

# Discussion on Utilitarianism and Rights

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**Abstract:** *According to the utilitarian theory of conduct in normative ethics, the rightness or wrongness of an act depends on whether it meets the requirements of the principle of utility, i.e., whether it maximizes social benefits. However, behavioral utilitarianism may allow the violation of fundamental rights to promote short-term efficiency in some cases, which is in conflict with the widespread practice of rights protection in modern social life. In contrast, rule-based utilitarianism asserts that the object of evaluation of utilitarian principles is rules. We should first formulate rules based on principles, and then determine the rightness or wrongness of specific behaviors based on rules. In this way, utilitarianism can theoretically accommodate the institutional practice of legal protection of rights.*

**Keywords:** *Utilitarianism, individual rights, freedom and equality*

## 1. Introduction

Utilitarianism, also known as Beneficence, advocates the pursuit of maximum happiness and became a formal philosophical theory in the late 18th and early 19th centuries, mainly represented by the British philosophers Bianchin and Mill, whose basic principles are that an action is right if it contributes to the enhancement of happiness, and wrong if it leads to the production of something contrary to that happiness, and that happiness involves not only the person involved in the action, but also everyone affected by that action. It has been refined and developed by other philosophers and sociologists. And rights are a social phenomenon that is closely related to citizens and affects all aspects of their lives. The content and development of utilitarianism have a great impact on the expansion or restriction of the scope of rights. This paper analyzes the relationship between utilitarianism and rights, the first part focuses on the two views of the conservative right and the liberal left, the second part provides some critiques of utilitarianism, the third part is Nozick's anti-utilitarian coloring of the liberal political theory, the fourth part is the viewpoints and opinions of Dworkin, and the fifth part is the author's summary. I am more interested in Nozick's liberal supremacist political theory and share some of my views.

## 2. Nozick's liberal theory of the state

Nozick's theory of the liberal state, which is based on the theory of rights, advocates the establishment of a state with minimal state functions, which can be called the minimal state. In this state, the rights of the individual are explored as a moral standard, the rights possessed by the individual are absolutely inviolable, and the rights of the individual determine the sphere of activity of the state and what the state can and cannot do. The reason why the state comes into being and operates is so that the rights of the individual are not violated. It is also for this reason that Nozick also adheres firmly to the principle of morality, arguing that an extremely limited set of near-absolute individual rights forms the basis of morality. It is possible to embody both the inviolability of rights and the fact that each individual is an individual, and that each individual exists discretely.

### 2.1. Basis for State responsibility

There is only one kind of behavior that is evil in this state, and that is the violation of the rights of others. As long as the rights of others are not violated and the rights of all individuals in the society are safeguarded from being violated, it does not matter how the society continues to function, and it is all acceptable to Nozick's view that the state is able to punish the individual because the individual has ceded to the state his right to punish others or to ask for reparation from them. Beyond that, the State cannot go beyond the realm of rights and can only fulfill its duties as a night watchman. <sup>[1]</sup>

## **2.2. *The Nightwatchman Theory***

Vigilantism means weak government, that is, less regulation, thus allowing the individuals of society to enjoy maximum freedom. Utilitarianism, on the other hand, is where the state intervenes, thereby driving an increase in the total or average value of social happiness, and in the process of this increase, disregarding the individual's separateness, i.e., undermining the individual's rights, which is inconsistent with Nozick's ideal state of affairs, and which is the theoretical basis of Nozick's critique of utilitarianism. On the issue of the state and individual rights, the author raises what he considers a tedious question, does the state's taxing of an individual's wages or income amount to coercing him to labor on that portion of his income? Since Nozick's view is that the State can only collect taxes to provide the police, courts and armed forces necessary for the maintenance of national defense and the function of night watchman, Nozick's answer to the above question is self-evident, and in fact it is difficult to see any State in contemporary society that collects taxes for the purpose of carrying out the function of "night watchman".

