

# *J. S. Mill and the Diversity of Utilitarianism*

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The central thesis of this paper is that Mill's conception of utilitarianism was much broader than current philosophical usage allows.<sup>1</sup> This seemingly modest point has two significant implications. First, it sheds light on Mill's primary aim in *Utilitarianism*, which was not to elaborate his own moral theory but to defend a general approach to ethics. He understood this approach capaciously enough to include the diverse views of Bentham, Godwin, and Paley, among others. Second, the inclusiveness of Mill's conception of utilitarianism belies the common tendency to read his work with certain developments of modern consequentialism too much in mind. I will argue that the widespread failure to appreciate these points has resulted in a conventional view that distorts both Mill's moral theory and the status of *Utilitarianism*. This "little work," as Mill called it, has been accorded a place in his oeuvre that is vastly disproportionate to his own much more modest assessment.<sup>2</sup>

The conventional reading of Mill as a maximizing act-consequentialist takes the official statement of the Greatest Happiness Principle, in *Utilitarianism* 2.2, to specify his own moral theory. Although many commentators have noted the substantial evidence that Mill was no ordinary consequentialist, no other interpretation has won general acceptance. In particular, the rule-utilitarian readings advanced by J. O. Urmson and David Lyons have been eclipsed by more

<sup>1</sup>I would like to thank Roger Crisp, an editor of *Philosophers' Imprint*, an anonymous referee, and colloquium audiences at Bowling Green State University and the University of Wisconsin, Madison, for helpful comments on an earlier draft of this paper. I am grateful to the Hackman Scholars Program at Franklin & Marshall College for its support of this project, and especially to my research assistant, Nicole Galdieri.

<sup>2</sup>Of course, Mill might have been referring merely to its length, but I aim to show that this rather dismissive remark reflects Mill's sincere attitude. See J. S. Mill, *Autobiography* in *Collected Works*, ed. J. Robson (Toronto: University of Toronto Press, 1961-91), vol. I, p. 265. References to Mill will be to the *Collected Works* (CW), except for references to *Utilitarianism* which will be given as [chapter].[paragraph].

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sophisticated act-utilitarian readings than those Urmson justly criticized.<sup>3</sup> This is largely because the discussion in Chapter 2 is widely taken to be authoritative; yet that discussion is idiosyncratic, at least superficially inconsistent, and peculiarly amenable to the most familiar and orthodox form of utilitarianism. My primary foil here will be Roger Crisp, who has recently published a fine scholarly edition of *Utilitarianism* for the Oxford Philosophical Texts series, as well as a guidebook to the work.<sup>4</sup> According to Crisp, *Utilitarianism* "was clearly intended to be the summation, and defense, of [Mill's] thoughts on the doctrine which provided the foundation for his views."<sup>5</sup> And Crisp takes 2.2 as his primary evidence for explicating Mill's theory of both the good and the right.<sup>6</sup> Furthermore, Geoffrey Sayre-McCord presupposes the central claim of this approach in an excellent recent discussion of tangentially related issues. Sayre-McCord states, in passing and without argument, that "according to [Mill's]

<sup>3</sup>Urmson and Lyons have advocated different indirect utilitarian readings of Mill on disparate grounds. Urmson was primarily concerned with the state of Mill scholarship, which he rightly deemed inadequate. See J. O. Urmson, "The Interpretation of the Moral Philosophy of J. S. Mill," *Philosophical Quarterly* 3 (1953), pp. 33-39. While matters have improved greatly over the past half-century, Urmson's arguments have not been widely accepted. See esp. Fred Berger, *Happiness, Justice, and Freedom: The Moral and Political Philosophy of John Stuart Mill* (Berkeley: University of California Press, 1984). See also D. G. Brown, "Mill's Act-Utilitarianism," *Philosophical Quarterly* 24 (1974), pp. 67-68. Lyons puts his view forward as a reconstructive interpretation, while granting that "[s]cholars generally prefer an act-utilitarian reading of Mill." See Lyons, *Rights, Welfare, and Mill's Moral Theory* (New York: Oxford University Press, 1994), p. 21. Finally, David Brink expressly "assume[s] that [Mill] accepts a familiar maximizing version of act utilitarianism" in his excellent and influential paper, "Mill's Deliberative Utilitarianism," *Philosophy & Public Affairs* 21 (1992), p. 69. Together with the evidence adduced in the text, this should suffice to illustrate the state of play in contemporary Mill scholarship.

<sup>4</sup>As these major commissions attest, Crisp's can fairly be called the conventional view. See the Oxford Philosophical Texts edition of J. S. Mill, *Utilitarianism*, ed. Roger Crisp (Oxford: Oxford University Press, 1998). See also Crisp, *Mill on Utilitarianism* (London: Routledge, 1997), from the Routledge Guidebooks to Philosophy series. Despite my disagreements, I admire Crisp's scholarship, and I consider him one of the best expositors of the opposing approach to Mill's moral philosophy.

<sup>5</sup>Crisp, *Mill on Utilitarianism*, p. 8.

<sup>6</sup>See Crisp, *Mill on Utilitarianism*, p. 25 and p. 95, respectively.

standard of conduct, an agent has performed the right act if and only if that act is among the agent's best available options. To have taken any less than the best available option is, Mill thinks, to have performed the wrong act."<sup>7</sup> This is precisely the conventional interpretation of Mill's moral theory, behind which a scholarly consensus has emerged.

Crisp's Mill advocates orthodox utilitarianism, which combines a direct and maximizing theory of the right with a hedonist theory of the good.<sup>8</sup> In order to reconcile this interpretation with the many incompatible claims Mill makes, in *Utilitarianism* and elsewhere, Crisp must read him as deploying a multilevel moral theory of the sort anticipated by Sidgwick and developed by R. M. Hare.<sup>9</sup> Multilevel theories distinguish between an intuitive and a critical level of moral thinking. The intuitive level comprises commonplace rules and emotional dispositions, justified by the utility of their acceptance; whereas the critical level determines true moral judgment and genuine obligation. Such a theory separates its criterion of right action—such as the maximization of net happiness—from its recommendations for moral thinking. This separation enables the theory to hold that good people will often be disposed *not* to perform, or even to aim at, right action.<sup>10</sup> I will refer to this view, which is favored by

<sup>7</sup>Geoffrey Sayre-McCord, "Mill's 'Proof' of the Principle of Utility: A More than Half-Hearted Defense," *Social Philosophy & Policy* 18 (2001), pp. 331-2. In fairness to Sayre-McCord, he notes that elsewhere in Chapter 2 Mill seems to hold that morality consists of rules and precepts rather than applying directly to particular actions, and that these two claims are in tension.

<sup>8</sup>More disagreement persists over Mill's axiology—specifically, over whether he should be read as a hedonist, as 2.2 expressly states. Although my focus will be on Mill's moral theory rather than his theory of the good, the reading I propose here speaks strongly against the claim that Mill was a hedonist.

<sup>9</sup>Sidgwick's conception of "esoteric" morality is broached in *The Methods of Ethics*, 7<sup>th</sup> ed. (Indianapolis: Hackett Publishing, 1981). The multilevel approach has been most fully developed by R. M. Hare, especially in *Moral Thinking: Its Levels, Method and Point* (Oxford: Clarendon Press, 1981).

<sup>10</sup>For a particularly clear and forceful exposition of this sophisticated consequentialist strategy, see Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," *Philosophy & Public Affairs* 13 (1984), pp. 134-171.

most philosophers currently working in the tradition, simply as *consequentialism*.<sup>11</sup>

The best evidence for the consequentialist reading of Mill comes from Chapter 2 of *Utilitarianism*. Indeed, Crisp claims that "Mill's version of utilitarianism" is developed in this chapter, and that the statement of the Greatest Happiness Principle there "encapsulates Mill's own view."<sup>12</sup> Crisp's focus on the first two chapters of the work, which originally constituted the premier of three articles published serially in *Fraser's Magazine*, is well motivated. These chapters treat utilitarianism as a substantive moral theory; and inasmuch as the work develops an account of right and wrong action, it does so there. I will argue, however, that this characterization of utilitarianism was *intended* by Mill to be vague and derivative, because his aim was to defend a common creed rather than to develop his own view. My argument would thus undermine the best evidence for the conventional approach to Mill's moral philosophy. I will propose an ecumenical reading of *Utilitarianism* instead, which takes the work's primary purpose to be the defense of this common creed against popular objections and misunderstandings.

