Millian Qualitative Superiorities and Utilitarianism, Part II

JONATHAN RILEY
Tulane University

I continue my argument that Millian qualitative superiorities are infinite superiorities: one pleasant feeling, or type of pleasant feeling, is qualitatively superior to another in Mill's sense if and only if even a bit of the superior is more pleasant (and thus more valuable) than any finite quantity of the inferior, however large. This gives rise to a hierarchy of higher and lower pleasures such that a reasonable hedonist always refuses to sacrifice a higher for a lower irrespective of the finite amounts of each. Some indication of why this absolute refusal may be reasonable is provided in the course of outlining the content of the Millian hierarchy. It emerges that Mill's hedonistic utilitarianism has an extraordinary structure because it gives absolute priority over competing considerations to a code of justice that distributes equal rights and correlative duties for all. His utilitarianism also recognizes that certain aesthetic and spiritual pleasures may be qualitatively superior even to the pleasant feeling of security associated with the moral sentiment of justice. Thus, for instance, a noble individual may reasonably choose to waive his own rights so as to perform beautiful supererogatory actions that provide great benefits for others at the sacrifice of the right-holder's own vital interests.

VI. INFINITE SUPERIORITIES

In the first part (Sections I–V) of this two-part article, I argued that John Stuart Mill's great hedonistic innovation was to introduce an idea of qualitative superiority that gives rise to a hierarchy of plural kinds of pleasant feelings, analogous to the hierarchies of pleasures found in the philosophies of Aristotle and Francis Hutcheson, respectively.[1] For all of these thinkers, a kind of pleasure that stands higher in the relevant hierarchy is 'incomparably superior' to a kind that stands lower: the higher kind is *always* intrinsically more valuable than the lower kind, irrespective of the finite quantities of each. Unlike Aristotle and Hutcheson, however, who rely on non-hedonistic criteria of quality or 'worthiness' to justify their hierarchies, Mill is a hedonist. Thus, he needs to be able to explain qualitative superiority in terms of the value of pleasure alone. Moreover, a hedonistic explanation of what qualitative superiority means must not contradict the standard hedonistic proposition that a larger finite quantity of any pleasant feeling, or kind of pleasant feeling, is intrinsically more valuable than a smaller quantity of it. Otherwise, Mill's pluralistic hedonism would be an incoherent version of hedonism.

[1] See Jonathan Riley, 'Millian Qualitative Superiorities and Utilitarianism, Part I', *Utilitas* 20 (September 2008).

doi:10.1017/S0953820809003434
Utilitas Vol. 21, No. 2, June 2009
Printed in the United Kingdom

It is clear that the only way to construct a coherent pluralistic hedonism along Mill's lines is to define qualitative superiority as infinite superiority: a pleasant feeling is superior in quality to another if and only if the higher pleasure is *infinitely* superior in value to the lower pleasure as pleasure. The higher pleasure's infinite superiority means that it is more valuable in terms of pleasure than any finite amount of the lower pleasure. Its superiority over the lower pleasure is unlimited, in other words, because it continues to be more valuable no matter how large the finite mass of lower pleasure is assumed to become.[2] The higher pleasure is *intrinsically* more valuable, that is, more valuable in virtue of its nature than the lower pleasure. As a result, the respective finite amounts of these different kinds of pleasures are of no account, or of such small account that they may be ignored, in a hedonistic assessment of their relative values. The higher kind of pleasant feeling takes absolute priority over the lower in cases of conflict.

More formally, my interpretation holds that for any finite set X of feasible outcomes, there are plural kinds of pleasant feelings $e^{A}, e^{B}, \ldots, e^{K}$ defined over X such that any higher kind is infinitely more pleasant than any lower kind. Even a bit of a higher pleasure e^{A} is intrinsically more valuable than any quantity of a lower pleasure e^{B} which human nature is capable of experiencing, no matter how large the finite mass of e^{B} is assumed to become. There is never any need to balance the positive value contribution of the higher pleasure against the contribution of the lower to overall pleasure: any finite amount of e^{A}, no matter how small, always outweighs any finite amount of e^{B}, no matter how large.

