

UTILITARIAN THOUGHT OUTLINED ON BENTHAMITE LINES

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Benthamcı Çizgileriyle Faydacı Düşünce

Özet

Faydacı düşünce, bir davranışı geçerli kılan ölçüt olarak, söz konusu davranışa ilişkin önceden öngörülebilmesi mümkün bir haz-elem hesaplamasını esas alırken, "birey"i adeta tek başına --diğer tüm bireylerden ve bu anlamda içerisinde yaşadığı toplumsal yapıdan gelebilecek olumlu veyahut olumsuz etkilerden --bağımsız tutarak, "belirli bir toplumsal çerçeve" şemasını reddetmektedir. Oysa günümüz çağdaş toplumlarında bireyler arası karşılıklı etkileşim ve iletişim özellikle, daha önceden söz konusu bireyler arasında yapıldığı varsayılmış olsa dahi, "toplumsal bir sözleşme"nin gerekleri esasınca belirli bir hukuk düzenini öngörmekte ve bireylerin davranışlarının geçerlilik ölçütü de, söz konusu toplumsal çerçeve bağlamında ortaya çıkmaktadır. Bu makalede, bu öncüller bağlamında, her iki bakış açısı karşılıklı olarak birbirlerine karşı üstünlükleri ve zayıflıkları itibarıyla değerlendirilmiştir.

Abstract

Nowadays, Utilitarian account of --actually positivist tradition of--thought put forward by Bentham was based on a sum total of pleasures and pains or ,that is, -in broader terms - quantity measurements on deciding how one was to act as the basis of his act .On our modern conceptions of "society"yet ,such quantitative measurements of supposed to be perceptible and hence calculative evaluations do not suffice in comprehending a composite structure of inter-mixed rather than independent individual wills directed toward any kind of action which surely ought to be regarded within regards others' actions to have some "qualitative" value to be valid and furthermore "legal" within certain patterns compromised upon beforehand at the very beginning of this composition or even configuration of "social" living in societal patterns .

I mainly discuss these two different conceptions of society originating from utilitarian point of view on one hand and the modern conception of mutual interrelative patterns of social living on the other comparatively evaluating the positive and negative aspects of both of the two approaches in regards one another.

Utilitarian Thought Outlined On Benthamite Lines

Taking the major premise of utilitarianism, as expressed by Davies-Holdcroft, that "Our conceptions of what is right depends on our conception of what is good, since a right action is defined as one which produces more good than any alternative," (DAVIES/HOLDCROFT, 1991: 205) in this article I mainly ask, "What if the good we consider in mind for ourselves is distracted by others in its realisation process so that it does not come to be true as "good" and (naturally) simultaneously as right for us (that is, in regard what we considered in our minds to come to be true) especially in hierarchial setting or ranking; that is again, within a concept of society in a community-type pattern of todays socio-legal states whatever that means! (cf. contra-arguments of neo-libertarianism discussed below)

Therefore utilitarians, in stating this major premise as thus, must have been considering the individual -maybe as Hobbes did- all alone on his own and independent of all others; that is, all other individuals making up a society together as in todays modern patterns of living based on mutual and intermixed relations, in other words, the social union all together which is surely a pattern of these --if not any--one-to-one mutual bondages in binding.

Perhaps the causa behind this pattern is that the utilitarian thought when it first emerged on the philosophical arena had behind its back, certainly, the political setting of the century which was without doubt libertarian which meant that every individual had the right and what is more the opportunity to "seek" for the right of his own good without being prevented, distracted etc. by other individuals who are deemed to be in our modern society replaced by some "fake" collectivities brought together by functional unity whereby without the reference to which, this dependent entity on its mission would have never emerged and thus would have never interfered (or claim the right to) in each (other) individual's creativity drawing the routes of his seeking his good which turn out to be his very right when being able to be carried out fully!