### *Utility as the Foundation of Morals*

I am not denying that Mill considered himself to be a partisan of the principle of utility, properly understood. The promotion of happiness is indeed the ultimate foundation of his moral and political philosophy. Yet Mill's attitude toward utilitarianism was both ambivalent and idiosyncratic. A particularly important letter to Thomas Carlyle, written in 1834, vividly displays Mill's heterodoxy. (Of course, Mill's attitude toward utilitarianism might have grown more orthodox in the roughly 25 years between this letter and the publication

<sup>11</sup>This usage ignores several tangential though important issues; I am adopting it so as to avoid writing 'multilevel, maximizing act-consequentialism' more than this once. I will reiterate elided qualifications whenever necessary for clarity.

<sup>12</sup>Crisp, *Mill on Utilitarianism*, p. 95.

of *Utilitarianism*, but I will presently argue that there was no such retrenchment in his position.<sup>13</sup>) In this letter Mill attempts "a more complete unfolding to you of my opinions and ways of thinking than I have ever yet made," declaring that this marks a great change in his character toward "a far higher kind of sincerity than belonged to me before."<sup>14</sup> He then tells Carlyle:<sup>15</sup>

I am still, and am likely to remain, a utilitarian; though not one of 'the people called utilitarians' ... having scarcely one of my secondary premises in com-

<sup>13</sup>Mill's opinion of Bentham and utilitarianism, though ambivalent, was consistent over the course of his mature career. He considered Bentham the great expositor of a singularly important but partial truth, who was blind to crucial aspects of human nature—in particular, the emotions. Although Mill was often critical in his "Remarks on Bentham's Philosophy" (1833) and "Bentham" (1838), he contemporaneously published a vigorous defense of Bentham and utilitarianism in "Sedgwick's Discourse" (1835). Thus Mill was not anomalously hostile to utilitarianism at the time of the Carlyle letter.

<sup>14</sup>Letter to Thomas Carlyle (1834), *CW* vol. XII, # 95, p. 204. By the time this letter was written, Mill had recovered from the disillusionment with utilitarianism associated with his "mental crisis" of the late 1820s, and had adopted the measured stance he would hold for the rest of his career. He writes that two years prior he "had been for some years ...[in] a state of *reaction* from logical-utilitarian narrowness of the very narrowest kind, out of which after much unhappiness and inward struggling I had emerged, and had taken temporary refuge in its extreme opposite" (*ibid.*, p. 204; his emphasis). This temporary refuge was not an antithetical philosophical position but an attitude of exaggerated tolerance of opinions with which he disagreed, held in reaction to the extreme intolerance that Mill considered Bentham and his adversaries to share. Notice that Mill speaks of this period as temporary and refers to it in the past tense. This assessment is borne out by the letter's content, which is broad-minded but not diffident.

<sup>15</sup>Letter to Thomas Carlyle (#95), p. 207; my emphasis. I have elided the word 'indeed' from this quotation for the sake of clarity. It is crucial, when adducing evidence from Mill's correspondence, to consider the significance of the specific letter. Mill was characteristically reticent and only occasionally forthcoming. For several reasons, this letter is one of his most important. It is philosophically substantive, extraordinarily sincere, and addressed to perhaps Mill's most important political opponent—certainly the one with whom he was most intimate. There is ample evidence that Mill felt constrained about publishing material critical of Bentham, and even more so of his father, James Mill. (It is notable that Mill's harshest assessment of Bentham, "Remarks on Bentham's Philosophy," was published anonymously). Hence this is a rare instance where the discussion is actually more reliable because it was not meant for publication.

mon with them; nor a utilitarian at all, unless in quite another sense from what perhaps any one except myself understands by the word.

Mill is not merely referring to his well-known rejection of the Benthamite conception of the good. In fact, the specific issue on which he sides with Carlyle against "the people called utilitarians" concerns Mill's focus on the supreme importance of developing one's own moral character. Nor is this deviation from utilitarian orthodoxy merely a casual remark made in correspondence. It is echoed throughout Mill's work—with one notable exception.<sup>16</sup> *Utilitarianism* disguises Mill's heterodoxy precisely because he intends to give an ecumenical account of the doctrine. Hence, when Mill does put forward an original claim there, it is in response to some general objection to the theory; and when he advances an original argument, it is usually in support of a generally held thesis.<sup>17</sup> As much as possible, Mill avoids is-

<sup>16</sup>In *Utilitarianism*, Mill sharply distinguishes between judgments of character and of action, consistent with utilitarian orthodoxy. He thus writes, "there is no point which utilitarian thinkers (and Bentham pre-eminently) have taken more pains to illustrate than this": that "the motive has nothing to do with the morality of the action, though much with the worth of the agent" (2.19). While this is genuinely Mill's view, he emphasizes the importance of moral character and development far more radically elsewhere. In "Remarks on Bentham's Philosophy," he writes, "the great fault I have to find with Mr. Bentham as a moral philosopher ... is this: that he has practically, to a very great extent, confounded the principle of Utility with the principle of specific consequences" of action, by ignoring the role of character in action (*CW* 10, pp. 7-8). This theme is developed at length in *On Liberty* (1859), especially Chapter 3, paragraph 4, where he writes: "It really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself." I believe that Mill's agent-centered focus, and the self-other asymmetry of his moral theory, cannot be captured by any traditional form of utilitarianism; but this must be the topic of another day. The point at hand is that Mill's remarks about character in *Utilitarianism* are far less unorthodox, as my reading would predict.

<sup>17</sup>The obvious exception is the doctrine of higher pleasures and the decided preference criterion that supports it, raised in 2.4-2.8. Much more needs to be said about this argument and its relation to the rest of Mill's thought. Cf. Elijah Millgram, "Mill's Proof of the Principle of Utility," *Ethics* 110 (2000), pp. 287-310. Millgram takes 2.8 as the lynchpin of his interpretation of the argu-

ment controversial among utilitarians in this work; one of its most notable features is the absence of sectarian dispute.

Mill's doctrine of higher pleasures stands out as an exception, but even here his conciliatory tone contrasts markedly with that of his essays on Bentham. Furthermore, Mill's original and contentious doctrine emerges directly in response to the objection that hedonism is an undignified attitude "worthy only of swine" (2.3). After admitting that "utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in ... their circumstantial advantages rather than in their intrinsic nature," Mill insists that "on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency" (2.4). He thus explicitly marks this deviation from utilitarian orthodoxy, which is motivated by a specific objection to the view, and he takes pains to note that even the lower ground suffices to answer the complaint. This is just what one should expect if Mill is aiming to defend the common creed of utilitarianism. We shall see that Mill often adverts to the particular version of the theory best able to answer a specific objection—which, in this case, happens to involve his own innovation. No single position can accommodate all these arguments, but neither can a critic consistently level all the objections to which Mill responds. I consider it a virtue of the ecumenical interpretation that it makes sense of some obvious tensions in *Utilitarianism*, understanding them as products of Mill's attempt to answer disparate objections by recommending different versions of the theory to different imagined objectors.

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ment in Chapter 4. While this interpretation is extremely clever, Millgram's claim to find a tightly constructed argument in the work is, I think, belied by the history of the text. Nevertheless, his leading thought is exactly right: that Mill's utilitarianism must be understood as taking an extremely far-sighted view, focused on "the good of the species"—indeed, Mill calls this "the alpha and omega of my utilitarianism" (Letter to Carlyle, #95).

