

**ON A SUPPOSED INCONSISTENCY
IN J. S. MILL'S UTILITARIANISM**

Glenn C. Joy
Audrey M. McKinney

Some inharmonious claims might be expected from a writer whose *Collected Works* will appear in over thirty volumes. Minor discrepancies should be overlooked, while changes of opinion should be studied very carefully. Our concern in this paper is with a supposed inconsistency that strikes at the heart of Mill's utilitarianism.

Almost ninety years ago Ernest Albee suggested that John Stuart Mill's discussion in the third chapter of *On Liberty* ("Of individuality, as one of the elements of well-being") is not consistent with other passages in his writings; according to Albee, Mill puts forward "harmonious self-development" as "practically an end in itself" and thereby adopts a view which is inconsistent with utilitarianism (246). Much more recently, James Stegenga has argued that the:

references wherein Mill speaks approvingly of personal development, individuality, man's 'best,' and diversity of ends to be sought after independently of any Benthamite sensory calculus all seem to cast serious doubt on whether J. S. Mill justifies his espousal of liberty at all on the principle of utility. (285)

But if Mill doesn't justify liberty by appeal to the principle of utility, then is Mill really a utilitarian after all? Stegenga's conclusion is that indeed Mill's name should be "struck from the roster" of utilitarians.

We shall argue that Mill's name ought not be struck from the roster of utilitarians. By looking at *On Liberty* together with *The Subjection of Women and Utilitarianism*, we shall see that Mill does not put forward self-development and individuality as *a priori* goods but instead does justify them by reference to the principle of utility. And we shall argue that the belief that Mill does entertain *a priori* ends other than happiness arises both from a failure to take Mill at his word and from a failure to

recognize that Mill in *On Liberty* is using the principle of utility to justify general rules of conduct.

At the very outset of *On Liberty* Mill makes clear his intention to "forego any advantage which could be derived to my argument from the idea of abstract right as a thing independent of utility" (224). Indeed, Mill says that he "regards utility as the ultimate appeal on all ethical questions" (224)—including the ethical question addressed by *On Liberty*: what are the legitimate actions governments may take to curtail or enhance individual freedom?

Of course, that Mill says he will appeal exclusively to the principle of utility to justify his claims is no guarantee that he does so. But it is reasonable to take Mill at his word unless and until the texts available to us prove otherwise. Let us take a closer look, then, at Mill's discussion of liberty, self-development, and individuality.

In Chapter 2 of *On Liberty* ("Of the Liberty of Thought and Discussion") we see Mill advocating virtually an absolute "right" of freedom of expression. But this is no natural right as shown by the fact that Mill goes to great lengths to argue for the utility of this freedom. His argument is designed to show that the suppression of opinion will lead to bad consequences—whether or not the suppressed opinion is true. Mill's position is that a freedom-of-expression rule is the optimal good-producing rule that could be followed by government.

Actually Mill's rule is not quite a rule of complete freedom of expression because he believes there is a rule that is even better. He says, "Human beings should be free to form opinions and to express their opinions without reserve" *except when*:

the circumstances in which they are expressed are such as to constitute by their expression a positive instigation to some mischievous act (250).

It would be appropriate, says Mill, to enjoin someone from giving a speech denouncing corn-dealers as starving the poor to an enraged mob in front of a corn-dealer's house.

Mill's view of freedom of action parallels his view of freedom of speech. The government of an "advanced society"

should allow each adult freedom of action as long as the individual does not harm others. Each fully rational individual is in the best position to know what will promote his or her happiness. By not interfering with the choices of its citizens, the government creates a climate in which individuals promote the general happiness by seeking to maximize their individual happiness.

Mill takes a similar line in *The Subjection of Women* when he argues that women should not be legally subordinate to men. Mill's defense of equality is based squarely on utilitarian principles:

the decision on this, as on any of the other social arrangements of mankind, depending on what an enlightened estimate of tendencies and consequences may show to be most advantageous to humanity in general, without distinction of sex. (147)

Mill argues throughout the text that the policy of allowing "freedom of choice" for both men and women will promote the overall happiness:

freedom of individual choice is now known to be the only thing which procures the adoption of the best processes, and throws each operation into the hands of those who are best qualified for it. (144)

So, freedom of choice enhances the "collective" good in two ways: directly, by promoting the happiness of those who enjoy the freedom, and indirectly, by allowing free competition for positions in society and thereby making more probable that the most competent individuals will fill the positions.

