income and Dick specialize in consuming it. . . .

Any (imaginary) utilitarian who remained content with considerations of this sort would be committing grave oversights. Most obviously . . . he would be overlooking incentives. . . . Considerations of fairness must also enter into any even halfway sophisticated version of utilitarianism. *An ethical code cannot promote the welfares [sic] of individuals unless it commands wide adherence, which it cannot do if seen as grossly unfair.* (pp. 113–14, emphasis added)

It is this latter counterargument that troubles me. What more can the critic do than to show that utilitarianism, while obviously plausible in certain cases, leads to absurdities in other cases? Yeager seems to come very close to the following defense:

- The critic argues that utilitarianism would imply monstrous consequence X.
- People do not like monstrosities.
- Therefore, by its very definition, utilitarianism must not imply X after all.

Not only does Yeager defend his system poorly, he doesn't even state it well. He tries to avoid the charge of vacuity in a formal sense by pointing out that other systems offer all sorts of ultimate criteria

that differ from his own. What, precisely, *is* Yeager's criterion? We already know that, in the rough-and-tumble over specific situations, the issues get absurdly confused. So, broadly speaking, *what* does Yeager advocate?

Social cooperation is only a *nearly* ultimate criterion. It serves some further value taken as desirable without argument. . . .

Utilitarians can only take stabs at labeling what they deem ultimately desirable. It is individuals' success in making good lives for themselves, or fulfillment, or satisfaction, or life befitting human potential, or what Aristotle called eudaimonia. No single word is adequate. When one is required, however, "happiness" is the traditional choice. . . .

Even though choice of an ultimate criterion or value must be a matter of intuition, intuition may be cultivated reflectively. . . . Happiness or some such concept (perhaps "flourishing") will prevail over rival criteria—or so I conjecture. (pp. 82–83)

Yeager seems to feel that any concern for happiness makes one a utilitarian by definition. But this is not so. A natural law theorist, for example, can mention without embarrassment the misery that socialism would entail. In an analogous way, one can reject a proposed ethical system because it contains contradictions; this rejection would not christen "logical consistency" as one's ultimate ethical criterion.

WHAT UTILITARIANISM LACKS

Utilitarianism seems to rob the words *good* and *bad* of their specifically ethical character. The utilitarian cannot make a distinction between guilt and simple error. Ill-informed legislators who impose rent controls have made a mistake in *qualitatively* the same sense as investors who go bankrupt.

Any decent ethical system must involve *intentions*. If consequences are really all that count, then a natural disaster is far more "evil" than a serial killer, and the drunk driver is just as morally culpable as the assassin.

More serious still, for any supposed "scientific" ethics, is the utilitarian's inability to provide definite answers on real-life ethical dilemmas. The fact that devout utilitarians disagree on every major

Book Reviews

issue, whether abortion, animal rights, or the death penalty, proves that their approach is just as susceptible to personal whims as is any other ethical system.

A QUIBBLE CONCERNING TONE

Besides these major issues, another aspect of *Ethics as Social Science* troubles me. As implied above, Yeager at times appears rather partisan. He voices actual “outrage” over the unsympathetic treatment of utilitarianism by certain critics, yet he himself yields to caricatures of *his* opponents. For example, he accuses Walter Block of

an unintended, unrecognized, and paradoxical statism—the unarticulated idea that the state is responsible for suppressing all evil and promoting all good and that something the state should not suppress is by that very token not evil and perhaps even good after all. (p. 276)

Although I agree that Block, in his *Defending the Undefendable*,⁴ at times overstepped (e.g., in the case of counterfeiters), this possible error in no way implies statism. (Rothbard explains in the book’s Foreword the intentionally shocking sense in which Block uses the term “hero.”) I cannot see how Yeager reached his conclusion except for its utter irony in light of the professed anti-statism of his opponent.

In discussing Murray Rothbard’s natural law defense of blackmail on the grounds that the legal and the moral need not coincide, Yeager, incredibly, wonders whether this distinction is valid after all (p. 279). Surely Yeager must be familiar with the standard arguments for drug legalization; his criticisms of Rothbard in this regard are incomprehensible.

CONCLUSION

Although it provides a thoughtful tour of previous work and offers a few novel arguments, Leland Yeager’s *Ethics as Social Science* ultimately fails in its attempt to rescue utilitarianism from its many flaws. By focusing almost exclusively on (allegedly incorrect) criticisms, the book fails to make a strong case *for* utilitarianism.

⁴Walter Block, *Defending the Undefendable: The Pimp, Prostitute, Scab, Slumlord, Libeler, Moneylender, and Other Scapegoats in the Rogue’s Gallery of American Society* (New York: Fleet Press, 1976).

Journal of Libertarian Studies

Obviously, the insights of utilitarian thinkers are quite valuable. Any ethical doctrine must take account of the consequences of its prescribed behavior. Yet, recognition of this truism cannot overcome objections of the sort raised above. Precisely because thinkers of the caliber of Yeager, Mises, and Hazlitt were unable to expound the doctrine in a satisfactory way, I have come to believe that such an exercise may be impossible.

ROBERT P. MURPHY
New York University