Perhaps the most striking example of specious orthodoxy in *Utilitarianism* is Mill's seeming embrace of hedonism. Indeed, he goes so far as to claim that "every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain; and instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things" (2.1). Taken out of context, this passage seems to suggest, not merely that hedonism is an essential component of utilitarianism, but that it constitutes the "theory of utility" itself. This conclusion would of course be overstated, but it is not quite as far-fetched as it seems. In an important and inadequately appreciated respect, Mill considered even non-utilitarian hedonists to be allies, despite his perpetual battle against the conflation of utilitarianism with egoism by the theory's antagonists.

Consider what Mill wrote in an 1862 letter to George Grote. Of all Mill's letters, this one is most pertinent to the interpretation of *Utilitarianism*, since it explicitly discusses his intentions and aspirations for the work. Moreover, Grote was a close friend of Mill's, and this letter was written in the year between the work's serial publication and its publication as a monograph. Although Grote admired *Utilitarianism* on the whole, he objected to Mill's claim that Socrates defends "the theory of utilitarianism against the popular morality of [Protagoras]" (1.1). Mill's response is illuminating. "As you truly say, the Protagorean Socrates lays down as the standard, the happiness of the agent himself," Mill admits, "but his standard is composed of pleasure and pain, which ranges him, upon the whole, on the utilitarian side of the controversy."<sup>18</sup> Two significant conclusions can be drawn from this exchange. First, Mill clearly conceived "the utili-

tarian side of the controversy" very broadly indeed. Of course, Mill didn't really consider egoistic hedonism to be a form of utilitarianism—his conception of the theory isn't *that* inclusive. But it is not an overstatement to say that he saw the contemporary debate in moral philosophy as being between two positions: what he calls the intuitive and the inductive schools of ethics. The second, related conclusion is that this point about the historical dialectic mitigates Mill's official endorsement of hedonism in 2.2, where he states that "by happiness is intended pleasure, and the absence of pain." This famous claim becomes much less problematic when considered in light of the contemporary debate.

Although Bentham was a true hedonist, Mill can accept the identification of happiness with pleasure in 2.2 only by understanding 'pleasure' in an idiosyncratic way, such that it inherits the notorious ambiguity of 'happiness'. It is misleading for Mill to use these terms synonymously here, when he will need to differentiate between a state of mind (pleasure) and the quality of a life (happiness). Yet he draws just this distinction a few paragraphs later, describing happiness as "not a life of rapture; but moments of such, in an existence made up of few and transitory pains [and] many and various pleasures" (2.12). Moreover, the argument of Chapter 4 turns on the "parts of happiness" doctrine, which would be dubiously coherent were it framed in terms of pleasure. Mill therefore deemphasizes the term 'pleasure' in Chapter 4, where he typically uses 'happiness' and 'desirable' to refer to what is intrinsically good. Why then should he risk being mistaken for a traditional hedonist in order to exaggerate the similarity between utilitarian theories of the good? The answer lies in the historical context of *Utilitarianism*, as well as in Mill's modest ambitions for the work. As we've seen, the contemporary debate in moral philosophy was between

<sup>18</sup>Letter to George Grote (1862), *CW* vol. XV, #525, p. 762.

two schools, one of which can be anachronistically described as empiricist, naturalist, and teleological, the other as intuitionist, non-naturalist, and deontological.<sup>19</sup> I will presently argue that Mill's aim in *Utilitarianism* was simply to defend the former approach against its antagonists, whose attacks he thought crudely distorted the theory and misled popular opinion. Hence, the differences among utilitarians seem minor, from Mill's perspective, and unnecessary or even counterproductive to broach in a short popular treatise.

Evidence of this schism in moral philosophy isn't hard to find. Both Mill and his opponents advertised their dispute as marking a great divide between two antithetical schools of thought: the intuitive and inductive approaches to ethics. This point is particularly clear in Mill's responses to Sedgwick and Whewell, two of his most prominent intuitionist opponents, whose main complaint against utilitarianism was that it neglects the internal dictates of conscience. Mill's response to Whewell in 1852 echoes his response to Sedgwick in 1835. He notes that while both sides of the dispute recognize the existence of moral feelings and conscience, "there are two theories respecting the origin of these phenomena, which have divided philosophers from the earliest ages of philosophy."<sup>20</sup> Mill adverts to this dichotomy again in *Utilitarianism*:

According to the one opinion, the principles of morals are evident a priori, requiring nothing to command assent, except that the meaning of the terms be understood. According to the other doctrine, right and wrong,

<sup>19</sup>The teleological moral theory would later be combined with an intuitionist epistemology (by Henry Sidgwick), and finally with a non-naturalist metaphysics (by G. E. Moore). Ironically, although Moore considered himself a utilitarian, and qualifies as a consequentialist according to the standard terminology, Moore's moral theory would have been anathema to Mill in almost every respect—metaphysically, epistemically, and politically.

<sup>20</sup>"Sedgwick's Discourse," *CW* 10, p. 51. See also "Whewell on Moral Philosophy," *CW* 10, p. 172.

as well as truth and falsehood, are questions of observation and experience. (1.3)

This dialectic explains why Mill considered even egoistic hedonists such as Epicurus and the "Protagorean Socrates"—who are committed to an inductive, *a posteriori* moral epistemology and a naturalist metaphysics of value—to be, "upon the whole," on the utilitarian side of the debate. The common failure of modern philosophers to appreciate this dialectic reflects a significant insensitivity to historical context.<sup>21</sup> This error tends to exaggerate the importance of Mill's seeming embrace of hedonism in 2.2—from which, as we've seen, he immediately retreats. The more general and important point is that the predominance of this coarse-grained dichotomy between ethical schools places an extremely broad class of views on the utilitarian side of the debate.

I will not pursue the axiological issue any further, since it is tangential to my main concern, which is Mill's moral theory. Neither will I revisit the familiar debate over whether Mill is better understood as an act- or rule-utilitarian, nor offer any detailed alternative to the consequentialist interpretation. My aims here are more limited. I seek to show that Mill's conception of utilitarianism is far broader than has been appreciated, and that the characterization of the theory given in Chapter 2 of *Utilitarianism* is designed to be as ecumenical as possible. The common failure to appreciate this point poses a specific and crucial interpretive danger, to which Crisp and others fall prey. The Greatest Happiness Principle (GHP) is meant to state the common creed of utilitarianism, not to explicate Mill's distinctive version of it. The nuances of his moral theory therefore cannot be inferred from GHP or the surrounding discussion. Furthermore, if I

<sup>21</sup>While Crisp acknowledges this dialectic, I don't think he takes it seriously enough. He instead strains to read Mill as a traditional hedonist who recognizes only pleasure as intrinsically good, and he neglects how the gross dichotomy motivates Mill to defend a diverse class of views in *Utilitarianism*.

am right then the canonical status accorded to *Utilitarianism* is both artificial and misleading, and has distorted our view of Mill's thought.<sup>22</sup>

### *The Greatest Happiness Principle*

It is noteworthy that at the outset of Chapter 2, Mill obliquely expresses his ambivalence about utilitarianism and overtly announces his ecumenical intentions. This passage comes immediately prior to the official statement of GHP, in a footnote present from the work's original publication. Mill remarks that, although the term 'utilitarian' was popularized by his founding of the Utilitarian Society in 1822, he soon abandoned that appellation "from a growing dislike for anything resembling a badge or watchword of sectarian distinction" (2.1 fn). But the name stuck, and it proved impossible for Mill to eschew it entirely. Nevertheless, it is telling that Mill went so far as to put scare quotes around 'utilitarianism' and cognate terms in the original publication of his response to Sedgwick (who referred to his opponents by that name). When Mill eventually reclaimed the title in *Utilitarianism*, he did so expressly "as a name for one single opinion, not a set of opinions—to denote the recognition of utility as a standard, not any particular way of applying it" (ibid.).