## **3. Nozick's view of human rights**

Nozick emphasized the inviolability of individual rights, which are innate and not given by any other person or organization, and that even if someone is motivated by something other than his or her own personal interests, but rather by the collective interests, the same cannot be done, and that it is unfair and unequal to compensate for the loss of individual interests by saying that they are in the best interests of the individual. In the distribution of property, any human property, even the most primitive property, in most cases is not ownerless, more or less will be mixed with some human labor, if out of the so-called utilitarianism or socialism and direct, one-size-fits-all distribution, will make the rights of the people who pay for the loss of the rights of the labor, the equal distribution of the seemingly equal in reality is not equal, Nozick that the distribution of equal considerations. There are three considerations of equality of distribution: 1) Can an individual person have the right to own something that has no owner? 2) How can an individual have the right to own another person's property? 3) How can an individual be corrected when he or she acquires another person's property in violation of morality or the law? In this way, the question of how to distribute is transformed into the question of how to acquire the ownership of goods, which has been given a clear response in modern law.

### **3.1. *Minimal interference in citizens' behavior***

In Nozick's view, in such an ideal minimalist state situation, where the state interferes as little as possible with citizens' behavior, where are the boundaries of the exercise of citizens' rights? In this regard, Nozick put forward the "boundary constraints" theory, which probably means that people exercise their own rights, but also to respect others, the rights of others to determine the constraints on your power, in short, the exercise of your rights can not affect others. Otherwise, even if there is only a slight influence, it is still improper, even if it is in the name of "nobility" for the sake of the country and society, it will not do. Individuals in every society are different, and each individual grows up in a different life environment, so each individual's cognition of things and understanding of morality are quite different. It is human nature to pursue good things and avoid bad things. Driven by this nature, many people blindly make wrong decisions, and the final result is not necessarily correct, and the "marginal constraints" can let the public understand what can and cannot be done. In a state under marginal constraints, the function of the state is limited to the extent that the rights of individuals are not infringed upon and how to penalize them if they are infringed upon, and the state has to abide by its role as a night watchman.

### **3.2. *Supplementary part***

In terms of economic policy, Adam Smith was an advocate of economic liberalism. He aspired to a self-regulating social-economic order based on self-regulating individual liberty, and thus advocated a "natural and simple system of liberty". In it, the government need only keep the peace, establish and maintain a strict system of law enforcement, and provide education and other minimum public utilities; it need not intervene in general economic affairs, and can rest assured that each individual is free to act in his own way, and that he will naturally make the greatest possible contribution to the public good. In other words, a free social-economic system is the basic condition for the smooth functioning of a market economy and for economic growth.

#### **4. Nozick's judgment of behavior**

What is right and what is wrong? This is a question about how we should behave, and the practical concern behind it is the good life of human beings. Utilitarianism holds that the ultimate principle of moral judgment is the effect of behavior on social efficiency. Good, right, and virtuous behavior enhances social good, while bad, wrong, and evil behavior reduces social good.<sup>[2]</sup>

##### **4.1. First deficiency**

Nozick's political theory of the supremacy of liberty against utilitarianism stems from his book *Anarchy, State and Utopia*. The title of the book is enough to tell us the first shortcoming of his theory, which is that it lacks a basis in real practice. Nozick's advocacy of the protection of individual rights is fine, but the desire to minimize the functions of the state is difficult to achieve. There is no leader in the world who would dare to go through such an attempt, which is unprecedented and new, with no chance for trial and error. If it did fail, the disaster it would bring to a country and its people would be unbearable. The key point of the role of the night watchman is that the state remains neutral and does not interfere too much with the rights of citizens, including moral neutrality and power neutrality, which is not conducive to social stability, morality is not specific, and the conclusions based on different moral concepts of a matter are different, and there are too many factors affecting moral concepts, such as growing up in a different environment, religion, beliefs, and economic capacity. Neutrality is very likely to create moral conflict in the society and thus divide the society.