Millian qualitative superiorities can be expressed by saying that a unit of the higher pleasure is infinitely larger than a unit of the lower pleasure in terms of pleasure.[3] The infinite difference in degree is translated into a qualitative difference, or difference in kind.[4] This is consistent with the standard hedonistic idea of quantitative

[2] It should be emphasized that the higher pleasure cannot properly be said to be equal in value to an actual infinite quantity of the lower pleasure. Infinity is not a real number, magnitude or quantity. Human beings are incapable of experiencing an actual infinity of pleasure of any kind. As Mill (following Aristotle and many others) recognizes, we cannot even conceive of what an actual completed infinity would look like: 'infinity' is merely a term that denotes an unlimited magnitude or an endless process of 'coming into being'.

[3] Again, to say that a unit of higher pleasure is infinitely larger is to say that a unit of the higher remains larger and thus more valuable than any finite mass of the lower, no matter how many units of lower pleasure are combined to make the finite mass. This does not imply that a unit of the higher is equal in value to an actual infinity of units of the lower. Experience presents us with no example of an actual completed infinity.

[4] Mill says, for instance, that the pleasant feelings associated with the claims of equal justice can become 'so much more intense than those concerned in any of the more common cases of utility, that the difference in degree (as is often the case in psychology) becomes a real difference in kind' (*Utilitarianism*, *CW*, x. 251). He adds that the difference in kind takes on a character of 'absoluteness' and 'apparent infinity'. Moreover, the

superiorities confined to any given kind of pleasant feeling. A unit of any pleasure is still counted as equal in intrinsic value to any other unit of pleasure of the same kind. There are still the usual finite differences of degree with respect to pleasant feelings that do not differ in quality. Qualitative superiority thus works in harmony with quantitative superiority.

In effect, Mill's hedonistic innovation is to enlarge the meaning of 'intensity' so that it covers not only the finite superiority of a larger quantity over a smaller quantity of pleasure of the same kind but also the infinite superiority of a higher quality of pleasure over a lower. A higher pleasure is infinitely more intense than a lower pleasure, keeping in mind that the feeling of 'infinitely more intense' (that is, qualitative superiority) may not actually feel (and is not required to feel) anything like the feeling of 'finitely more intense' (that is, quantitative superiority). Thus, even a single unit of the higher pleasure is larger than any finite mass, no matter how large, of the lower pleasure. At the same time, it remains valid to say that a finite mass of pleasure is finitely more intense than a smaller finite mass of pleasure of the same type. Intensity can vary to a finite degree for any given kind or quality of pleasant feeling.[5]

Millian qualitative superiorities give rise to a lexical ordering of different kinds of pleasures.[6] In a lexical ordering, a particular feature, or type of feature, of the feasible outcomes has absolute priority over other features for determining the ordering. A dictionary serves as the model: the letter 'a' at the start of a word puts the word ahead of all words that begin with other letters, no matter how many other letters compose the words. Under hedonism, where the pleasure associated with them is the sole feature of the outcomes which has intrinsic value, a lexical ordering arises if there are higher pleasures which have

qualitatively superior moral feelings of right and wrong do not feel anything like the inferior feelings of ordinary expediency and inexpediency.

[5] Recall that Hutcheson considered enlarging the meaning of 'intenseness' to subsume the claim that some kinds of pleasures are 'incomparably' superior to others (see Part I, n. 44). But his enlarged definition would have involved, on the one hand, intensity of dignity or worth when comparing different kinds of pleasures and, on the other, intensity of pleasant feeling when comparing different pleasures of the same kind. It is hardly surprising that he dismissed this enlarged notion of intensity as inconvenient. By applying 'intensity' to two different variables, the notion was liable to lead to confusions, including the mistake of thinking that highly intense bodily sensations of pleasure might be able to outweigh higher pleasant feelings of mild intensity. Mill's enlarged notion of intensity applies solely to pleasant feelings and requires only that we keep clear the distinction between quality and quantity of pleasure.