Mill's acknowledgment of different ways to apply utility as a standard of conduct does not flatly contradict the consequentialist interpretation, since he might simply be referring

<sup>22</sup>Perhaps the most important distortion is the tendency to bring a specific interpretation of *Utilitarianism* to bear on the reading of *On Liberty*. Crisp offers a nice example when he writes: "The liberty principle, then, cannot ground any kind of liberalism in Mill's thought which is inconsistent with his act utilitarianism" (*Mill on Utilitarianism*, p. 175). It would be more apt to say that one must not attribute to Mill any kind of utilitarianism inconsistent with his liberalism (which was neither ambivalent nor heterodox). For an alternative approach to the reconciliation of the principles of liberty and utility, which respects Mill's utilitarian commitments while abjuring any narrow reading of *Utilitarianism*, see my "Mill on Liberty, Speech, and the Free Society," *Philosophy & Public Affairs* 29 (2000), pp. 276-309.

to different views about which rules ought to be promulgated at the intuitive level of moral thinking. However, I will argue that Mill means something both more straightforward and radical: his conception of utilitarianism includes a diversity of moral theories—direct and indirect, maximizing and non-maximizing. Moreover, Mill's disavowal of sectarianism shows his intention to defend not any particular version of the theory but a "single opinion": the common creed shared by disparate utilitarian views.

But what does it matter whether GHP is put forward as a common creed or a specific thesis, it might be asked, given that Mill identifies himself as a utilitarian and thus espouses the principle himself? The short answer is that a common creed must be stated broadly or vaguely enough to be embraced by any utilitarian. A longer and more adequate answer would explain how GHP has to be glossed in order for it to best illustrate Mill's view.<sup>23</sup> I cannot elaborate on this here; instead, I want to focus on what Mill takes to constitute the single opinion definitive of utilitarianism. What counts as the adoption of utility as a standard, and of what exactly is it a standard? Although his terminology varies, the doctrine Mill typically refers to as the Principle of Utility (PU) is axiological, not moral.<sup>24</sup> PU is the conclusion of the argument in Chapter 4: that all and only happiness is intrinsically good. Taken in context, though, the footnote to 2.1 clearly refers to

<sup>23</sup>At least the following three requirements must be put on any such interpretation: (1) It must allow for supererogation. (2) It cannot be hyper-demanding in either of two respects. First, it must permit special concern for oneself, one's own character, and those one cares most about. Second, it must not make morality hegemonic, so as to render our every action and omission morally significant. (3) It should allow that some acts are not amenable to moral judgment, though they are not without consequences that are of value or disvalue. This reflects, among other things, a fundamental self-other asymmetry in Mill's view: acts harmful to oneself are (often) foolish, whereas acts harmful to others are (typically) wrong.

<sup>24</sup>See D. G. Brown, "What is Mill's Principle of Utility?" *Canadian Journal of Philosophy* 3 (1973), pp. 1-12. This further explains how Mill can attribute "the theory of utility" to Epicurus and Socrates: he means the (axiological) Principle of Utility.

utility as a standard of conduct—of right and wrong action. Indeed, Mill proceeds to specify the single opinion constitutive of utilitarianism as the creed that *happiness is the foundation of morality*.<sup>25</sup> He has already indicated that there are various ways to apply this standard, all of which count as utilitarian; but he then offers the famous "proportionality" statement of the Greatest Happiness Principle.

The subsequent paragraph, probably the most famous in Mill's writing, begins with his official statement of GHP. I quote it here in its entirety:

The creed which accepts happiness as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to promote the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. *To give a clear view of the moral standard set up by the theory, much more needs to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplemental explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only thing desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.* (2.2; my emphasis)

<sup>25</sup>I will argue that the best way to gloss this claim is as an avowal of a teleological rather than a deontological conception of morality. Rightness and wrongness are not intrinsic properties of acts but properties they have in virtue of their consequences—specifically, their effects on happiness. This claim leaves open not just the details of the theory of happiness, but also whether the moral theory is to be applied directly or indirectly, whether it requires maximization or is less demanding, and even whether all actions are properly subject to moral judgment. I take Mill to deviate from consequentialist orthodoxy on all these questions.

Unfortunately, Mill does not always differentiate clearly between the theory of value (PU) and the moral theory (GHP), but we shall be more careful about verbal consistency.

Crisp glosses GHP, the claim that actions are right in proportion as they tend to promote happiness, as follows: "If an action produces happiness, it is—to that extent—right, and if it produces unhappiness it is to that extent wrong. *The right action will be that which produces the greatest balance of happiness over unhappiness overall, the idea of maximization being implicit in the 'greatest' of the 'greatest happiness principle'.*"<sup>26</sup> However, the fact that Mill expressly offers GHP as a statement of the creed common to utilitarians dictates that we must *not* simply infer a maximizing criterion of rightness from the phrase 'greatest happiness'. Mill's ecumenicism casts doubt on Crisp's gloss, which is the crux of the consequentialist interpretation. Were any of Mill's compatriots not maximizing act-utilitarians, then a principle with this implication would be unsuitable as a statement of their common creed. Indeed, it suffices to show that Mill believed this to be true, which is evident in his discussions of both Bentham and Paley. Consider this passage from Mill's "Remarks on Bentham's Philosophy":<sup>27</sup>

The recognition of happiness as the only thing desirable in itself, and of the production of the state of things most favorable to happiness as the only rational end both of morals and policy, by no means necessarily leads to the doctrine of expediency as professed by Paley: [that is,] the ethical canon which judges of the morality of an act or a class of actions, solely by the probable *consequences* of that particular kind of act, supposing it to be generally practiced. This is a very

<sup>26</sup>Crisp, *Utilitarianism*, p. 115; his emphasis.

<sup>27</sup>Mill, "Remarks on Bentham's Philosophy," *Collected Works* vol. X, p. 7.

small part of what a more enlarged understanding of the "greatest-happiness principle" would require us to take into account.

Mill here attributes an indirect form of utilitarianism to Paley, and elsewhere to Bentham, on which the morality of a given act is determined by the probable consequences of acts of its *kind*.<sup>28</sup> He therefore could not have thought that all utilitarians are (act-)consequentialists. Rule-utilitarianism offers a familiar alternative to Crisp's gloss of GHP. Although there is considerable textual support for such a reading of Mill, *Utilitarianism* is especially equivocal. While J. O. Urmson argues that Mill's talk of the "tendencies" of action suggests that he has action types rather than particular acts in mind, Fred Berger has shown that the classical utilitarians also sometimes spoke of the tendencies of a token act—by which they meant something like the sum of its probable consequences (though this gloss is too simple).<sup>29</sup> But I will not argue for either view here. My claim is rather that it would be equally mistaken to adopt either an act- or a rule-utilitarian gloss of GHP, *for the same reason*: neither is suitable as a common creed. Hence, GHP is deliberately crafted so as to be vague on these and other contentious points.

There is a further problem with Crisp's gloss of GHP, beyond its inability to capture the common creed Mill expressly claims to offer. The proportionality language of its

<sup>28</sup>This approach, commonly known as 'utilitarian generalization', is one of several varieties of indirect act evaluation. On this view, the rightness or wrongness of a particular (token) act derives indirectly from its consequences by way of the general practice of that kind of act. Another indirect theory attributed to Mill is the form of rule-utilitarianism most clearly developed by John Rawls, in his "Two Concepts of Rules," *The Philosophical Review* 64 (1955). According to this variation of the theory, the rightness of an action derives from its conformity with the rules of a practice or institution which is itself justified directly by consequentialist considerations. Since I am not here arguing for a rule-utilitarian interpretation, there is no need to pursue these issues in more detail.

