5.1. About Principles

Since almost all political philosophy after Rawls can in essence be defined both as proceeding from his “Theory of Justice” and as confined by it, this doctrine itself can only be understood against the background of Rawls’s own critique of utilitarianism (cf. Kymlicka 1990, ch. 3). Rawls himself states programmatically: “My aim is to work out a theory of justice that presents an alternative to utilitarian thought generally and so to all of these different versions of it” (§ 5, 20). To be sure, here Rawls particularly has in mind the kind of utilitarianism of “the strict classical doctrine which receives perhaps its clearest and most accessible formulation in Sidgwick” (§ 5, 20).

This classical doctrine’s main idea is “that society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it” (§ 5, 20; for readers of the basic texts of utilitarianism, cf. Glover 1990, Höffe 1992). Indeed, because utilitarianism tries to gather “...the desires of all persons into one coherent system of desire” from the position of an impartial spectator, its tacit result is “that many persons are fused into one” (§ 5, 24). The principle of choice for society as a whole appears to be “an extension of the principle of choice for one man” (§ 5, 21; cf. also Parfit 1984, with an as it were “reversed” direction of impact). Because intrapersonally the sacrifices that we impose upon our present self may be (over) compensated by a later self’s greater advantages (“we may impose a sacrifice upon ourselves now for the sake of a greater advantage later [...]) so a society may balance satisfactions and dissatisfactions

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between different individuals”; § 5, 21). In doing so, “how this sum of satisfactions is distributed among individuals” at best does not matter “any more than it matters, except indirectly, how one man distributes his satisfactions over time. The correct distribution in either case is that which yields the maximum fulfillment” (§ 5, 23).

Ideally, in arriving at his moral judgment, the utilitarian “impartial spectator” puts himself entirely in the place of every individual member of society. He balances the interests of different persons against one another in the same way as he would do with present and future manifestations of himself. The utilitarian transforms the interpersonal balancing of interests into an intrapersonal one. And as little sense as it makes to, by a right to self-defense, get a rational “decision maker” to protect himself against himself when he seeks to optimally satisfy “his” interests over the course of time, in the ideal utilitarian moral act of judgment individual rights likewise seem to make very little sense.

From the level of reaching utilitarian judgment, we may separate the level of the institutions which such judgments account for. In relation to this institutional level, Rawls does not deny that most utilitarians have de facto argued on behalf of social institutions which protect the rights of individuals (cf. for instance § 6, 26). He also concedes that utilitarians, by correctly applying utilitarian principles, might very well champion institutional state guarantees of basic rights, and would indeed arrive at them typically. However, Rawls does criticize the fact that utilitarianism merely supports respect for the individual in a derived form. At the level of reaching judgment, the theory does not start out from the “integrity of the person”, but at best reasons why one should institutionally provide individuals with inviolable personal rights. By contrast Rawls is of an opinion that an adequate moral theory must fundamentally allow for the “distinction between persons” (§ 5, 24) in the sense of the autonomy of every person as such. In Rawls’s view, respect for the person as well as the principles of just distribution of the good expressing this respect should not be derived as merely a means to an end. Rather, they must, as constitutive elements of the good, be a direct part of reaching a moral judgment.

5.2. Utilitarianism as a Teleological Doctrine

Modern, welfare-theoretically formulated ethical theories are based on the idea that the politically right would arise through a maximizing of a function $f$ exclusively depending on the individual Welfare $U_i$ of all