[6] Rawls, among others, apparently recognizes this point. See John Rawls, *A Theory of Justice* (Cambridge, Mass., 1971; rev. edn. 1999), p. 44, n. 5. See, also, John Gray, *Two Faces of Liberalism* (New York, 2000), p. 53. But neither Rawls nor Gray finds Mill's view of qualitative superiorities to be plausible.

absolute priority over lower pleasures for determining the ordering. This is the case in Millian pluralistic hedonism, where the infinite superiority of a higher pleasure implies that it has absolute priority over lower pleasures. The higher kind's infinite superiority over lower kinds produces discontinuities of intrinsic value – no finite amount of lower pleasure, however large, is equal in value to any amount of higher pleasure. As is well known, such discontinuities are characteristic of lexical orderings.[7]

Strictly speaking, the lexical ordering of the different qualities of pleasures within pluralistic hedonism is a lexical meta-ranking, or ranking of rankings. The lexical ranking is a qualitative ranking of plural kinds of quantitative rankings, one for each kind of pleasant feeling expected from the feasible outcomes in X. Each kind of quantitative ranking is a ranking of the outcomes in terms of quantities or intensities of the relevant kind of pleasure or preference satisfaction. Each is defined over X, more specifically, some feature, or type of feature, of the outcomes which is the source or object of the relevant kind of pleasant feeling or enjoyment. The different kinds of quantitative rankings are arranged into a hierarchy, with the highest kind sitting at the top of the hierarchy, followed next by the second-highest kind, and so forth, down to the lowest kind sitting at the bottom position. The ultimate goal of the rational agent is to achieve an outcome that maximizes his happiness or satisfaction in point of both quantity and quality.

The lexical ranking must not be conflated with a simple ordinal preference ranking.[8] The lexical ordering is a very special ranking because it captures the discontinuities of value produced by the infinite superiorities of higher pleasures over lower. In contrast, as discussed earlier in section I.iv of this article, a simple ordinal ranking of

[7] The infinite superiority of one type of pleasure to another is necessary and sufficient to give rise to the lexical hierarchy of different types of pleasure in the context of ethical hedonism. But I have never maintained that infinite superiority is necessary for a lexical value ranking defined over any domain of objects, independently of the given theory of value. AR, in the course of distinguishing between infinite superiority and lexical superiority, fail to recognize the essential link between them in the hedonistic context ('Millian Superiorities', p. 131, n. 10). They also confuse the Millian or Aristotelian idea of infinite superiority with the distinct idea that an actual infinite amount of utility (pleasure) may be expected as a prize in a lottery. On the difference between these ideas, see nn. 2 and 3 above.

[8] In his discussion of pluralistic or qualitative hedonism, Rem Edwards suggests that Millian qualitative superiorities might be captured by a simple ordinal ranking of the different kinds or qualities of pleasant feelings. See Edwards, *Pleasures and Pains: A Theory of Qualitative Hedonism* (Ithaca, NY, 1979), 68–72, 111–19. Like Edwards, Fred Wilson also interprets Mill as groping for an ordinal utility scale that orders different qualities of utility from higher to lower without trying to quantify how much a higher quality differs from a lower. See Wilson, *Psychological Analysis and the Philosophy of J. S. Mill* (Toronto, 1990), 220–3, 253, 275–93.

pleasures is a purely quantitative measure that does not capture the relevant discontinuities. Outcomes ranked higher by a simple ordinal ranking are judged merely to bring some larger finite amount of pleasure or satisfaction than outcomes ranked lower down in the ordering. Since the ordering can be represented by a continuous real-valued utility function, there is an implicit assumption that the pleasures associated with the outcomes being ranked differ only to some finite degree. Even if higher and lower pleasures in Mill's sense were expected from the outcomes being ranked, a simple ordinal preference ranking would not register the infinite superiorities involved.

VII. THE CONTENT OF THE MILLIAN HIERARCHY

There is no doubt that the interpretation of Millian qualitative superiorities as infinite superiorities clashes with our prima facie intuitions. Even if Mill's hierarchy of different kinds of pleasures is analogous to hierarchies found in the non-hedonistic theories of Aristotle and Hutcheson, that does not show that any such hierarchy is reasonable. Indeed, the absolute priorities found within a Millian hierarchy seem patently absurd: how can it be reasonable for a hedonist to refuse to sacrifice even a bit of higher pleasure for any finite amount of lower pleasure that his nature is capable of experiencing?