Thus utilitarian thought had in its essence a major flavour of "humanity" and a high esteem of human values which were to be carried out in individual patterns since according to --yet-- another major premise of utilitarian thought --namely that of a conception of empirical standing for the reality of the world in observable terms--, individual is the mere human form "observed to be" living on this planet, yet again despite the fact that he may be quite good at creating unions by his own will (and without interventions whenever possible!) for various purposes which again he claims to be in accordance with his own good and -simultaneously with his own-right! In this regard, Davies-Holdcroft is supporting our point of view asserting that "the principle of utility has a strong anti-discriminatory tendency and every one is considered whose interests are affected in evaluating and comparing states of affairs in regards what and who" (DAVIES/HOLDCROFT, 1991: 212); that is components C1 and C2 which shall be examined below!

At this point, naturally there emerges a fatal question of this goal-enterprised action, that of, "What if the individual creates for bad?" Is he still to be considered to be following his own good and right (even) in his point of view or in others' as well, that is, in other words can his claim be thus justified?

Actually the respond to the question should bear within itself, if not anything, the calculus of the evaluation in terms of measurement of the density-intensity-duration-certainty- and the remoteness of the good the individual is to be seeking, first as a goal in his mind and afterwards as a good (right) in action (deed)! At this point the consequentialistic evaluation of the action will supply some empirical data obtained through observation.

Again at this point, even empirically, to differentiate between the human form and the other living forms of life on this planet, we can say that human is considered to be the mere form which is social, that is meaning to say, "in communication" with all the other forms around the universe and with his own form which also means that through this communication he also does figure his own good and more over evaluate or calculate it in regards other alternatives, having in mind the criteria mentioned above! J.S.Mill also stresses this point of view in Davies-Holdcroft's words expressing that "the evaluation of the consequences of an act should apply indirectly, that is, the question whether a particular action is right should be settled not by considering its consequences alone, but by drawing on past experience of the tendency of actions of that kind." (DAVIES/HOLDCROFT, 1991: 223)

Thus the human creature (form) can create unions for his own good or bad, in other words in utilitarian terms, for his maximized good --which is his realised (real) good-- or for his bad; that is again his good prospered not in its

full capacity --which is addressed to be the "bad" he also does create or figure out but which does not turn out to be as he wishes!

At this point, yet another question does also rise which actually had its disclosure above that of, "Can and does an individual figure out something good for himself which will be something bad for someone else or for others?" depending on the above mentioned hierarchial ranking and its power in social unity where one determines the fate! of another or others, or in other words where one's hell is another's heaven or perhaps all others' heaven!

Thus as mentioned above, in utilitarian point of view of an empirical universe, any such figuration of others' good or bad, either in mind or in fact, would have no impact in empirical terms in which every individual is conceived to be full-most independent of almost all other individuals and furthermore of their acts and deeds. That was what the "libertarians" called the "negative" disclosure of the concept of "freedom from" something or someone (SARTORI, 1987, specifically 11. *Freedom and Law*, vol.2), rather than the modern conception of the 20th century social-patterns oriented "freedom for" something within the social arena which also meant that something outside this social setting were not to be figured out or calculated or carried out (realised!) according to the mutual one-to-one relation patterns, based on the reciprocity of the functional running of the system.

Thus these are the arguments Davies-Holdcroft puts forward in discussing the utilitarian components making up the theory in its original form; namely that of,

"Component 1: What makes good states of affairs good and bad ones bad?

Component 2: The effect(s) of it in consequence

Component 3: Who is to be considered when estimating what the likely consequences of an act will be ? such as men vs women or the case of children or even animals etc" (DAVIES/HOLDCROFT, 1991: 206)

Yet in regard component 3, it is worth noting that utilitarians would not consider "the individual" in different sexes but as an independent being (man or woman) "capable" of seeking his/her own good and right (whatever that might be!) -but of course naturally securing him/her the freedom from being disrupted or distracted by other individuals whether being men or women. Children would be considered independent individuals at majority, their capability reimbursed and life all around the planet, considering the case of animals, would be secured in accordance, without interventions as well!

