

From a utilitarian perspective, lying in this case might be justified. Two individuals who have committed a crime will be put in jail, and society will be protected. Thus by lying, the officer has promoted the greatest good for the most number of people, that is society as a whole, since a crime is technically a breach of a duty we owe to society as a whole.

On the other hand, it probably would not be morally acceptable, from a utilitarian perspective, for citizens to lie to the police. Lying to the police could lead to a waste of time and resources and criminals might actually get away with crime. This would lead to less happiness and therefore would be ethically wrong.

Students often like this theory because it does seem to be the way in which we normally make judgments. It seems almost intuitive. In fact, this theory has had a great impact on the economic system of the United States. More than other Western nations, Americans believe in the free hand of the market which is predicated on utilitarian grounds, that is the maximization of utility.

Utilitarianism, however, does have a number of problems. First, there are some things that most of us just believe are a priori wrong even if they do bring about good results. For example, let us suppose that a police officer has just apprehended a serial killer. The officer knows beyond any doubt that the killer is in fact guilty. However, the officer knows that if the killer goes to trial, the evidence against him is largely circumstantial, and he or she may be acquitted. Further, the officer knows that he or she will be appointed counsel, as required by the Sixth Amendment, at great expense to the state. The state will also incur great expenses in terms of having to produce its expert witnesses. Valuable court time will be spent, wasting even more resources. Then even if a conviction is obtained, the officer knows that this individual will most likely file appeals all of which will be paid for by the state. Therefore, the officer makes the decision to shoot the killer, and make it look like he was defending himself. If all of the facts in this hypothetical are true, based on utilitarian principles, the officer would be morally justified in his or her action. However, most of us believe that this would be morally reprehensible. The United States prides itself on being a nation of laws, not of men. In this case, the officer has taken the law into his or her own hands. He or she has acted as investigator, judge, jury, and executioner. In this case, very few people would be willing to say that the officer acted in an ethical manner.

One could argue that our entire legal system with its allowance of multiple appeals is cumbersome and inefficient. In spite of this, most of us are not willing to change it for a more utilitarian one. Many of us still believe that we would rather see many guilty people go free than one innocent person executed.

In order to address the problems associated with this first challenge to utilitarianism, some ethicists have developed a modified version of utilitarianism called "rule utilitarianism." The original version of utilitarianism might be called "act utilitarianism" in that it formulated a method for dealing with discrete situations. Those who subscribe to act utilitarianism usually view each situation as unique. No two situations are ever completely identical. Therefore, in each situation, the actor must analyze the situation, develop

possible solutions, and chose the solution that will promote the greatest good or happiness.

Although it is true that no two situations are completely identical, the range of human experience is such that certain commonalities or patterns can be discerned. Ethicists who subscribe to rule utilitarianism believe that we can develop rules from these commonalities that over time will produce the greatest happiness. The objective for the rule utilitarian is to discern rules that may not in any particular instance lead to the greatest happiness at the time, but will over the long haul produce the best results.

Returning to our example of the officer and the serial killer above, the rule utilitarian would say the officer did not act ethically because he or she violated a rule that was ultimately intended to produce the greatest happiness. A rule utilitarian would argue that although in this instance if the officer failed to kill the criminal it would lead to less utility, that nonetheless he or she should refrain from committing the act. Although our legal system is slow and costly, one should not assume too quickly that it does not produce the greatest happiness. For example, if people believed that officers often took the law into their own hands and dispensed vigilante justice, they would rightly be suspicious of the police. Such suspicion would lead people to be hesitant to aid the police. The lack of trust and subsequent aid would ultimately lead to terrible results. However, because we believe in the rule of law in this country and most believe that generally the police follow the rule of law, most people cooperate with law enforcement.

There is a second challenge to utilitarianism and this one may be even more relevant to students of public administration. The examples presented above are fairly straightforward because we have made a number of suppositions. In the real world, things are rarely as cut and dry. Most situations are extremely complex and it may be impossible to foresee the outcome of a given situation with any degree of certainty. Highly complex decisions often result in unintended side effects or what economists term, "externalities."

The problem of externalities is highlighted by the analogy of the "tragedy of the commons." Suppose that public land owned by the government is made available for the grazing of herd animals such as sheep. This land is what is called a "public good" because anyone can enjoy its use. "Private goods" on the other hand are ones that are owned by individuals who can exclude others from using them. For example, Smith owns a tract of land. Smith can stop others from trespassing on her land and using it. The public land that is made available for the grazing of sheep is likely to become overused because it does not cost the sheep herders anything to use. Therefore, each sheep herder has an incentive to graze as many sheep as he or she wants. The end result is destruction of the public land such that no one is able to benefit from the "public good." The private land owner on the other hand is less likely to misuse her land by overgrazing because she has an investment in the land. If she destroys her land, she will ultimately pay the price for the destruction.

The Environmental Protection Agency is a modern bureaucracy that was created as a result of such externalities. During the latter half of the nineteenth