##### **4.2. Second shortcoming**

The second shortcoming is that Nozick does not pay enough attention to equality, or almost does not consider the issue of equality. Rawls believes that the state should find ways to solve the problem of inequality between the rich and the poor in society. Nozick, on the other hand, believes that there are differences in talent and even luck, and that inequality in society is a normal phenomenon, and that justice comes from respect for and protection of rights, and has nothing to do with equality, and that inequality is not the same as injustice, and that if rights are violated for the sake of equality, then that is the real injustice. Again, this lacks a basis in reality. The original accumulation of capital in the rich and powerful countries of the world, including his own country, the United States, was based on the violation or denial of the rights of others. In order to achieve equality, the State implements some redistributive policies. Redistributive policies, including those among the globe, are reasonable and justified. In fact, if one party benefits positively, the other party suffers negatively. This argument is therefore problematic.

##### **4.3. Worthwhile parts of the viewpoint**

Is there anything worth learning from Nozick's viewpoint? Yes, some years ago, China's intervention in the micro-economic field is too much, the administrative institutions are redundant, the abuse of power phenomenon is prominent, Nozick's theory of the smallest state in China's administrative reform and the construction of a service-oriented government has a certain revelation, to promote the decentralization of government, the construction of a service-oriented government, to cut some of the approval power and other policies and the Nozick's theory coincide with the same thing. Our country has always been criticized for not attaching importance to the protection of human rights, and the downsizing of government functions is, from a certain point of view, also the protection of human rights.

In my personal opinion, considering the real situation, in the pursuit of utilitarianism and the protection of individual rights, the two sides are in opposition to each other, and the contradiction between the two is difficult to be reconciled, so from the present point of view, a balance should be found between the pursuit of utilitarianism (maximization of the interests of the society) and the protection of individual rights, to maintain the harmony and stability of the society, and the ideal model of the state of Nozick, is an extreme model, although extreme. But it also represents a trend, this trend is not unreasonable, in our country before the new crown epidemic administrative power does have a tendency to shrink, but in the past few years the administrative power due to the epidemic once again expansion, but for reasons such as economic development, I think it will still shrink.<sup>[3]</sup>

## 5. Wodkin's view

The next part is some of Dworkin's ideas and theories. Dworkin is one of the representatives of libertarian egalitarianism, and Dworkin and Nozick, as mentioned earlier, are alike in this opposition to utilitarianism. But Nozick's views are of a more extreme laissez-faire libertarianism, and he leans to the right among libertarians. Whereas Nozick believed that freedom was the highest value, Dworkin emphasized equality more in liberalism, and he was on the left wing of libertarians who believed that equal respect and concern was the highest value. Therefore, Nozick and Dworkin have opposing views on the relationship between freedom and equality; Nozick believes that it is not permissible to undermine freedom in the name of equality, and Dworkin believes that the value of freedom is realized in the process of achieving equality, and that freedom is a part of equality, and that a state that fails to be equal in respect and concern for its own people is undoubtedly a dictatorship. In response to Nozick's view of the state as a night watchman as stated earlier, Dworkin also has a different view, Dworkin on the other hand affirms the dominance of the government, but the prerequisite lies in the government's recognition of the right to abstract equality, and to give equal concern and respect to every one of his citizens, and that this equal respect and concern does not exactly equate to equal treatment, and that the state should take the initiative to set up a system that takes some measures to improve the lives of its citizens, that the government should safeguard the rights of the people from inequalities brought about by factors such as gender, race, economic status, etc., that the state enjoys a broadly interventionist function, and that the rights that the government does not restrict are justified if appropriate restrictions increase welfare, and that Dworkin believes that the government is in a sense proactive, contrary to Nozick's view. On the question of whether there is a general right to liberty, Nozick is positive and Dworkin negative.