Thus Bentham is saying, "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure." (BENTHAM, 1823: chapter I, Article 1) To repeat our point once again, utilitarians consider human form together with the other forms of life bounded within natural (that is empirical) patterns which are also observable from outside; as it is with the human form, observed to be feeling pain or pleasure. Concerning these natural boundaries, Bentham also claims that "the principle of utility -in natural binding patterns- cannot be contested or proved; to give such proof is as impossible as it is needless in empirical terms!" (BENTHAM, 1823: ch. I, Art. 11) going on with his explanation adding that "the principle of utility recognises this subjection and assumes it for the foundation of the system, the object of which is to rear the fabric of felicity by the hands of reason and of law" (BENTHAM, 1823: ch. I, Art. 1) "which seems to be the only way moral science is to be improved." (BENTHAM, 1823: ch. I, Art. 1)

Since no other form in nature dominates over another beyond naturally-determined patterns, Bentham saying this must also have in mind that human form shall not dominate even within itself or other forms beyond natural patterns, although it may seem that he might be dominating over almost all forms, including his own; a statement especially seeming to be true when interpreted in our modern conceptions of understanding where technology has superseded natural dominance and functional unity seems to be taking power over natural individual, independent and original enterprises. It must be kept in mind that natural boundaries in contra-argument to artificially textured technological and social patterns do have an open texture to be plied within for individual creativity, configuration and realisation and are not rigid in nature whereas technology provides merely one way of route for anyone who chooses to follow this route and furthermore without original byproduct or whatever! (that may be gained in the process)

Thus Bentham is quoting that, "it is in vain to talk of the interest of the community without understanding what is the interest of the individual" (BENTHAM, 1823: ch. I, Art. 5), and he explains the interest of the individual claiming that "a thing is to promote the interest or to be for the interest of an individual (cf. the maximisation and the configuration models in the very essence of the words "promote" and the adjective "for" the interest, in Bentham's own words chosen carefully for his theory to be exposed through these verbal means) when it tends to add (cf. the continuation of the same model) to the sum of his pleasures or what comes to the same thing, to diminish the sum total of his pains." (BENTHAM, 1823: ch. I, Art. 5) In this second part of Bentham's exposure of the other version of the configuration process of one's good and right, there comes the other governance from the same source --in other words the very nature that binds within itself the human nature--; namely, that of the

feeling of pain. Thus when one is -but again on his own, independent of other determinations of other individuals for certain goal-enterprises in mind except for than that of natural ones- trying to minimize or diminish the pain he is suffering, again first figuring it out in his mind and then carrying it out as an act (deed) successfully, he is considered to be doing the very same thing as stated above in the pattern of maximizing or following his own good, being able to be observed from outside as well, as trying to seek his own happiness and feel it!

Again what this quotation from Bentham should draw attention to is mostly at the point that when the individual is starting this process of configuration in his mind --whether to maximize his pleasure or to minimize his pain which he is surely feeling at that very moment of configuration--, he is starting from what he is feeling actually at that very moment, -that is in other words, he is starting from an empirical point of view which he has been experiencing, feeling etc. -and then trying to find out the best configuration on this basis which means his evaluation of his present situation which shall be shortly checked out in the second stage of this configuration process where the individual will be considered to have carried his configuration out in full depending on whether the* configuration has been capable of effectively handling the evaluation process of that very moment- or not!

Again at this point there arises yet another question namely that of, "Is our independent individual -although he is moving from empirical standpoints-capable of handling this very point at utmost rationality; that is, meaning to say with the best evaluative configuration ever possible at that point, naturally merely for himself?" (not binding others, although other individuals may go through similar standpoints of evaluation as explained above --yet it is an important point to make that, even at these similar standpoints, the similarity rests on the standpoint rather than the independent individuals facing these similarities all). Or the second part of the question is, "Even for the individual himself, can he be at times considered to be falling back of his own independent individual standards?". If so why and on what grounds could he be doing that; in other words can there be any justification for it ?

Put otherwise , thinking on the macro level of one's life as an individual , "Is this maximisation together with its minimising process a direct line of maximisation at interval levels of minimisation which also means the very same thing with (or is the other version of) maximisation in Bentham's words, -that is, in other words meaning to say each standpoint of evaluation in life's processes being connected to one another as a step in the continuation of the process-" or "In this supposed to be direct line , our independent individual may or may not choose to evaluate these empirical standpoints he surely does face ,at a different level of understanding above or below the other levels he has experienced evaluating before at different times at different standpoints ? In other words

when natural boundaries are concerned, as mentioned above, what draws the line of freedom --from being disrupted and distracted from doing his best --for our supposed to be independent individual?