Some indication of why infinite superiorities might be reasonable can be gleaned once we understand the content of the Millian hierarchy, that is, which kinds of pleasant feelings are higher and which are lower. A key point is that Mill apparently holds that the pleasant feelings of the moral sentiments (epitomized by the sentiment of justice) are qualitatively superior to any competing kinds of pleasures.[9] As he indicates in *Utilitarianism*, v, the kind of pleasure associated with justice is a complex feeling of 'security' that can be fully experienced by any individual only under an effective and enduring social code that impartially distributes equal rights and correlative duties to all. Given that the feeling of security afforded by equal rights and duties is infinitely more valuable than any competing enjoyments, the social code of justice has lexical priority over any competing considerations. An individual's equal rights can never be legitimately overridden without his consent to promote other people's happiness because even a bit of the higher pleasure of security – no matter who feels it – is intrinsically more valuable than any competing finite mass of lower pleasure – no matter how many different persons feel it.

[9] For a more complete discussion than I can give here of this key point, see Jonathan Riley, 'Justice as Higher Pleasure', *John Stuart Mill: Thought and Influence – A Bicentennial Reassessment*, ed. P. J. Kelly and G. Varouxakis (London, 2010).

It follows from this reading that an individual can never reasonably be *forced* to give up his own feeling of security associated with his own rights. He can reasonably refuse to waive his rights even if that would promote others' happiness, including their own feelings of security (made possible by their rights) as well as their other kinds of pleasant feelings. Given that each person's security is maximized only if equal rights are distributed to all, nobody can have a moral claim that others must give up their equal rights to promote his own security.[10] Each individual can reasonably consider his feeling of security as a permanent kind of pleasure that can *always* be fully enjoyed in harmony with the similar feelings of security enjoyed by his fellows in possession of their recognized equal rights. There is no moral duty to sacrifice even a bit of one's security to promote others' enjoyments, and nobody is ever deserving of punishment for his failure to do so.

Despite the high quality of the feeling of security enjoyed by an individual in possession of equal rights, this moral kind of pleasure is not necessarily the highest kind. Some aesthetic and spiritual pleasures that can never conflict with justice may be of even higher quality. A noble individual in pursuit of these aesthetic pleasures may reasonably choose to waive his own rights so as to perform beautiful supererogatory actions that provide great benefits for others, even though by waiving his rights he sacrifices his own vital interests and perhaps even his life. Nevertheless, the noble person remains fallible and so cannot legitimately presume to decide this issue for others. In other words, he cannot insist on his own infallibility by claiming that waiver of rights is the only reasonable course of action for every person who finds himself in circumstances like his.[11] He does not maintain, therefore, that others must also choose to waive their rights or that society can legitimately compel such waiver by threatening to punish those who fail to do so. Rather, he recognizes that others may reasonably refuse to waive their rights because (unlike noble people like him) they consider their own feelings of security as the highest kind of pleasure for themselves.

It remains the case that the moral pleasure of security *always* trumps any other kinds of pleasant feelings that can possibly come into conflict with it. Even a bit of the moral pleasure is intrinsically more valuable than any finite amount of a competing lower kind of enjoyment.

[10] This does not imply that any person's equal rights can guarantee *perfect* security for his vital concerns. The uncertainty of human affairs renders such absolute security impossible.

[11] For Mill's view of what it means for an individual to assume infallibility, see *On Liberty*, *CW*, xviii. 234.

The lower pleasures include intellectual pleasures associated with 'merely expedient' ideas of objects that we use to satisfy our own everyday wants and purposes, as well as inchoate physical sensations (or 'bodily' feelings) of pleasure that are experienced independently of our intellectual and imaginative capacities to form ideas of objects, reason about them, and so forth. But I cannot discuss any further the content of the Millian hierarchy or the important related issue of why higher kinds of enjoyments may reasonably be considered as infinitely more valuable than lower kinds.[12]

The higher pleasure of security associated with the sentiment of equal justice is also the logical bridge between Mill's pluralistic hedonism and his extraordinary version of utilitarianism.

