

**Human rights: Justice as Dignity or utility?**

**Utilitarianism and Effective altruism**

**Research paper written by:**

**Leila Hoballah**

**Beirut Center For Middle East Studies**

**June 2018**

**All rights reserved .**

## **Introduction:**

*“God knows I fear the destruction of the world by the atomic bomb, but there is at least one thing I fear as much, and that is the invasion of humanity by the state”* (Berenson. Qtd in Foucault 75).

As Bernard Berenson, an American art historian (1865-1959) in the Renaissance, approaching death at almost 100 years, he expressed his worries from the “state” as invading the humanity. Looking back through history, and living First and Second World War and the colonization era, Berenson had the right to question the legitimacy of the state over the humanity, the utility v/s dignity, authority v/s liberty.

In the year 1948, and upon the Declaration of Human Rights in the United Nation, millions of citizens have been expelled from their country Palestine, as refugees, and another state have been formed, Israel. At the moment of giving a group of people their rights, you automatically deprive others from it. This is not a case of contradicting concepts, but it is absolutely not a case of human rights. It could be related to the utilitarian philosophy as “The greatest good for the greatest number of people”. which is not either the case, but it seems to be utility of “the greatest good for the greatest power”.

The question, is utilitarianism philosophically compatible with human rights, could be answered by critically analyzing the history of both concepts in their western context. Not as opposite concepts but in an intertwine relation, that could reveal the areas of homogeneity and heterogeneity. We will try to argue in this paper that the concept of utility and human rights, as applied in the western context, is related in causal teleological manner.

- **The philosophical history of utility:**

*“Among the questions philosophers have considered are: whether ethics is objectively true, or relative to culture, or entirely subjective; whether human beings are naturally good; and whether ethics comes from nature or from culture. They have regarded such questions as having a practical, as well as theoretical, significance”* (Singer 333).

In these lines, Peter Singer, draws the historical dilemma for the source of ethical judgment, for human conduct, and for the nature of good and bad. Since Greek philosophy, the main argument could be viewed as questioning the motive behind human action. Plato, with the myth of “Ring of Gyges” denied the present of just and unjust act, and said that the act is good by itself, and if the person knows the good he has to do it. This utopian idea, became more realistic with Aristotle, in saying I can know the good but choice rationally not to do it. The human will and capacity that could be traced here could open the dilemma between personal interest and other’s interests based on pleasure and happiness. Pleasure as an end is the measurement of human action, wither it is a rational moral or materialistic pleasure. This individualistic way in defining the good act, will lead to the need of “social contract”, with Hobbes and Lock, in order to overcome the side effect of this reality, in which people with individual values for good and bad, pleasure and pain, socially living together, should give part of their “natural rights” for the general good. So from metaphysical ethics, were good was related to God or intrinsic moral law, to the applied ethical approach with Bentham, were calculus applied to ethics, and utility is the final end.

In his book “Utilitarianism”, Mill, reflected the idea of utility very clearly, “[...] who accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right

in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness” (Mill 10). But the important point came after that, since till now nothing new about the idea of pleasure, when Mill in the same book clarifies that the pleasure or good is not the greatest for the individual but the sum of pleasure, “for that standard is not the agent’s own greatest happiness, but the greatest amount of happiness altogether” ( Mill 13).

Here I think begins the relation between human rights and the concept of utility, the individual utility v/s collective utility. In order to support this argument, we will refer to Foucault’s archeology of the idea of governmentality and biopolitics. He said that “utilitarianism is a technology of government, [...] a juridical technology” (Foucault 41), in which the state now will legitimise its sovereignty by the action of utility, through juridical law. Here is the change of natural law to positive law on the calculus of utility of the state, over the utility of the individual, but by what Foucault will name it “ the art of governmentality”, to govern more by governing less. So there is a new reality, a new form of state that regulate the public authorities in terms of utility, “collective utility (rather than collective will) as general axis of the art of government” (Foucault 43) and the social sphere through the transformation of types of laws, from natural, to civil, to international, to cosmopolitan, till it reach the “law enforcement”, which is a “set of instruments employed to give social and political reality to the act of prohibition, in which the formation of law consists”( Foucault 254).

What is interesting here is the way that we have to view the history of human right as related to the concept of utility. Human rights which historically came from the natural rights, is this change from natural law to juridical law , under the discourse of utility, the greatest good for the state over the citizens, as a collective utility. Bentham comments on the concept of natural law by “ridiculed the idea “all men are born free” as absurd and miserable nonsense, real rights are

legal rights” (qtd in. Clapham 11) is a best evidence for what we are trying to argue. Rights should be enforced by laws, regulated by the state, the state, I guess, built as his panopticon , which in this model you can observe the public, in the time they thought they are free. Natural rights which is the same as human rights, should be like any other treaties that regulate the state relation internally, the public and private right, and externally the “zero sum game”, as called by Foucault, between the states to maintain power balance.

