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## Pain, Pleasure, and the Greater Good, by Cathy

Gere: Reply by the Author.

I'm very grateful to Katja Guenther and Tim Lewens for their generous and insightful readings of the book. They both seem to forgive its central contradiction: the fact that it makes a consequentialist argument against consequentialism. As Guenther rightly observes, this focus on consequences flows from the book's historical approach to questions that have more often been addressed philosophically. The tension between scientific utility and patient autonomy is well-trodden territory in medical ethics; the book urges that the debate must take the historical record into account. Rather than weighing one principle against another in the abstract, bioethicists should consider the way that these principles have been applied over time.

In her comments, Guenther characterizes my historicist approach as 'a form of moral relativism.' I have always worried that the book errs on the side of being too polemical and one-sided – I did not want any medical professionals who read it to miss its anti-utilitarian message – and so I was rather surprised by this verdict, which has caused me to reflect on what, exactly, a historian might contribute to a philosophical debate. In the standard version of the history of human experimentation, research conducted without informed consent is invariably presented as violating a universal and timeless ethical code. In these accounts, such experiments are simply deemed 'unethical.' One of the aims of the book was to show how anachronistic this judgment is. Condemning nonconsensual research on human subjects as unambiguously immoral obscures the careful moral reasoning that lay behind so much of it. By exaggerating the individual wickedness and callousness of the historical protagonists (often by comparing them to Nazis), the structural problems with their moral frameworks were overlooked, ultimately leaving medical utilitarianism unexamined and unscathed. In Guenther's penetrating summary of the argument of the book, historicist relativism is actually the foundation for a more pointed critique, not of past actors, but of the assumptions within which they worked. The book shows that what seems to us to be 'unethical' actually fit within a widely accepted ethics of 'the end justifies the means,' the default ethics of medical research across most of the industrialized world for more than two centuries.

As I researched the history of utilitarian medicine, I began to see how often utilitarian medical ethics was paired with hedonist psychology, the idea that human behavior is dictated by the push and pull of pain and pleasure. Over time, the book evolved into a history of that pairing, and I think Lewens is probably right that I have overemphasized the inevitability with which these ideas are yoked together. He picks out Darwin and John Stuart Mill as thinkers whose engagement with utilitarian moral psychology was more subtle and complex, and I concede that the extreme compression demanded by a narrative covering more than three centuries forced decisions about what to include that left out much of interest, especially about these two towering figures. Darwin is a particularly complicated and fascinating moral psychologist, as Lewens's own work has shown.<sup>1</sup>

As for John Stuart Mill, Lewens invokes him as a thinker for whom 'the principle of liberty was justified by the principle of utility.' This is indisputable, and I have more to say below about the structure of this kind of reasoning, but for the purposes of the book I was intrigued by the tension between utility and autonomy in Mill's thought, so similar to the contradictory impulses that trouble contemporary medical ethics. Digging into this remarkable period of philosophically-driven social reform, I became especially intrigued by the extent to which Mill's residual paternalist tendencies were due to his lifelong adherence to the credo of Thomas Malthus. Including Malthus in the history of philosophy – he was a committed utilitarian and more influential than Bentham in both his own time and ours – I think of as one of the book's more important interventions. The third figure mentioned by Lewens in this respect is B. F. Skinner, and here I will simply observe that while hedonist psychology is not *necessarily* incompatible with human autonomy, for Skinner it certainly was, as in the title of his bestselling book *Beyond Freedom and Dignity*.

Some of Lewens's comments and criticisms, including his remarks on Mill and Darwin, have left me questioning the wisdom of an early authorial decision. The first draft of the book tackled the philosophical distinction between 'act utilitarianism' and 'rule utilitarianism,' but I dropped the discussion in the next rewrite. Act utilitarianism asks that we calculate the effects of individual actions, while rule utilitarianism demands that we formulate rules of conduct, adherence to which will ultimately conduce to the greater good. Truth telling is probably the clearest example. The rule utilitarian will urge that a habit of honesty is better than always calculating the consequences of the truth versus a lie.