VIII. PLURALISTIC HEDONISM AND UTILITARIANISM

Ethical hedonism is distinct from utilitarianism. Egoism can be combined with hedonism, for instance, to yield the dubious ethical view that an individual should always act selfishly to maximize his own pleasure including freedom from pain, ignoring the good of other people. Also, many versions of utilitarianism reject hedonism. It is arguable that Hutcheson's ethical system if not Aristotle's is a version of utilitarianism, for instance, although not of hedonistic utilitarianism.[13] But Mill explicitly unites utilitarianism with hedonism. Moreover, his pluralistic version of hedonistic utilitarianism has an extraordinary structure because it distinguishes higher from lower kinds of enjoyments. In his view, the principle of utility means that 'one person's happiness, supposed equal in degree (*with the proper allowance made for kind*) is counted for exactly as much as another's'.[14]

This is not the place to discuss in detail the structure of Mill's utilitarianism.[15] But it is worth emphasis that his pluralistic hedonism, including the infinite superiority of higher pleasures over lower, is essential to the structure. The failure to appreciate this point vitiates any understanding of his utilitarian doctrine. I have already remarked that the infinite superiority of the moral pleasure of security over any competing kinds of pleasures implies that a social code of equal rights and correlative duties takes absolute priority over any competing

[12] A more complete discussion of these matters is given by Jonathan Riley, 'Millian Infinite Superiorities and Rational Agency', unpublished.

[13] Mill depicts Aristotle's ethics as a 'judicious utilitarianism'.

[14] Mill, *Utilitarianism*, *CW*, x. 257, my emphasis.

[15] For a more detailed discussion, see Jonathan Riley, 'The Interpretation of Maximizing Utilitarianism', *Social Philosophy and Policy* 26 (Winter 2009).

considerations as a matter of justice. The high status of the pleasure of security also explains why a reasonable hedonist chooses to be a utilitarian as a matter of justice.

In this regard, even to form a moral sentiment of justice, an individual must be able to identify the social rules of justice with which to comply. Until he knows the particular code which ought to be accepted, he cannot know the particular equal rights and correlative duties that ought to be recognized by everyone within his community as belonging to him and anyone else in like circumstances. But to establish rules and rights that are publicly endorsed by his society in its laws and conventions, the individual must participate with his fellows in a political process. Mill dismisses any notion that an omniscient impartial observer is available to determine the best moral or legal code.[16] Rather, an open process of free discussion and debate is essential for fallible beings to assess proposals and converge on an optimal code, that is, a code that impartially distributes those particular equal rights and duties that maximize the amount of security enjoyed by anyone and everyone who possesses them. In short, the sentiment of justice presupposes a utilitarian political procedure to select an optimal security-maximizing code upon which any just individual must rely to guide his conduct.

Remarkably, the classical utilitarians seem to have taken for granted a *purely ordinal* utilitarian procedure, that is, a procedure in which the only available utility information is contained in non-comparable individual judgments or preference orderings defined over distinct proposed codes and rights. Such a procedure essentially boils down to simple majority rule.[17] Moreover, at least if all have developed the capacities required to estimate the amount of security reasonably to be expected from distinct codes and the rights distributed by them, each citizen should be given an equal vote in the majoritarian political

[16] Mill, *On Liberty*, *CW*, xviii. 257. See, also, Jonathan Riley, *Mill on Liberty* (London, 1998), ch. 3.

[17] Any rational individual would consistently rank the proposed alternatives from highest to lowest in terms of the estimated amount of security which he expects from the relevant rules and rights. There is no assumption that the individual can come up with a precise measure of his relative preference intensities. Nor is there any assumption that meaningful interpersonal comparisons can be made. Rather, the weights used to count individual preference rankings equally are social norms that do not necessarily correspond to the real amounts of security (or utility of that kind) which different persons actually expect or experience. In short, the weighting scheme is akin to that employed by a positional voting rule such as Borda count. As a result, the ordinal utilitarian process avoids well-known inconsistencies associated with majority rule, although it may occasionally fail to select so-called Condorcet winners when they exist. For further discussion, see Jonathan Riley, 'Classical Ordinal Utilitarianism', unpublished.

process: ordinal utilitarianism becomes equivalent to some version of egalitarian democracy.[18]