<sup>29</sup>See J. O. Urmson, "The Interpretation of the Moral Philosophy of J. S. Mill." Cf. Fred Berger, *Happiness, Justice, and Freedom*, esp. Chapter 3.

official statement in 2.2 implies that rightness and wrongness are relational rather than absolute qualities. If acts are right in proportion to their tendency to promote happiness and wrong as they tend to promote unhappiness, then some acts are more right (or more wrong) than others. On the most natural reading of this passage, an act that tends to promote happiness to a large but not optimal degree is a very right action, albeit not as right as the optimific act would be. Hence, by speaking of *the* uniquely right action, Crisp implicitly adopts the absolute conception of rightness, thereby flouting the letter of GHP. This is more than an exegetical problem; it raises a crucial question about obligation, which Crisp does not adequately address. The question can be posed as a dilemma: If we are always obligated to perform the most right act, as Crisp thinks, then in what sense can any other act be even somewhat right? Yet, if we are not so obligated, then what does it mean to call the optimific act most right?

Crisp attempts to make headway on this question by introducing the (relational) notion of *moral badness*. He writes, "The right action can be understood as, or stipulated to be, the *morally best* action. Any other action will be wrong, but we can speak of degrees of rightness and wrongness without confusion by using the notion of moral badness."<sup>30</sup> The idea seems to be that an almost optimal act will be less morally bad than most other alternatives. But this suggestion does not solve the underlying philosophical problem. While it permits us to discriminate between the degrees of wrongness of suboptimal acts, Crisp's proposal does not even allow for degrees of rightness, since all such acts are more or less wrong. Thus, if we adopt Crisp's stipulation that only the "morally best" action is right, we cannot adhere strictly to GHP, which is symmetrical in its proportionality language

<sup>30</sup>Crisp, *Mill on Utilitarianism*, p. 96; his emphasis.

between rightness and wrongness. More importantly, I will argue that this consequentialist reading cannot make sense of Mill's account of obligation.

Although it sounds odd to call an action somewhat right, or to say that one act is more right than another, the relational conception of right and wrong is actually more compatible with ordinary thought than is the absolute conception. Part of the verbal oddity is that the word 'right', even when restricted to its adjectival and moral sense, is ambiguous between the permissible and the obligatory. This ambiguity is obscured by consequentialism, which conflates these two categories by denying that there are any permissible but not obligatory acts.<sup>31</sup> Thus William Godwin, the utilitarian closest to consequentialism prior to Sidgwick, wrote: "[H]ow much am I bound to do for the general weal, that is, for the benefit of the individuals of whom the whole is composed? Everything in my power."<sup>32</sup> Godwin held that only the optimific act is morally permissible, but this claim—not to mention the conclusions he drew from it—seems absurd to those not in the grip of consequentialism.<sup>33</sup> Nevertheless, if GHP is to state a common creed, then it must be amenable to such a reading. And Crisp demonstrates that GHP can indeed be read this way, if one takes the idea of maximization to be implicit in the notion of the greatest happiness.

Yet this is not the only way to read GHP, nor is it the reading suggested by Mill's metaethical remarks. In Chapter 5 of *Utilitarianism* (and elsewhere), Mill gives an analysis of right and wrong, among other fundamental moral con-

cepts. He claims that to judge an act right is to think that one can properly be compelled, not just exhorted, to perform it; and to judge an act wrong is to think that it would be fitting for others to resent or otherwise punish one for performing it (5.14). This analysis is not part of Mill's substantive moral theory; it is supposed to be neutral between utilitarianism and other views. Whether or not this analysis is correct—and any such proposal will be to some extent reforming of natural language and ordinary thought—it illuminates what Mill meant by calling an act right or wrong. The proportionality language of GHP implies that an act that is right but not "most right" cannot be a violation of duty (or obligation); since it is not wrong, it cannot properly be punished. This suggests that some acts are permissible—that is, neither obligatory nor forbidden—which is what almost all of us believe. When several acts can be described as right, we are obligated to perform one or another of them.<sup>34</sup> Although it isn't obligatory to perform the most right act, to do so would be supererogatory.

Of course, as we've seen from Godwin, (maximizing)

<sup>34</sup>Were we to take GHP strictly and literally, as I think we should not, then what theory of right is implied? Suppose that  $R_1, R_2, \dots, R_x$  are all available actions that tend to promote happiness, on the whole, and that  $R_1$  does so more than  $R_2$ , etc. There are also available actions that tend to diminish happiness—call these  $W_1, W_2$  and so forth. There is no single action that can be compelled; rather, one has an obligation to perform some  $R_i$  and to avoid all  $W_j$ . (Among the many simplifications here, we are supposing that these acts are mutually exclusive.) Such a theory founders for obvious reasons. If  $R_i$  is much more conducive to happiness than is  $R_j$ , and can be performed at no more cost to the agent and without violating any obligation to others, then it is implausible to suggest that the agent cannot be obligated to perform  $R_i$  (or a better act) simply because  $R_j$  also increases net happiness. Worse yet, circumstances might arise in which, through no fault of the agent's, only acts conducive to unhappiness ( $W$  acts) are available. It would be absurd to say that for this reason the agent can only do wrong—especially if  $W_i$  is only slightly bad in its effects, while  $W_j$  is disastrous. The lesson here is that one cannot hope to describe a tenable moral theory in a single sentence formulation like GHP. But why think Mill aspired to do so, rather than to sketch in vague outline the contours of such a theory? This would be a compelling consideration even if Mill hadn't expressly insisted, immediately after stating GHP, that much more needs to be said in order to give a clear view of the moral standard.

<sup>31</sup>Even on sophisticated, multilevel consequentialist views like Peter Railton's, non-optimific but admirable acts (of friendship, loyalty, and benevolence in its less-than-universal forms) are, strictly speaking, wrong. See Railton, "Alienation."

<sup>32</sup>William Godwin, *Enquiry Concerning Political Justice* (Hammondsworth, Middlesex, England: Penguin Classics, 1985), p. 174.

<sup>33</sup>Here and elsewhere I am ignoring the possibility of "ties": two or more acts with exactly the same (expected or actual) utility. This simplification does not materially affect any of my claims, since it does not make the theory significantly more plausible to allow ties.

consequentialism rejects supererogation by collapsing the distinction between the permissible and the obligatory. In fact, the denial of the supererogatory was nothing less than the fourteenth of the Thirty-Nine Articles of the Church of England—as Mill certainly knew. This dogma, *Of Works of Supererogation*, states: "Voluntary works besides, over and above, God's commandments which they call Works of Supererogation, cannot be taught without arrogancy and impiety." Throughout his life, and at substantial cost, Mill defended supererogation against the charge of "Popish laxity." His most detailed argument is given in the essay *Auguste Comte and Positivism*, written several years after *Utilitarianism*. "There is a standard of altruism to which all should be required to come up," Mill claims, "and a degree beyond it which is not obligatory, but meritorious."<sup>35</sup> This standard of altruism primarily requires that we not harm others unjustly, or fail to provide them with benefits we have led them to expect or owe them due to some specific obligation.<sup>36</sup> However, Mill continues, "above this standard there is an unlimited range of moral worth, up to the most exalted heroism, which should be fostered by every positive encouragement, though not converted into an obligation."<sup>37</sup>

Mill's commitment to supererogation is an important and neglected part of his moral theory, which I mean to consider elsewhere; but the question at hand is how to understand GHP. I am not suggesting that it *must* be read as positing a class of supererogatory acts, but that the consequentialist interpretation, which necessarily rules them out, must be rejected. The Greatest Happiness Principle is amenable to a variety of readings and is acceptable, on different terms,

<sup>35</sup>Mill, *Auguste Comte and Positivism*, *CW* vol. X, p. 337.

<sup>36</sup>Notice that on this view there is no general obligation to maximize net happiness. This is consistent with the account of self-regarding action given in *On Liberty*, esp. Chapter 4.