Thus turning back to our starting point (point of departure), the utilitarian exposure does rest on the components C1, C2, C3, and especially on C2; "the effects of what makes good state of affairs good and vice versa?" and C3 "who is to be considered in estimating these consequences?" since the responses to C2 may also vary regarding the independent individuals concerned or furthermore since these responses also in return cannot be considered comparatively in regard the effects of these independent individuals' acts even though they may be going through similar empirical standpoints of evaluation.

Moving ahead, in regards C1, Bentham says, "The principle of utility means the tendency -according to which every action is approved of- by which it appears to have to augment or diminish the happiness of the party whose interest is in question, both of individuals and of government actions." (BENTHAM, 1823: ch. I, Art. 2)

Thus Bentham exposes this concept of society or community, as mentioned above as an introduction, not as a socially united functional entity but as a "fictitious body" where individuals' independence and freedom from being disrupted and distracted are secured from one another's or other independent individuals' interventions or interferences. And this fictitious body is composed of the individual persons who are considered "as constituting it, as if it were its members." (BENTHAM, 1823: ch. I, Art. 4) "The interest of the community is thus the sum of the interests of the(se) several members who compose it!" (BENTHAM, 1823: ch. I, Art. 4)

In this concept of community; --the members, supposed to be constituting! the fictitious body in contra-argument to empirical understanding of reality and individual beings of it -which is the essence of the theory-, actually there is no real, empirically observable body or being as the community; thus individuals are also free and independent from or, in other words, are incapable of affecting or maximizing others good or happiness when C2 is concerned, even if they desired to as contra-argument to preventing or distracting their deeds (acts) as well as diminishing their good or happiness!

The "sum", mentioned above, of the interests of the supposed (!) to be members would be the very same sum even if these individuals were considered outside this supposed to be fictitious sphere of "community". So the sum of the individuals is the very sum "composing" this fictitious community which means almost nothing else when considered elseaway this quantitative configuration and calculation as in the above mentioned two stages of evaluation.

Thus again we return back to our standpoint of "independent individual" whose acts are considered to be maximizing his good or minimizing his pain (meaning the very same thing) in regard the effects of this very act -configured and calculated in his mind before realised in his deed- whether fully achieved or not in regard his goal of action, that is his empirical standpoint at the very beginning (start) in empirical terms of reality and life. Thus Bentham is claiming repetitively that "It is in vain to talk of the interest of the community without understanding what is the interest of the individual." (BENTHAM, 1823: ch. I, Art. 5)

According to Bentham, "An action, then, may be said to be conformable to the principle of utility, when the tendency it has to augment the happiness of the community is greater than any it has to diminish it." (BENTHAM, 1823: ch. I, Art. 6) The same is also true of "a measure of government" which is in Bentham's terminology "but a particular kind of action, performed by a particular person or persons." (BENTHAM, 1823: ch. I, Art. 7)

Yet at this point however, it is worth nothing that when thus acknowledged, the type of government even within a fictitious community is again one in libertarian terms but not of democratic ones; liberty meaning merely the freedom for the parties taking place in the government from being distracted, prevented etc. from their governing acts where these acts are considered to have no effective impact on other independent individuals' acts, as mentioned above as to maximize or minimize the happiness arising from them.

Thus the question arises, "On what grounds these parties do take part in government or in actual monarchical patterns --which the theory bears within-- govern on their own?, what is more with no supposed to be effective impact on others as mentioned above, for Bentham is moving on with his exposure that, "when an action, or in particular a measure of government is supposed by a man to be conformable to the principle of utility, it may be convenient (It is unclear why and on what grounds (as mentioned above) for the purposes of discourse (perhaps meaning to say "the traditional" patterns of discourse in regard issues of government?) to imagine a kind of law or dictate, called a law or dictate of utility; and to speak of the action in question as being conformable to such law or dictate!" (BENTHAM, 1823: ch. I, Art. 8) adding also that, "of an action that is conformable to the principle of utility one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be done. One may say also, that it is right it should be done; at least that it is not wrong it should be done; that it is a right action; at least that it is not a wrong action." (BENTHAM, 1823: ch. I, Art. 10)