In his bottom- top approach, Griffin realize this problem, how could the base of human rights be the utility of the majority over the minority? For that he wanted to build a new measure to the concept, so it could bear the characteristic of universality and inalienability, the normative agent, which, in a way or another, reflects a utilitarian model. The utilitarianism that is the core of liberal political regime will give rise to the human rights notion, by giving value to the individual utility, in the time the socialism regime will fall sociologically, due to ignoring individual utility, in relation to communism.

- **The philosophical history of Human Rights:**

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, Liberty, and pursuit of Happiness”* (Abraham Lincoln 1863)

In the preamble of the declaration of human rights in 1948, there is similarity of the statement above, about the declaration of freedom of the United States. The “inherent dignity” of the equal rights is the foundation of freedom and is protected by the “Rule of Law”. The concepts of right and liberty were there, but the “Creator” should be now replaced by the law, since the ethical philosophy in Europe was not any more based on God, after the enlightenment era. Historically

speaking these were not the first to appear in the west, starting from Magna Carta 1215, petition of rights 1628, bill of Rights 1689, declaration of the rights of the man and the citizen 1789 till the declaration of human rights in the 20<sup>th</sup> century as part of the aftermath of the world wars.

Two important changes in the history of human rights could be related to the change of right from natural to human right. Since nature is related to God disposition, which is not the subject of the west philosophy now, human with his rationality will substitute God by his reason and rationality.

Beside this change in the right concept, enlightenment will be the era of personhood, which has been seen or understood human as an agency or self- awareness. So human rights discourse is based on the self -determination and consciousness which is as stated in the declaration of freedom, pursuit happiness in his action. This history should not be view without reference to what we discuss previously, and we could trace that in the Clapham say in his book, this new order of the world and the new states and created borders will create the problem of minorities here and there, so the discourse of human rights “will guard against mistreatment of minorities in order to avoid disturbing the new peace of the world” (25).

So human right is the discourse created to protect the minorities in the new political orders, and this is just opposite to the doctrine of utility. Is it opposite or a reaction to the utility of the greatest sum? How is a concept like human rights which is a normal historical development to the doctrine of liberalism and utilitarianism functions in opposite way? In the U k press, The Sun, the worries of British public from the notion of human rights, appear in a quote in Clapham book, could support this question, “Human rights are now seen as legal fictions that prevent the police, the intelligence services, and other government agencies from doing what they believe needs to be done in order to safe guard the nation (qtd in. Clapham 3).

Sometimes we find our salvation in protecting the public interests, and this is could be depicted in Mill's book, *On Liberty*, when he argues "the nature and the limit of the power which can be legitimately exercised by society over the individual [...] the struggle between liberty and authority" (Mill. *On liberty* 1). In the 1915 an organization called "The fight for Right" in Europe justifies the war against others by the aim "to preserve human rights for generation to come" (Clapham 24). And under the same justification just war, holy war, and terrorist activities are claimed as human rights. Griffin in the last page of his book, said that "not all human interests ground rights (276), in his argument about 'group right', stressing on the importance to give value to other concepts beside rights, like justice, fairness, and human well-being.

Despite the declaration of Human Rights in the UN, what have been seen as "The end of history" in the 80<sup>th</sup> of the last century, and the victory of the "last man"; which is the liberal democracy, was nothing but the "start of history" in globalizing this concept. The globalisation of a specific paradigm of governance, liberal market democracy, which gave the market the veridiction over the political and juridical aspects. This rebuilding of state from sovereignty to biopolitics, as identified by Foucault, is based on the art "to govern less", for less politics and more economy, and the creation of the concepts like, political economy, human capital, and enterprise in the social sphere.

Many international activities could be justified now under human rights violation, peacebuilding missions, humanitarian aids, war against terrorism, welfare states, charities and NGO's, and democracy campaigns, and in the same utilitarian calculus in one direction from the global north to the global south. It seems that the golden rule of utility serves the majority and convinces the minorities that the happiness, that they should pursuit, should be felt when they serve the public interest, rather than what they think they ought to have. "Mankind are always predisposed to

believe that any subjective feeling, not otherwise accounted for, is a revelation of some objective reality” (Mill 43).

- **Effective Altruism:**

*“For millennia, man remained what he was for Aristotle: A living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question”.* (Foucault 143)

The strength of Foucault’s theory is in his ability to read history as relation between the subject, the power, and the knowledge, which allowed us here to look at human rights and utilitarianism from this perspective. The new concept of “effective altruism” by Peter Singer will be viewed under this lens, and under the paradigm of human rights.

For Singer, effective altruism is “the practice of giving to relieve the most suffering or make the biggest positive impact.”(Sargent 8). It is different from normal altruism in two sense, it targets the most suffering, so prioritising the need, or it looks at the result of the action, as which has largest positive impact. And in order to achieve this goal, the altruism should be reasonable, the agent should use his rationality to calculate not just the end but the whole process of altruism. Ethical life for Singer, “is about not just thinking about yourself but putting yourself in the position of other beings who are affected by your action.” (Arikha 85).