<sup>37</sup>Mill, *Compte*, p. 339. Mill expresses his commitment to supererogation in many places. See also his 1867 letter to Henry S. Brandreth (*CW* vol. XVI, # 1028, p. 1234), where he declares that acts of extreme self-sacrifice are sometimes pointless, occasionally obligatory, and often meritorious.

both by consequentialists and others sorts of utilitarian. The most significant point is that Mill ignores this controversy in *Utilitarianism*.<sup>38</sup> Surely this omission is deliberate, and its motive should now be clear. Because Mill aspires to state a common creed of utilitarians rather than to develop his own version of utilitarianism, he intentionally avoids such contentious issues. He therefore finesses the question, stating GHP vaguely enough that it can be read either as denying or allowing supererogation, and does not explicitly mention the controversy at all. This is precisely what he should do in order to defend a common creed.

How should GHP be understood, then, on the ecumenical approach I advocate? In the first place, it embodies the common creed of utilitarianism, which Mill expresses as the view that happiness is the foundation of morality. Rightness and wrongness are not intrinsic properties of acts but are derived from facts about their consequences. (That is, the theory is teleological rather than deontological.) Second, we should not read too much into the word 'greatest' in the Greatest Happiness Principle. This principle does imply that a state of affairs with more happiness is *better*—that is, has more good in it—than one with less, but it does not entail any commitment to maximization.<sup>39</sup> We should even resist Crisp's suggestion that such a world is *morally* best, as that would be a misleading pleonasm, since there might be no morally acceptable way to get there from here. Rule-utilitarianism, for instance, denies that it is always permissible to bring about the best possible state of affairs. Moreover, even were it always permissible to do what has best consequences, that would not entail that it is wrong to do otherwise. The maximization of goodness might be permis-

<sup>38</sup>While 5.14 strongly suggests a commitment to supererogation, in this chapter Mill offers a generic account of moral concepts, so perhaps this can be explained away. In any case, it is ignored in Chapter 2, where Mill explicates utilitarian moral theories.

<sup>39</sup>David Lyons makes this point in "Mill's Theory of Morality," in Lyons, *Rights, Welfare, and Mill's Moral Theory*, esp. p. 60.

sible but not obligatory. (Were this Mill's view, it would resemble Samuel Scheffler's hybrid moral theory, as developed in *The Rejection of Consequentialism*, more than Peter Railton's multilevel consequentialism.<sup>40</sup>) But we need not decide between these options for present purposes.

The crucial point is that the conventional interpretation conflicts with Mill's claims about moral obligation in several important respects.<sup>41</sup> Since I do not aspire to give an authoritative reconstruction of Mill's position here, I have focused on just one example: Mill's consistent and longstanding commitment to the possibility of supererogatory acts, which are virtuous (or as he puts it, "meritorious") but not obligatory. The *absence* of any mention of the topic in Chapter 2 of *Utilitarianism* is, like Sherlock Holmes' incident of the dog who didn't bark in the night, an important piece of evidence. This omission suggests that Mill intends to defend the utilitarian approach to ethics quite generally—a task that requires GHP to be stated capaciously (or vaguely) enough to be acceptable to all utilitarians.

One further piece of evidence for this ecumenical interpretation deserves mention, before we consider the rest of Chapter 2. Mill's statement of GHP closely resembles Bentham's Principle of Utility and the discussion of utilitarianism in the first chapter of his *Introduction to the Principles of Morals and Legislation*. Consider Bentham's characterization of utilitarianism there:<sup>42</sup>

A man may be said to be a partisan of the principle of utility, when the approbation or disapprobation he annexes to any action, or to any measure, is determined by

<sup>40</sup>See Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Clarendon Press, 1982). Cf. Railton, "Alienation."

<sup>41</sup>In particular, Mill's discussion of free-riding (in "Whewell" and elsewhere) and his defense of "positive compulsions" (in *On Liberty*) commit him to holding that we can have obligations to act even in particular circumstances where it would be optimistic but unfair not to act.

<sup>42</sup>Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (Oxford: Oxford University Press, 1996).

and proportioned to the tendency which he conceives it to have to augment or to diminish the happiness of the community: or in other words, to its conformity or unconformity to the laws or dictates of utility.

Both of the most salient and problematic terms in GHP, 'proportionality' and 'tendency', overtly echo Bentham.<sup>43</sup> Indeed, Mill routinely attributed the phrase 'greatest happiness principle' to Bentham, for instance in 1.4. Another reason to think that Mill intends to give a common utilitarian creed in 2.2, then, is the blatantly derivative language of his formulation of GHP.

Recall that Crisp's comprehensive and well-developed interpretation of Mill as a consequentialist relies heavily on GHP and, to a lesser extent, on the surrounding discussion in Chapter 2 of *Utilitarianism*. I take myself to have shown that there are good reasons to doubt a crucial presupposition of Crisp's reading: his claim that GHP is meant to illustrate Mill's own version of utilitarianism. I've argued that a close reading of the text, with attention to the derivative language of GHP and awareness of what Mill does not say (especially about supererogation), suggests strongly that the principle is meant to describe a common creed rather than an original thesis. In the following section, I will consider the rest of Chapter 2 in this light, and then conclude by examining Mill's own remarks about *Utilitarianism*.

### "What Utilitarianism Is"

A very quick argument for the ecumenical interpretation can be drawn directly from the title of Chapter 2: "What Utilitarianism Is." If Mill aspires to give a general characteriza-

<sup>43</sup>Moreover, Bentham seems to commit himself to just the simplistic moral theory suggested by an overly literal reading of GHP (see fn 34). While Bentham's moral theory is typically inferred from the passage quoted above, it is worthwhile to consider his characterization of what it is for an action to *conform* to the principle of utility (which he claims makes the act right, or at least not wrong).

tion of utilitarianism, as this title suggests, then he should not advance any tendentious claims. But this argument is too hasty, since Mill might be offering a stipulative definition. Sidgwick did just that, defining the term 'utilitarianism' to mean consequentialism (in my narrow sense).<sup>44</sup> "By Utilitarianism," he wrote, "I mean the ethical theory that the externally or objectively right conduct, under any circumstances, is such conduct as tends to produce the greatest possible happiness, to the greatest possible number of all whose interests are affected."<sup>45</sup> Yet Sidgwick announces this terminological stipulation overtly, whereas Mill states his intention to use the term broadly, rather than to stand for any particular way of applying utility as a standard of conduct. Furthermore, Sidgwick considered himself an orthodox utilitarian, as Mill did not. Even so, the title of Chapter 2 might be misleading, and Mill's utilitarianism might have grown more orthodox since he declared himself to be a utilitarian only "in quite another sense from what perhaps any one except myself understands by the word."<sup>46</sup> I will therefore focus briefly on the four most telling passages from *Utilitarianism*: two that seem to support the conventional interpretation and two that support the ecumenical interpretation. In each case, we need to examine closely the context of Mill's

<sup>44</sup> There is a danger to this sort of stipulation, to which Sidgwick succumbs. Having so defined utilitarianism, one can think it a matter of logical necessity that the theory has certain commitments. Thus, as Marcus Singer notes, Sidgwick assumes without argument that one must maximize total rather than average happiness. See Sidgwick, *Essays on Ethics and Method*, ed. Marcus G. Singer (Oxford: Clarendon Press, 2000), p. xxxvi. This controversial and perhaps repugnant conclusion surely should not be accepted simply because it is entailed by a stipulative definition of the theory.

<sup>45</sup> Henry Sidgwick, "Utilitarianism," in *Essays on Ethics and Method*, p. 3.

<sup>46</sup> Letter to Thomas Carlyle (#95). There are strong reasons to doubt that Mill grew any more orthodox. The most obvious is that *On Liberty* defends a view that more orthodox utilitarians, such as Sidgwick and Stevens, found blatantly incompatible with principle of utility. The problem of reconciling Mill's utilitarianism with his principle of liberty is, of course, the central exegetical problem in Mill scholarship.

remarks—in particular, the specific objection to which they are addressed.