The respond to the above question seems to be coming from the utilitarian standpoint again, since Bentham moves on to say that "pleasures then, and the

avoidance of pains, are the ends which the legislator (meaning to say the parties or the individuals taking part in government or --in short-- governing?) has in view; it behoves him (meaning to say one single individual governing?) therefore to understand their force, which is again, in another point of view, their value." (BENTHAM, 1823: ch. 4, Art. 1) Thus the legislator (even if he is construed in utilitarian patterns to legislate according to utility in natural patterns of configuring and calculating pleasure and pain) is conforming to the principle of utility which appears to be in measures of government a law or a dictate; stressing this time another kind of binding power than that of nature's or strengthening it with this additional one, depending on whether the legislator is in actual fact affecting other individual acts as helping to maximize their happiness or diminish their pain and thus, as mentioned above evaluating the force of the instruments of pleasure and pain but in regards of others as where a real body of community is concerned, bounded in social patterns within its members in contra-argument to a fictitious one composing of individual independent members considered on its own each (cf. Bentham's definition of fictitious body as constituting as it were its members rather than the adjective "they", and making up a "theirs", whatsoever it might be!). Thus component 3; "who is to be considered in estimating the consequences of an act" plays a major role in respond to our question and to the fatality of the theory. Leaving this point for a moment to be further examined ahead, Bentham goes on with his explanation saying that "to a person considered by himself, (meaning to say not yet together with other individuals, the happiness to be calculated extends, that is in other words making up the extent for happiness to be calculated upon) the value of a pleasure or pain considered by itself (meaning to say not yet with its side effects either of the same or opposite kind, expressed as fecundity or purity) will be greater or less, according to the four following circumstances; namely that of 1)Its intensity 2)Its duration 3)Its certainty or uncertainty 4)Its propinquity or remoteness." (BENTHAM, 1823: ch. 4, Art. 2 in regard Articles 3 and 4)

Thus in Davies-Holdcroft's terms , Bentham is saying that "right actions are those whose tendency is to promote the happiness of those whose interests are affected by that action" (DAVIES/HOLDCROFT, 1991: 210) and according to them, "the relation between a right action and its outcome envisaged by Bentham is a direct one! That is, it is the specific consequences of the action and those alone which determine whether it is right! as in the example of lying versus telling the truth." (DAVIES/HOLDCROFT,1991: 210) Therefore at this point, we must make a remark mentioned earlier about; namely that of the capability of one single individual to acknowledge his own good and right and afterwards to be able to carry it out fully without being prevented either by other individuals or by his own deficiency of intellectual or physical power since Bentham's definition considers not an exact element of measurement but a

tendency developing on certain empirical appearances of reality yet depending on various natural boundaries in relation to that certain empirical standpoint at whatever point it may rise!

Thus in general terms of the theory, as exemplified in the case of lying vs telling the truth by Davies-Holdcroft, the maximization of happiness or good and right may also fall back of its seeming to be standard in general terms in certain standpoints where for example, the consequences of telling the truth vs lying in a particular occasion may turn out to be less good for the individual configuring and realising it. Thus again as in the concept of a "fictitious body" of community, there also exists no general concept of principal else than a "principle of utility" considering each empirical standpoint upon which utilitarian evaluation is based individually and independently of --even similar-- others as it does for individuals "constituting the fictitious community as it (versus they) were its members." (BENTHAM, 1823: ch. I, Art. 4)

Moving on to another point, yet in relation to the previously mentioned governing process taking utilitarian account of evaluating pleasure and pain, we can ask; "Can pleasure have as its goal a harmful intention both in the stances when an individual is concerned for himself and when the legislator is concerned whose point of view is deemed to be taken into account in this evaluation for others?" For instance in the example above, when for this individual alone the consequences of telling the truth vs lying maybe harmful or painful, how shall the effects or consequences of this single act on other individuals' happiness or pain be determined? Then upon what shall the legislation be based if not upon this fall back from a general standard which has been thus as stated above deconstructed and shattered through actually several of these fall-backs through various occasions? Actually as an answer to the question, Bentham proposes "a process for estimating the tendency of any act or event by which the interests of a community are affected" as follows;

1) Begin with any one person of those whose interests seem most immediately to be affected by it

2) Take an account of the value of each distinguishable pleasure (or pain) which appears to be produced by it (that is, the very act we mean) in the first instance