In both *The Subjection of Women* and *On Liberty* Mill argues that an individual needs to develop his or her capacity for choice and that the individual best does this precisely by making unfettered choices and coming to recognize the full range of consequences of action. From *On Liberty*:

The mental and moral, like the muscular, powers are improved only by being used . . . He who chooses his plan for himself employs all his faculties. (262)

When government interferes with an individual's decision-making process and seeks to make the decision for the individual, the government not only stunts the growth of the individual's decision-making capacity but all too likely "interferes wrongly and in the wrong place" (283). (This is similar to Mill's concern that censorship can result in the suppression of what is thought to be false but is in fact true:

To refuse a hearing to an opinion because they are sure that it is false is to assume that *their* certainty is the same thing as *absolute* certainty. All silencing of discussion is an assumption of infallibility. (229)

But will an individual, when left to his or her own devices, always choose the action that will in fact produce the best consequences? Mill himself seems to acknowledge that the answer to this question is "no"; consider his account of the "man of bestial tastes and habits" who "is worse than useless" (230). It is this fact that leads Albee and others to argue that Mill really holds self-development and individual liberty to be goods independent of utility. As Stegenga put the matter, "Mill unambiguously repudiates the principle of utility" when he says that no one can "rightfully be compelled to do or forbear because it will be better for him to do so . . ." (287).

It would appear difficult to reconcile Mill's emphasis on individual freedom with *act*-utilitarianism, according to which the good should be maximized and the bad minimized in each individual situation by choosing the *act* that will produce the greatest long-term good. But, our view (like that of J. O. Urmson) is that Mill's general approach is much more like that of a rule-utilitarian than that of an act-utilitarian. That is, Mill is concerned with putting forward a set of rules which, if followed, would produce more good than would be produced by following any alternative set of rules. We acknowledge that the distinction between act-utilitarianism and rule-utilitarianism was not drawn explicitly during the time when Mill was writing and, so, it is somewhat anachronistic to apply the distinction to Mill's writings; but throughout *On Liberty*, as well as *Utilitarianism* and *The*

Subjection of Women, Mill frequently and clearly invokes his principle of utility at the level of rules or principles of action.

In *Utilitarianism* we see Mill talking of the tendencies of certain types of actions to produce certain results, and of individuals refraining from certain actions because as a rule they have bad results: "[A]ctions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness . . ." (10). It might be argued that even an act-utilitarian must act on tendencies and rules of thumb since the future cannot be predicted absolutely reliably. But, Mill becomes quite specific in saying it is right to follow good-producing rules, even if a given case might be an exception:

He who betrays the friend that trusts him is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. . . . 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 practiced generally, would be generally injurious*, and that this is the ground of the obligation to abstain from it (25).

And, in Chapter 5, when discussing the system of rights, Mill makes clear that "general utility" is to be the ground on which all rights are to be justified and that rights are nothing but moral rules of action:

Justice is a name for certain classes of moral rules which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life. (73)

If Mill is a rule-utilitarian, then the fact that individuals sometimes act contrary to their (and society's) best interest does not render inconsistent Mill's endorsement of liberty and

self-development. Mill needs to argue only that the principle allowing personal freedom is a "good-producing" principle that, if conscientiously followed, would provide greater benefits to society than any alternative rule. He can—and certainly does—allow that some exercises of individual freedom will not promote the general good. Recall how "carefully" Mill restricts his rule to rational individuals in "advanced" societies: the rule is intended to apply to those persons who have a fairly well-developed capacity for recognizing the consequences of their actions and for choosing their course of action accordingly; and, insofar as an "advanced" society for Mill will be one whose citizens have some recognition of the importance of community and of the interconnection of self-interest and the interest of others in the community, the individual freedom allowed by Mill's rule is likely to promote the individual as well as the collective good.

Of course, to say that Mill's rule is likely to promote the collective good does not establish that it would *better* promote the collective good than would any alternative rule. What *exactly* is Mill's rule? What are the competing rules against which it will be measured? How are we to go about determining the consequences that would be forthcoming from the adoption of each of the rules? What safeguards are there to prevent us from a biased calculation of consequences? These are questions that Mill—and any rule-utilitarian—must answer.

That Mill recognizes the complexity that would be involved in a "test" of his utilitarian-based rules is made clear in *The Subjection of Women* when he discusses how we might assess the principle that calls for equality under the law for men and women:

. . . if, after trying various other modes of social organization—the government of women over men, equality between the two, and such mixed and divided modes of government as might be invented—it had been decided, on the testimony of experience, that the mode in which women are wholly under the rule of men, having no share at all in public concerns, and each in private being under the legal obligation of

obedience to the man with whom she has associated her destiny, was the arrangement most conducive to the happiness and well being of both; its general adoption might then be fairly thought to be some evidence that, at the time when it was adopted, it was the best . . . (129).

The mind boggles that such a test might actually be carried out! And, even if it were, one could question the "validity" of the test given the number of uncontrolled variables. Still, Mill's articulation of the test—and his concession that if equality does not promote the general happiness then equality must be abandoned—reveal once again his abiding commitment to the principle of utility.

Mill's willingness to abandon the rights of liberty and equality should they not pass the utilitarian test may be disturbing to those persons who are not as convinced as Mill that an appeal to utility, even very broadly construed, does provide a secure grounding for these rights. But throughout his writings and most especially in *On Liberty*, Mill expresses his confidence that the rule requiring governments to respect the individual freedom of both men and women will pass the utilitarian test. His spirited defense of individual self-development and his arguments against sexual inequality fall well within the confines of his commitment to utilitarianism, and, so, Mill's name should still have a secure place on the roster of utilitarians.

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