More generally, Mill, as I read him, is claiming that the sentiment of justice, once purified of the 'mistaken' notions of expediency which corrupt our understanding and delude us into tolerating various inequalities before we 'at last learn to condemn' them as unjust and tyrannical, embodies within it 'the first principle of morals', that is, the principle of utility which requires 'perfect impartiality between persons' insofar as equal amounts of the same kind of pleasure must be counted as having the same intrinsic value 'whether felt by the same or by different persons'.[19] Indeed, Mill argues that the utility principle is the ultimate foundation 'of the exalted rank, among human obligations, of those maxims of equality and impartiality, which, both in popular estimation and in that of the most enlightened, are included among the precepts of justice'.[20] Those maxims are essential to the grand idea of justice in the abstract, to wit, the idea that all persons have 'a *right* to equality of treatment' as well as a correlative duty to afford equality of treatment to others: 'This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost possible degree to converge.'[21] The idea of justice involves treating everyone equally ultimately because such treatment is part of what it means to promote the common good, that is, such treatment is built into the very meaning of the utility principle. But justice involves more than the maxims of equality and impartiality that ultimately flow from the utility principle. It also involves the idea of a *right* residing in an assignable individual which, as Mill explains, is a claim on society to protect or secure certain vital personal interests from being harmed by other people. Rights are the means of obtaining security, a higher kind of pleasant feeling which is intrinsically more valuable than any competing kinds:

> The equal claim of everybody to happiness in the estimation of the moralist and the legislator, involves an equal claim to all *the means of happiness*, except in so far as the inevitable conditions of human life, and the general interest, in

[18] With some caveats, the classical utilitarians were strong defenders of democratic government. For further discussion of the links between ordinal utilitarian aggregation and democratic voting, see Riley, 'Classical Ordinal Utilitarianism'. Mill's argument that a form of constitutional representative democracy is the best form of government for any civil society is discussed in Jonathan Riley, 'Mill's Neo-Athenian Model of Liberal Democracy', *J. S. Mill's Political Thought: A Bicentennial Reassessment*, ed. Nadia Urbinati and Alex Zakaras (Cambridge and New York: Cambridge University Press, 2007), pp. 221–49.

[19] Mill, *Utilitarianism*, *CW*, x. 257–8, including note.

[20] Mill, *Utilitarianism*, *CW*, x. 257.

[21] Mill, *Utilitarianism*, *CW*, x. 257–8, original emphasis.

that of which every individual is included, set limits to the maxim; and those limits ought to be strictly construed.[22]

Justice in the abstract demands that equal rights and correlative duties must be distributed impartially to all so that each and every person's higher pleasure of security is maximized simultaneously to the extent possible.

For Mill, then, utilitarianism is logically linked to hedonism through the higher pleasure of the moral sentiment of justice. A just individual necessarily endorses utilitarianism because the sentiment of justice involves an internal ordinal utilitarian calculus to determine an optimal social code that impartially distributes equal rights and correlative obligations to best protect every individual's vital interests. Under the purely ordinal interpretation, the utility principle means that one fallible person's estimates of amounts of (expected) pleasure must be counted for exactly as much as another's estimates of pleasures of the same kind, assuming that the different persons have developed the capacities required to judge amounts of that kind of pleasure. Any rational person's estimates are reflected in his judgments or preferences defined over the relevant domain of objects from which the kind of pleasure in question may reasonably be expected. In the case of the pleasure of security associated with the sentiment of justice, the relevant domain consists of distinct proposed codes and distributions of equal rights. Thus, to maximize security, a majority of fallible citizens (or their representatives) competently acquainted with that higher kind of pleasure must agree to enact (typically in piecemeal fashion) a code that distributes equal rights and duties which in their estimation will provide the most protection for each person's vital concerns. Any just individual must await the competent majority's judgment to learn the particular code with which he must comply to interact fairly with the other members of his society.

But Mill also makes clear that utilitarian rules of justice do not extend to the regulation of 'purely self-regarding' conduct, which he defines as conduct that directly and immediately 'affects' only the agent, 'or if it also affects others, only with their free, voluntary, and undeceived consent and participation'.[23] In his view, justice demands that social coercion ought to be limited to the prevention of 'social' conduct that harms others without their consent. There is thus no need for an ordinal utilitarian procedure such as majority rule to identify rules of justice to coercively interfere with self-regarding conduct.