Singer in his argument, and under the principle of utility, stressed on a very important point, which is, in the calculus of the greatest good for the greatest number, who is the target, and should I rationally choice it? This points have been criticized and seen as un- humanistic approach to altruism which seen as an ethical issue. Effective altruism for Singer should be this ‘evidence-based approach to charity’, where we could question what is the priority, for art or

medicine, for poverty or festivals. He said answering a question to clarify what it is about, that "It's great that there are cultural festivals and events, but I do feel that if there are over 6 million kids dying from preventable poverty-related diseases that seems to be more critical. If somebody asked me to donate to this festival, I would say: 'I'm sorry, that's not where my priorities lie.'" Effective altruists to "increase our own feeling good about ourselves." (Fishman 8)

For his opponent this approach could lead to many bioethical dilemmas which "enabling its adherents to advocate for things such as, eugenics and infanticide" (Walter 6). It is also have been seen as a new political power, that force the people to think in one direction about ethical issues, Walter said that, "under the mantle of altruism, utilitarian divide the world into enlightened beings who can calculate the greater good and lesser mortals whose personal judgments just get in the way, Singer's brand of humanitarianism is simply inhumane" (6).

In his last book, Singer, as a bioethicists, brings the case of disability, the right to deprive the severely disabled babies from life and euthanize them, which leads to protest by disabled groups when he was speaking at the 26th annual Chicago Humanities Festival (Fishman). Singer advocate for the philanthropy that is not directed for emotional cause or due to the relation between the giver and the recipient. Effective altruism is a rational choice for greatest benefits, it suggests a more awareness for the act of charity. How could this concept relate to the idea of human rights and utility? The greatest happiness is protected in effective altruism, but at the same time it didn't neglect the utility for the individual, the feeling pleasure of giving, of helping others. And at the same time, it respects the equality of all humans, as a human right, in the matter that in effective altruism I can approach the far and the near according to their needs. So why then effective altruism has been seen as a doctrine of un-humanistic humanity? Is the

problem in it or in utility? I think even in this model, effective altruism, reduced the utility to the feeling of happiness, for the individual and reduced this altruism into calculus. According to Singer one should do his maximum to collect money to donate more, to feel happy. What if I cannot be rich, so I cannot be altruistic, what if I prefer to help my community as a priority before helping others, I will be not, and what if I don't want be?

- **Conclusion;**

In examining the relation between utilitarianism, including effective altruism, and human rights, one could say that they are both dividing reality into majority and minority, powered and marginalized, and giving the privilege of one over another. Utility of the majority has ignored the utility of the individual inside both categories, and human rights has been an instrument to impose new normalization for human dignity and justice.

Is giving each person equal consideration in a utilitarian calculus the same thing as respecting their human rights? This question that have been asked in the rubric needs to take into consideration that the calculus of utility does not give equal consideration to each individual, for that the need for human right as a legal doctrine was needed, as we discussed before. The key question that we have to ask why after all these years of utility and human right philosophy, we didn't reach the 'perpetual peace', despite all the peacebuilding missions, we did not end wars, despite all the UN peace negotiation, eradicate poverty, despite all the tremendous increase in the number of charities and INGO's?

I do agree with Griffin's model of widening the scope to include other rhetoric, rather than human rights, open the field to reexamine the conduct as just or fair or gives dignity away from the solid historical axioms. Utility in itself is not a wrong concept, humans are derived by their interests and seeking pleasure and avoiding pain in their actions, but looking for the ends without proper means, could produce the ethical dilemma. Utilitarianism has been built on 'ends defines means' which is absolutely wrong. Human rights based on social justice and dignity, just by giving each marginalized group its consideration, regardless of the value of the act is ethically destructive.

Utility and human rights is part of the human nature that we all share, but these two could terminate any possibility for real social coherent and empowerment, if used as an end, but if they are used as means, they will flourish our humanity.

### **Work cited**

Arikha, Noga. "The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically". *Jewish Quarterly* 62.2 (2015): 85-85. Print.

Clapham, Andrew. *Human Rights. A very Short Introduction*. UK, Oxford. 2007. Print.

Fishman, David. "Disability rights activists protest Princeton philosopher Peter Singer." *UWIRE Text* 25 Oct. 2015: 1. *Academic OneFile*. Web. 12 Dec. 2015

Foucault, Michel. *The Birth of Biopolitics. Lectures at the College De France 1978-1979*. New York, Picador. 2004.

Foucault, Michel. *The history of sexuality. Volume I*. New York, Vintage Books. 1990. Print.

Griffin, James. *On Human Rights*. UK, Oxford. 2008. Print.

Mill, John Stuart. *Utilitarianism 1863*. Canada, Batoche Books Limited. 2001. Print.

Mill, John Stuart. *On Liberty*. New York, Dover .Thrift Editions. 2002. Print.

Sargent, Janae. "Peter Singer talks effective altruism." *UWIRE Text* 17 Sept. 2015: 1. *Academic OneFile*. Web. 12 Dec. 2015. Retrieved on December 12/2015.

Singer, Peter. *Good Charity, Bad Charity*. *The New York Times*: 11 August 2013. Retrieved on 12/12 /2015.

Walter, Scott. *Books In Brief Effective Altruism Ignores Deserving Charities.* *States News Service* 6 Oct. 2015. *Academic OneFile*. Web. 12 Dec. 2015.