3) Take an account of the value of each pleasure (or pain) which appears to be produced by it after the first

4) Sum up all the values of all the pleasures on the one side and those of all the pains on the other." (BENTHAM, 1823: ch. 4, Art. 5) "The balance --Bentham says-- if it be on the side of pleasure will give the good tendency of the act upon the whole with respect to the interest of that individual person; if

on the side of pain the bad tendency of it upon the whole." (BENTHAM, 1823: ch. 4, Art. 5)

Bentham also claims that this process is as well applicable in the case of where more than a number of persons are concerned, --repeating the mentioned above process of four stages with respect to each one of them-- and in all other modifications of pleasure and pain, as well as in all moral, legislative or judicial occasions of judgment or operation, still keeping in mind that how strict the process may be pursued may vary depending on "the practice of mankind wheresoever it has a clear view of its own interest" (BENTHAM, 1823: ch. 4, Art. 8 in regard Articles 5, 6 and 7). (cf. the final point at the conclusion where we end our discussion stating this point once more, this time in Mill's words)

But first of all should we be not asking; "Is this estimation process really possible to be calculated and then afterwards to be carried out? Is there a calculus for ranking?" Despite being a defender of act-utilitarianism, JJC Smart rightly states that "actually we (meaning to say all independent individual beings?) can have only probable belief about the effects of our actions in regards (this) calculation process". (SMART/WILLIAMS, 1973: 30) But is it so, in Bentham's terms of community which is as stated above a mere body of fiction if anything, having no real entity that is, having no real social boundaries within the members constituting it resulting in a pattern of mutual, determinative consequences of either prevention, distraction or promotion! arising from these very members' --in other words other individuals'-- acts?

Actually, Component 3; "who is to be considered in estimating the likely consequences of an act" shall determine the degree of trust we are entitled to thrust upon both ours and others' acts in regards whether they will have the chance of being realised in full without being distracted, prevented etc (or maybe in extravagant cases!, of being realised far more easily without facing no difficulty at all!). Thus the concept of law, even today when it is understood as the rule (or governance) of law means nothing else than that individuals shall have security of their deeds and acts as well as of their lives, properties and social facilities they might be desiring to enjoy and this security bears within its boundaries some common standards compromised and also agreed upon by the parties compromising, to be complied to strictly without hesitation when it is violated now and then! Therefore the legal point of view meaning this very common standard should be considered in regards C3 (even) in modern terms of government even if utilitarian theory is ignored to be referred to!

There again the question arises thus; "what if this legal point of view --which is taken as the basis of consideration in estimating whether certain acts shall have their chance of being realised in fact and in full, independent of the actor's will in utilitarian terms, that is whether he desires or believes that its results shall bring forth his happiness (or pain)-- falls far back even of the

utilitarian standard? and is a mere lie and does actually lead to one person's or a group of persons' governance despite its conceptualised "law-legal etc" bearings?" Following further, "if people or persons are not considered as "independent individuals" but are actually "made" to depend on each other in this process of compromising --naturally of course if the process does work under these circumstances-- either toward their will or not, how do we esteem the value of these intermixed, in a way chaotic but dependent wills -actually if there is ever anything depictable to be considered within the real conceptual bearance of a will in all this? Now the respond to the question seems to be a totalitarian regime in which "one" or "a group" does actually govern this total but intermixed structure and in which noone actually recognises this-- the mere factor that the regime owes its presence and "continuance" to-- again due to this intermixed, interwoven pattern dictated and accepted! beforehand (we should ask, in the compromising process?) alas totally! (whatever that might mean but certainly outside a cognitive sphere of realisation and recognition!)