[22] Mill, *Utilitarianism*, *CW*, x. 257–8, original emphasis.

[23] Mill, *On Liberty*, *CW*, xviii. 225. As I understand it, self-regarding conduct does not affect others by altering their circumstances without their consent. But it can and should affect their feelings, that is, their likes and dislikes, as Mill insists (p. 278).

Rather, the mature individual should be left perfectly free in self-regarding matters to do whatever seems best in terms of his own judgment and inclinations. Since any person's self-regarding activities can coexist in harmony with another's without endangering the security of anyone, any person's self-regarding happiness can and ought to be counted for exactly as much as another's by distributing equal rights to complete self-regarding liberty for all. Thus, an optimal code distributes equal rights to *absolute liberty* of self-regarding conduct – any mature individual must be free to choose as he pleases among self-regarding acts and omissions.

Nor do Millian utilitarian rules of justice extend to the regulation of all 'social' conduct. Prevention of harm to others is necessary to justify coercive interference with an individual's conduct, Mill tells us, but not sufficient because the conduct may produce social benefits that outweigh the harms, as is generally conceded by reasonable people with respect to market exchange and speech.[24] Thus, rules of justice selected by competent majorities will distribute equal rights to extensive freedom of trade and expression, even though it is undeniable that individuals who engage in these types of social conduct compete with each other and therefore can directly and immediately harm one another as well as third parties without consent. But 'extensive' liberty does not mean absolute liberty because, unlike self-regarding conduct, trade and expression can in some instances cause such grave harm to others as to endanger their security. As a result, justice demands that freedom to engage in these types of social conduct must be limited to the extent required by more weighty rights distributed by an optimal security-maximizing code. In short, utilitarian social policies of *laissez-faire* for trade and speech will contain exceptions: some exchanges and some expression will be regulated to prevent grave harm to others, in other words, to prevent violations of weighty equal rights which are distributed to promote the common good.[25]

It emerges that, under Mill's utilitarianism, an individual is legitimately coerced if necessary to comply with an optimal security-maximizing code of justice but, as long as he complies, he enjoys capacious freedom to organize his life and conduct as he pleases, to wit, absolute liberty with respect to the purely self-regarding portion and extensive liberty even with respect to some aspects of the social portion. This freedom allows the individual to enjoy the various other

[24] For the case of trade or market exchange, see Mill, *On Liberty*, *CW*, xviii. 292–3. For the case of speech, see Jonathan Riley, 'Mill's Doctrine of Freedom of Expression', *Utilitas* 17 (2005).

[25] For further discussion of Mill's doctrine of individual liberty as I interpret it, see Riley, *Mill on Liberty*; and Jonathan Riley, *Mill's Radical Liberalism* (London, forthcoming).

kinds of pleasures available to human beings while at the same time enjoying the security made possible by his equal rights distributed under the code. The individual may even choose to give up his security in order to engage in virtuous acts of self-sacrifice to help others beyond the call of moral duty. In this regard, the higher pleasure of security is not necessarily the *highest* kind of pleasant feeling. Mill himself suggests that non-moral aesthetic and spiritual pleasures, including those associated with praiseworthy supererogatory acts, may be qualitatively superior to the pleasures of justice. But these emotional enjoyments of the highest kind do not conflict with justice. Thus, an individual might nobly choose to waive his rights – even die – so as to save the lives of others, for instance, or freely devote his life to helping those in need, even though he has no moral duty to do so. Such sublime activities may bring only a tiny amount of the highest kind of satisfaction to the agent, or they may even bring him only freedom from suffering the worst kind of pain, namely, a kind of spiritual suffering associated with the idea of living in security when one could have prevented grave injury or even death to others. But, for the individual who is capable of experiencing them, Mill concedes, hedonic feelings of this type may be infinitely more valuable than any others.