### 5.1. Dworkin's view of utilitarianism

In fact, Dworkin is not exactly rejecting utilitarianism; Dworkin is endorsing some form of utilitarianism, and the utilitarianism he endorses is a purified or refined form of utilitarianism that does not allow corrosive factors to intervene to undermine fair egalitarianism. This corrosive element that Dworkin speaks of is presumably the preferences or satisfactions of each individual person and the external preferences and satisfactions, both of which practices are incorporated into utilitarian calculations in evaluating the general welfare, and both of which may be embodied in a single majority vote, and this corrosive vulgar utilitarianism calculates both external and personal preferences, and does not allow for the treatment of individuals with equal concern and respect, or the treat people equally, and therefore it is not an acceptable decision-making process.

In contrast to the theory of the supremacy of liberty, Dworkin's position is the supremacy of egalitarianism. Equality is a supreme virtue, and to argue this, Dworkin takes two lines of argument. The first one: freedom and equality are not in conflict with each other, they are compatible. Freedom is an integral part of equality; the second one: if there is a real conflict between freedom and equality, then equality will prevail over freedom and win.

### 5.2. Dworkin's theory of equality

Dworkin's theory of equality is based on the abstract right to equality, where the government should treat every citizen equally and has the responsibility to make life better for the citizens it rules. Thus, Dworkin sees equality as the most important political value, and the premise of the government's right to rule is to give equal treatment and attention to its citizens, which defines the government's primary duty. Equality is the most fundamental, absolute and supreme value of a society or state. Dworkin argues for the primacy of equality, rejecting Nozick's and Rawls' views on the primacy of liberty and criticizing the idea that liberty should never be sacrificed for equality. He argues that we seek the good life in a state of freedom, and that the value of freedom itself can only be realized through people's lives. Dworkin argues that freedom is morally important, that everyone has an equal right to choose in terms of freedom of speech, freedom of belief, freedom of conscience and freedom of religion, and even in terms of choosing a career, education, medical care and sexual choice, and that the right to choose freely is a manifestation of the realization of equality, which is why it must be defended. Freedom is defended in order to achieve equality, and the importance of freedom is dependent on equality, which is why Dworkin argues that freedom is an aspect of equality and that freedom is an instrumental being. The main reason why we consider freedom to be very important is because we feel that our happiness value is higher in a state of freedom, and a free state of life brings us good experiences. In Dworkin's

view, equality is mainly reflected in two aspects. First, equality is that all people are born equal without distinction between high and low, without racial differences, without gender discrimination and so on. Equality is the right to equal enjoyment of other resources, opportunities, and social backgrounds external to the person. Secondly, equality is the right of every human being to be concerned and respected equally, and equality is a most basic and essential right to equality. The first right to equality is primarily concerned with certain specific rights to equality, while the second right to equality is the most fundamental and the basis for all other specific rights to equality, from which all other rights to equality are derived. It is only when the second fundamental right is understood as a specific right that an individual's right to a specific freedom must be recognized, so that there is no situation in which a specific right to a particular freedom is in conflict with a right to equality. In Dworkin's eyes, it is the right to equality that deserves to be the first and most important value, the most fundamental and basic concept, and the establishment of freedom must be based on the recognition of the right to equality. However, although Dworkin's argument has its greatness, it also suffers from the problem of circularity, i.e., in his definition of equal distribution, freedom is already embedded in the concept of equality, and then it follows that freedom is an aspect of equality, that there is no conflict between equality and freedom, and that freedom can be inferred from equality. If Dworkin's abstract premise were slightly modified, i.e., by replacing the phrase "a liberal society that favors equality" with "an egalitarian society that favors liberty," then the result of the argument would change as well. Freedom as an aspect of equality would become equality as an aspect of freedom. This type of argumentation, in which the conclusion is already present in the premises, is ambiguous and totally undesirable.

## 6. Conclusions

Hart argues that attempts by Nozick or Dworkin to attribute the source of power to such seemingly uncontroversial notions as the individual's line of separation or qualification for equal concern and respect have ended in failure. In any case, research in the shadow of utilitarianism cannot lead to truth, and the truth of the foundations of rights theory remains to be explored.

## References

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