The distinction between acts and rules runs through Lewens's questions. One way of characterizing Darwin's position, for example, would be to say that we have evolved to be rule utilitarians. For Darwin, the Golden Rule rather than the greater good was the fundamental axiom of our moral sense, precisely because 'do unto others as you would have them do unto you' serves the overall purpose of utility to the human race. This is rule utilitarianism in an evolutionary guise. Likewise, Mill argued that we should be allowed to do what we want up to the limit of harming others because liberal freedom secures the good of the whole society – this is rule utilitarianism applied to political philosophy. One could also claim that my book follows suit. A consequentialist argument against consequentialism could be cashed out in rule utilitarian terms, the rule in this case being: 'if you want to promote the greater good, don't be a utilitarian.'

The distinction between rules and acts is clearly fundamental, but since it was not itself formulated in those terms until the later twentieth century, I decided to let my protagonists bear the burden of its articulation, in the form of R. M. Hare's two 'levels' of moral reasoning,

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<sup>1</sup> Lewens (2007), pp. 159–186.

which I mention in the autobiographical remarks at the beginning of the book (and which reappear in the work of the dual process theorists right at the end of the narrative). For Hare, act utilitarianism is the province of 'archangels' who have a complete grasp of logic and the facts, and can therefore accurately foresee the consequences of any give course of action, while strict rules of conduct are for the 'proles,' whose limited perspective demands that they have to lean on unvarying codes as guides to life. No prizes for guessing which of these two figures Hare most identified with in his capacity as an Oxford don.

Hare's elitist vocabulary of archangels versus proles is symptomatic of the hubris that Lewens identifies as the source of much of the trouble with utilitarianism. I'm less sanguine than he is about the potential for this philosophy to be purged of its archangelic tendencies, however. It seems to me that the calculation of consequences is structurally elitist. In particular, scientific medicine is a fundamentally hubristic and utilitarian enterprise. Consider the researcher investigating a molecular pathway because of its role in a debilitating pathology. Expecting her not to extrapolate from her animal model to an ultimate clinical application would require her to let go of her brightest hopes for her work. Informed consent therefore functions as a necessary corrective to the scientific optimism that motivates (and funds) the laboratory grind, and which can lead scientists to make calculations about the benefit of their work that warrant archangelic bending of the rules, as in Lewens's contemporary example of the shoulder surgery trial.

The requirement to seek consent can certainly be justified on rule utilitarian grounds, but there are other sources of justification, which brings me to Lewens's remarks on the inadequacy of Kantian ethics as a solution to the problems with utilitarianism. In pointing out that medical ethicists in the 1960s and 1970s found Kant to be a useful resource, I didn't mean to imply that I whole-heartedly endorse a Kantian approach to these difficulties. Lewens's point about possible consent versus actual consent is much truer to the original spirit of Kantian ethics than the under-theorized and ahistorical version that got taken up by the champions of patient autonomy. Informed consent is Kantian only in the loosest sense, and Kant might well have disagreed with giving people a choice in matters where for him there was only a single course of action conforming to one's duty. Lewens's example of the person who wants to benefit from medical research without contributing to it is exactly the kind of free-rider problem that would surely have exercised Kant, possibly to the point of his denying hospital patients the right to refuse to participate in non-invasive experiments.

So, let me conclude with a nod to the school of thought that I found more inspiring and psychologically plausible than Kant's rather strict and inflexible metaphysics of morals. Exactly as Guenther suggested, I didn't know who or what I was going to end up loving or hating as I worked my way through the story of medical utilitarianism, but I was impressed by the complexity and thickness of the nineteenth-century British debate about happiness and social reform. This debate gave rise to a lively and variegated anti-utilitarian hedonism, which blossomed not in the Tory South, but in the industrializing north, the dissenting academies of the Midlands, and the great Scottish universities. From Adam Smith in the mid-eighteenth century to Herbert Spencer a hundred years later, there was a line of intellectual descent, running through the insurrectionary men of science that frequented Thomas Beddoes' Pneumatic Institute and Erasmus Darwin's Lunar Society. These were non- or anti-utilitarian theorists of pleasure. All subscribed to some version of a rights-based scheme for securing the happiness of a free citizenry. They were abolitionists, prophets of progress, and enthusiasts for science, who believed in humanist rules of right living and rejected the calculation of consequences that is the hallmark of utilitarianism. Throughout the nineteenth century, these philosopher-engineers were also staunch in their opposition to the misanthropic consequentialism of Thomas Malthus. So, even as we grapple with the environmental limits of the technological vision they unleashed upon the world, it is my hope that some version of their ardent faith in the human spirit continues to prevail.

#### Reference

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