Moving now to a counter-point of optimism, again in Smart's point of view, "there are (or the human nature in general is) sympathetic and benevolent men who desire the happiness of mankind" and thus "have a favourable attitude to the general happiness." (SMART/WILLIAMS, 1973: 31) In regard this point J.S. Mill also states that "nobody argues that the art of navigation is not founded on astronomy because sailors cannot wait to calculate the Nautical Almanac. Being rational creatures, they go to sea with it ready calculated; and all rational creatures go out upon the sea of life with their minds made up on the common questions of right and wrong as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be presumed they will continue to do." (MILL, 1972: chapter 2)

But the question is, "is it really so in real life?", in the relations of human-beings we observe around ourselves as in the question of, "is it possible to calculate quantities of pleasures and pains in reality?" Thus the inherent and the latent theme in utilitarian theory, as mentioned in the introduction, seems to have some kind of common bearance with that of natural law theories thrusting full fidelity and human values upon human kind and upon the individual. Moving forward, "can purely selfish attitudes be in harmony with the general happiness in cases where everyone's looking after his own interests does promote (the question is, does it really, considering the arguments above?) the maximum general happiness?" (SMART/WILLIAMS, 1973: 31) Thus, Smart believes, in this quasi-natural (idealistic) point of view, they can be! And, somehow, he may be right, if the natural, idealistic element is considered within this theory or put otherwise, if the theory has really room for this element of idealism within its premises. For according to Smart, "the utilitarian theory expresses an ultimate attitude, not a liking for something merely as a means to

something else," adding that "save for attempting to remove confusions and discredit superstitions which may get in the way of clear moral thinking, one cannot appeal to argument and must rest his hopes on the good feelings of his readers." (SMART/WILLIAMS, 1973: 31) Smart moves on to explain a correct understanding of this natural or ideal element supposed to be inherent in the utilitarian theory stating that,

"The utilitarian ultimate moral principle, let it be remembered, (for a correct understanding!) expresses the sentiment not of altruism but of benevolence; the agent counting himself neither more nor less than any other person." Thus, "if we can make a man try to be an altruist, he may succeed as far as acquiring a generalized benevolence." (SMART/WILLIAMS, 1973: 31-32)

Now at this point we may somehow conclude that, this very point may be the "resolution" to our former discussions regarding an intermixed structure of community and its governance in regard the degree of independence individuals may be enjoying on their own while configuring, calculating and realising the effects of their acts as in the form of two natural instincts of pleasure and pain.

In Smart's words, "altruism can hardly commend itself to those of a scientific, and hence universalistic frame of mind (SMART/WILLIAMS, 1973: 32). Thus, when one individual's or a group of individuals' point of view is to be considered under certain illusionary guises of "altruism or functional organisation or others etc. etc." whereby conceptual addressment may vary according to the people or individuals actually making use of them or who want to use them, rather than the individual's-point of view- himself who shall experience the effects of his deed (act) himself alone and on his own, if not anything, "it will lead different people to different and what is more "incompatible" courses of action (SMART/WILLIAMS, 1973: 32) even though the circumstances could be identical! Therefore "pure altruism cannot be made the basis of a universal moral discussion" (SMART/WILLIAMS, 1973: 32) on the major premise asking,

"If you, somehow, count in my calculations, why should I not count in your calculations? And in this case "why should I pay more attention to my calculations than to yours?" (SMART/WILLIAMS, 1973: 32) whose interference most probably has distracted and perhaps degraded my calculations. In other words, as Rawls also put it, as Davies-Holdcroft quote from Rawls "it is all right for me to trade off some of my losses against my gains, if only I am doing this not at anyone else's expense but my own."(DAVIES/HOLDCROFT, 1991: 221, RAWLS, 1972)

Thus Smart finally claims that because we do (and somehow must) consider this idealistic element in mind while calculating the consequent effects

of an act, we can come to a point of reasonable evaluation on the basis of a total summation, yet not of quantity (cf. contra-arguments in regards the rise of a totalitarian regime mentioned above) but of quality stating a desire for all mankind (that is, yet as many people as possible) to be happy as much as possible now and in the future. Otherwise understood framework of the theory, as exposed in the distracted version above, should lead to nothing but totalitarian considerations of quantity. Thus, we must acknowledge this point once more in the open, as a repeated conclusion of the main point stated in the paragraphs above as an introduction to this end and as the main theme of this article! Thus the law or the rule in utilitarian terms should only be "a measure which has stood the test of time, in the sense that the consequences of following it have been better than those of not following it" (MILL, 1972: ch. 2) in Mill's terms in contra-argument to that of Bentham's principle of utility, coming in the form of a dictate or a law in the measures of government, which lead to discussions around the type of communal structure we have been experiencing today versus a Benthamite version of a fictitious body independent individuals seem to be constituting as if they were its members!

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