The first challenging passage for my reading of *Utilitarianism* concerns Mill's account of what he calls the "ideal perfection" of utilitarian morality:

[T]he happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator: In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality. (2.18)

Such talk of strict impartiality between interests seems, on its face, to suggest or even to entail a maximizing theory. But consider the context of this passage. Mill is responding to the "assailants" and "impugners" of utilitarianism who consider happiness to be a vulgar aim of human life. It makes sense that in speaking to this objection he would emphasize the difference between utilitarianism and egoism, since the aim of securing the happiness of others is more noble than the pursuit of self-interest.

Note too that this passage does not sit well with the conventional reading either, since it would be odd for Mill to adduce Christianity in service of consequentialism. Crisp admits that Mill's "interpretation of the golden rule is radical, since it was not usually understood to require complete impartiality."<sup>47</sup> Indeed, when one compares the actions that might be prescribed by a universally benevolent and impartial spectator with the injunction to "do as one would be done by," this can seem quite an understatement. But there

<sup>47</sup>Crisp, *Utilitarianism*, p. 120.

is a much stronger argument against Crisp's reading of the passage. Mill repeats and explicates this talk of perfect ethical impartiality and Christian benevolence in his 1862 letter to Grote (#525), which specifically concerns *Utilitarianism*. He there expressly denies that the recognition of everyone's happiness as equally valuable has consequentialist implications. Grote understood Mill to be advocating (maximizing) consequentialism and offered several practical doctrines as objections to the theory. Mill responds by embracing Grote's anti-consequentialist conclusions but claiming them to be consistent with his version of utilitarianism. Moreover, in so doing he glosses the theory in exactly those terms that seemed favorable to consequentialism: Christian benevolence and perfect ethical impartiality. He writes,<sup>48</sup>

I do not see that the opinions you express in your letter on practical ethics constitute any difference between us. I agree in them entirely, and I consider them to follow conclusively from the conception of our own happiness as a unit, neither more nor less valuable than that of another, or, in Christian language, the doctrine of loving one's neighbour as oneself, this being of course understood not as the feeling or sentiment of love, but of perfect ethical impartiality between the two. The general happiness, looked upon as composed of as many different units as there are persons, all equal in value except as far as the amount of the happiness itself differs, leads to all the practical doctrines which you lay down.

Mill then specifically endorses two practical doctrines advocated by Grote against consequentialism. First, each person should be allowed to take care of himself, under ordinary circumstances; we should not unjustly impede him or allow others to do so, even for the sake of the common good. Second, general rules must be laid down for people's con-

<sup>48</sup>Letter to Grote (#525), p. 762.

duct to one another: we must recognize rights and obligations based on these rules. Of course, a consequentialist can endorse these doctrines as rules of thumb, the general acceptance of which (at the intuitive level) is justified by their utility (as judged from the critical level). But Mill goes further than the consequentialist can allow, by explicitly endorsing these rules even when they are not optimific:<sup>49</sup>

[P]eople must not be required to sacrifice even their own lesser good to another's greater, where no general rule has given the other a right to the sacrifice; while, when a right *has* been recognized, they must, in most cases, yield to that right even at the sacrifice, in the particular case, of their own greater good to another's less. These rights and obligations are (it is of course implied) reciprocal.

While this stance is compatible with some forms of utilitarianism, it is clearly inconsistent with the direct and maximizing version. Mill thus glosses ethical impartiality in a manner incompatible with the conventional interpretation. His own view more closely resembles the liberal's equality of concern and respect than the consequentialist's "point of view of the universe" conception. Therefore, this seemingly most problematic passage from *Utilitarianism* actually supports my reading of the work over the conventional interpretation.

The other passage that poses difficulties for the ecumenical reading is Mill's discussion of moral rules, which admittedly sounds more heuristic than foundational. For instance, he writes:

To inform a traveller respecting the place of his ultimate destination is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and aim of morality, does not

<sup>49</sup>Letter to Grote (#525), p. 762; his emphasis.

mean that no road ought to be laid down to that goal... .  
 Whatever we adopt as the fundamental principle of  
 morality, we require subordinate principles to apply it  
 by. (2.24)

Here Mill is speaking to the familiar objection that one cannot calculate all the consequences of an action, and that the attempt to do so would be futile and counterproductive. In this context, the heuristic use of rules—which any utilitarian can embrace—is especially pertinent. The trouble with reading Mill as advocating *only* such use of moral rules as the consequentialist can adopt, however, is that he does not so restrict himself. To the contrary, Mill claims that rights and obligations issue from these rules or secondary principles—which is precisely what the consequentialist must deny. He does so not only in the contemporaneous letter to Grote but in *Utilitarianism* itself.

The dispute between act- and rule-based forms of utilitarianism focuses on the propriety of breaking the rules in exceptional cases. When it would be optimific to break a justified rule, the two theories diverge over which act is right. The landmark metaphor of 2.24 suggests a purely heuristic use of rules, which is more in keeping with act-utilitarianism. When I can reach my goal more efficiently by aiming at it directly, it seems like folly to insist upon taking the circuitous route that hews to the landmarks. This characterization is fine for a brief explication of the difference between direct and indirect forms of utilitarianism, but it requires a caveat. Nothing about the indirect strategy prevents one from using heuristics and guideposts—that is, from employing rules of thumb in addition to more authoritative rules that issue in genuine obligations. By contrast, consequentialism can endorse only this heuristic conception of moral rules, since the theory holds that it is objectively right (because optimific) to break the rule in every exceptional case. Even in *Utilitarian-*

*ism*, though, Mill does not in fact restrict himself to the consequentialist view of rules and their exceptions. With respect to omissions, he writes:

In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. (2.19)

The fundamental difference between act- and rule-utilitarianism lies in their treatment of "secondary" rules of this sort, concerning the general tendencies of types (or classes) of action. In short, rule-utilitarianism holds that such moral rules issue in genuine obligations, whereas act-utilitarians can hold only that they are useful devices to be inculcated at the level of intuitive moralizing. Crisp's commentary on this passage is revealing. "In speaking of 'obligation' here," he writes, "Mill almost certainly means 'sense of obligation', our having this sense being something justifiable by the utility principle."<sup>50</sup> The problem for Crisp is straightforward. As he acknowledges, "The difficulty is that *the utilitarian, unlike many moralists, sees no genuine moral force in...secondary rules.*"<sup>51</sup> But there is a crucial difference between the claim that secondary principles ground obligations and that they explain our *sense* of obligation—which, it is implied, is not veridical. Any advocate of the conventional interpretation must hold either that Mill simply misstates his view or deliberately misrepresents it. Although it's possible that any given passage is just carelessly stated, a great deal

<sup>50</sup>Crisp, *Utilitarianism*, p. 124.

<sup>51</sup>Crisp, *Utilitarianism*, p. 127; his emphasis.

of what Mill actually claims must be revised in order to be made consistent with consequentialism—far too much to be put down to carelessness. The great cost of attributing a multilevel view to Mill, then, is that it forces us to adopt a dissimulation hypothesis about *Utilitarianism* (and much more of his work). Yet Mill never tenders the possibility of an "esoteric morality," about which one should publicly dissemble, as does Sidgwick. Nevertheless, this is how Crisp has to read much of *Utilitarianism*: as a useful fiction designed to convert the masses even at the cost of misleading them. A basic canon of interpretation dictates that we place a high evidential burden on any such reading.

The extent of the dissimulation required becomes evident when we examine the first of the two passages most amenable to my reading. Consider Mill's response to the complaint that utilitarianism is overly demanding:

The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else ... [Only those] the influence of whose actions extend to society in general, need concern themselves habitually about so large an object. (2.19)

Crisp recognizes that this argument offers only a feeble defense of consequentialism. His explanation is that Mill deliberately understates the demandingness of utilitarian morality because the truth would repel potential converts. "Encouraging impartial altruism could be self-defeating, sapping partial concern while failing to provide any less partial alter-

native," Crisp notes.<sup>52</sup> For a multilevel consequentialist, this would indeed be a reason to deceive the masses about the true demands of morality, in hopes of coaxing them a little closer to impartiality. But, as we've seen, Mill's conception of the impartiality demanded by morality is not consequentialist; and his focus on local benevolence and respect for the rights of others coheres much better with 2.19.

Furthermore, while it would be understandable, though dishonest, for a consequentialist to drastically underestimate the demands of morality in a popular work, we should not expect him to dissimulate in private correspondence with his peers. Yet in Mill's 1834 letter to Carlyle, where he calls himself a utilitarian only in an idiosyncratic sense, he clearly rejects the sort of relentlessly demanding morality espoused by modern consequentialists. Mill explains that his utilitarianism must be taken with "an immense number and variety of explanations," which "affect its essence, not merely its accidental forms." He continues:<sup>53</sup>

I have never, at least since I had any convictions of my own, belonged to the benevolentary, soup-kitchen school. Though I hold the good of the species (or rather of its several units) to be the *ultimate* end, (which is the alpha and omega of my utilitarianism) I believe ... that this end can in no other way be forwarded but ... by each taking for his exclusive aim the development of what is best in *himself*.

This process of moral development involves cultivating one's sympathies and extending them, but it does not require one to take up the point of view of the universe. The passage on demandingness quoted from 2.19 is more amenable to indirect (or non-maximizing) forms of utilitarianism, because it does not require most agents to concern themselves with the benefit of the world in order to be vir-

<sup>52</sup>Crisp, *Utilitarianism*, p. 123.

<sup>53</sup>Letter to Carlyle (# 95); his emphasis.

tuous. The consequentialist can endorse this only through error or strategic dissimulation, or—as Crisp seems to imply—both. The ecumenical interpretation, by contrast, has no difficulty with this passage, since it suffices that some versions of utilitarianism are not excessively demanding in this respect. Mill can thus answer those who “find fault with [the utilitarian] standard as being too high for humanity” (2.19), whether or not this was his own view of the matter—as I think it was.

Finally, consider the most telling passage, where Mill speaks directly to what is at issue between Crisp's reading of *Utilitarianism* and my own. “As a matter of fact,” Mill writes, “we may affirm that among utilitarians as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the application of their standard: some are even puritanically rigorous, while others are as indulgent as can possibly be desired by sinner or by sentimentalist” (2.21). Mill would have thought Godwin excessively demanding, like our modern consequentialists; and he explicitly accuses Paley of being excessively lax and complacent about status quo morality.<sup>54</sup> This passage suggests that Mill considered his own view to fall between these extremes—an assessment that is borne out both by his most important work and by the opinions of his contemporaries.<sup>55</sup> The crucial point for present purposes is that Mill here expressly affirms his recognition of the diversity of utilitarianism.

### **Conclusion: What Utilitarianism is Not**

My approach to *Utilitarianism* as an ecumenical tract, defending a common creed rather than any particular form of the theory, is open to the following objection. If I am right

<sup>54</sup>Mill refers to “the lax morality taught by Paley” in “Sedgwick's Discourse,” p. 55.

<sup>55</sup>Thus John Grote (George's brother) refers to Mill as a neo-utilitarian, and Sidgwick calls Mill's view “conservative utilitarianism” precisely because it treats moral rules as issuing in genuine obligations. See Henry Sidgwick, “Grote on Utilitarianism I” in *Essays on Ethics and Method*, p. 174.

then the work is significantly less important, and in some respects less interesting, than is commonly believed. My response to this objection is to embrace it. In fact, I suggest that the best explanation of the canonical status of *Utilitarianism* derives primarily from the work's pedagogical virtues. This little work fits nicely into an Introduction to Moral Philosophy course, being much more palatable to undergraduates than Sidgwick's dense *Methods of Ethics* or Bentham's tortuous *Introduction to the Principles of Morals and Legislation*. While it remains a marvelously fruitful collection of theoretical possibilities and a useful introduction to a vital approach to ethics, *Utilitarianism* does not develop Mill's own moral theory. We have reason to adopt something less than the most powerful or interesting interpretation of a work, however, when there is evidence that the author did not consider it particularly original or significant—as there is here.

In the first place, consider the issue of pedigree. Mill originally published the work serially in *Fraser's Magazine*, a more popular venue than those where his most significant work was published. In fact, Mill held the magazine in low regard. In an 1862 letter to John Elliot Cairnes, Mill wrote: “The wretched thing in Fraser which you so justly characterize, with others as bad as itself by which it has been followed, have quite disgusted me with the present conduct of the Magazine.”<sup>56</sup> Yet his choice of venue is not mysterious. Mill published in *Fraser's* when he wished to reach a broad audience, especially in order to enter into an ongoing popular dispute such as the debate over “Benthamism” and its radical political reforms. He did not expect his more learned correspondents to be familiar with the magazine. Thus, in a letter to Samuel Bailey, the author of several volumes on psychology that Mill much admired, he mentions that he has published some work on the moral sentiments, “in a series

<sup>56</sup>Letter to John Elliot Cairnes (1862), *CW* vol. XV, # 561, p. 807. Anthony Froude was editor of *Fraser's* both at the time this letter was written and a year earlier, when *Utilitarianism* was published there.

of papers which unless you are a habitual reader of Fraser's Magazine, you are not likely to have heard of. If I reprint them separately as I am thinking of doing I will beg your acceptance of a copy."<sup>57</sup> Note that as late as January 1863, Mill had not yet decided to republish those papers as a monograph.

Finally, Mill's own opinion of *Utilitarianism* is decidedly modest. In his *Autobiography*, an account of his intellectual rather than his personal life, he writes that "[On] *Liberty* is likely to survive longer than anything else that I have written (with the possible exception of the *Logic*)..."<sup>58</sup> Indeed, although Mill dedicates much of the final chapter of the *Autobiography* to discussing those works and others, he mentions *Utilitarianism* just once, in passing. "I took from their repository a portion of...unpublished papers," he writes, "and shaped them, with some additional matter, into the little work entitled *Utilitarianism*."<sup>59</sup> He then drops the subject and expounds for several pages on the war in America. (He was, of course, avidly pro-Union.) There is no reason to think that Mill downgraded his opinion of *Utilitarianism* after the fact. In the 1862 letter to Grote, Mill expressed limited aspirations for the papers. "I am not more sanguine than you are about their converting opponents," he wrote. "The most that writing of that sort can be expected to do, is to place the doctrine in a better light, and prevent the other side having everything their own way, and triumphing in their moral and metaphysical superiority as they have done for the last half century..."<sup>60</sup>

Perhaps the most remarkable evidence is to be found not in Mill's words but his inaction. Theodor Gomperz, who in 1868 was working on a German translation of *Utilitarianism*, noted an appearance of fallacy in Mill's argument for the

Principle of Utility, concerning the analogy between what is visible and what is desirable. (This is, of course, the point in the argument that G. E. Moore would later call "Mill's mistake" -- "as naive and artless a use of the naturalistic fallacy as anybody could desire."<sup>61</sup>) Mill's response to Gomperz is illuminating. He replies, "With regard to the passage you mention in the *Utilitarianism*, I have not had time regularly to rewrite the book, & it had escaped my memory that you thought that argument apparently though not really fallacious, which proves to me the necessity of, at least, further explanation & development."<sup>62</sup> Although Mill lived for five more years, during which time he finished his autobiography and kept up his correspondence, he never bothered to revise the argument.

<sup>57</sup>Letter to Samuel Bailey (1863), *CW* vol. XV, # 579, p. 825.

<sup>58</sup>Mill, *Autobiography*, p. 259.

<sup>59</sup>Mill, *Autobiography*, p. 265.

<sup>60</sup>Letter to George Grote (1862), p. 763.

<sup>61</sup>G. E. Moore, *Principia Ethica*, 2<sup>nd</sup> ed. (Cambridge: Cambridge University Press, 1993), p. 118.

<sup>62</sup>Letter to Theodor Gomperz (1868), *CW* vol. XVI, # 1227, p. 1391. I have inserted two commas, which do not change the meaning of the sentence but ease its comprehension.