No doubt more needs to be said to clarify the extraordinary structure of Mill's utilitarianism. Even if it accommodates the individual's freedom to perform or omit supererogatory acts of self-sacrifice for the benefit of others, for instance, how does it distinguish between these supererogatory acts and moral duties to help others? I cannot address such issues here. But it is worth emphasis that critics such as Sidgwick, Moore and (in Arrhenius and Rabinowicz's phrase) 'the post-Moorean value theorists' generally failed to investigate the extraordinary structure. As Edwards has documented, Sidgwick and Moore never took seriously Mill's pluralistic hedonism.[26] Even Bain refused to budge from the standard view that pleasure is a single kind of feeling unmarked by qualitative differences. Their joint failure to think more carefully about the possibility of Millian qualitative superiorities prevented them from understanding how his pluralistic utilitarianism works, and their influence within the academy has diverted virtually all who came after from analyzing what is arguably the most fascinating brand of the utilitarian doctrine.

Sidgwick and Bain not only ignored Mill's suggestion that the pleasures of the moral sentiments are qualitatively superior to competing kinds of pleasures. They also abandoned psychological

[26] Edwards, *Pleasures and Pains*, esp. pp. 75–111. Moore's charge that Mill is spouting 'contemptible nonsense' occurs in G. E. Moore, *Principia Ethica* (Cambridge, 1959), p. 72, quoted by Edwards (p. 80).

hedonism because they dismissed the possibility that noble acts of self-sacrifice could be motivated by any kind of expected pleasure including freedom from pain. In their view, such acts of self-sacrifice are motivated by non-hedonic 'disinterested' feelings of impartiality and indifference to self.[27] Yet they remained hedonistic utilitarians. For them, noble self-sacrifice is valuable only because it brings about a relatively great amount of enjoyment including freedom from suffering *for others*. At the same time, they do not make room for supererogation but rather assume that these virtuous acts of self-abnegation are utilitarian moral duties. As a result, utilitarianism becomes incompatible with the individual's just regard for his own vital interests, a tension which Sidgwick brought to light as 'the dualism of practical reason' and which Bain agreed 'admits of no exact solution'.[28] Liberals who stress the importance of personal dignity and of weighty individual rights have played variations on this theme against utilitarian ethics ever since.

Moore rejected ethical hedonism in favor of a mysterious axiology which holds that many different things self-evidently have intrinsic value understood as a unique unanalyzable property. He combined this axiology with an act-consequentialist theory of morality. Despite his jibes that Mill's arguments are incoherent, he apparently never saw how Mill's pluralistic utilitarianism removes any possibility of conflict between the promotion of personal happiness and the promotion of general happiness. Given that the security associated with equal justice is infinitely more valuable than any other kind of

[27] See, for instance, Alexander Bain, *The Emotions and the Will*, 3rd edn. (London, 1875), pp. 295–9. Bain points out that 'Mill's position is tenable only on the ground, that the *omission* of a disinterested act that we are inclined to, would give us so much *pain* that it is on the whole for our comfort that we should make the requisite sacrifice' (p. 295, emphasis in original). He finds the position plausible in cases where the sacrifice required is slight but not in cases where it is extreme: 'All that people usually suffer from stifling a generous impulse is too slight and transient to be placed against any important sacrifice' (p. 295). But the 'usual' conception of personal happiness is evidently not the noble and generous conception which is held by exceptional individuals such as John Howard (referred to by Bain) who devoted his life to helping the poor and needy. Mill's doctrine recognizes that there are such exceptional individuals whose life *would* be made miserable if they did not make such extreme sacrifices to benefit others, and it gives them the freedom to make these choices without compelling the rest of us to follow suit. Bain merely insists that the majority's conception of personal happiness is the only reasonable conception of what gives us pleasure including freedom from pain, it seems to me, even though he allows that most of us are fair-minded rather than narrowly selfish. On the latter point, Bain's utilitarian theory of justice is similar to Mill's insofar as Bain, like Bentham, gives prominence to a code of rights and duties as an instrument for promoting the general welfare. But Bain, again like Bentham, does not rely on any claim that security is a qualitatively superior kind of pleasure. See Bain, *The Emotions and the Will*, pp. 264–93.

[28] Henry Sidgwick, *The Methods of Ethics*; 7th edn. (Indianapolis: Hackett, 1981), pp. 497–509; and Bain, *The Emotions and the Will*, p. 298.

pleasure which conflicts with it, and given that an ordinal utilitarian political procedure is built into the very meaning of any person's moral sentiment of justice, personal happiness can be maximized *only if* everyone else's happiness is also maximized at the same time. Consistently with this, a few noble individuals may freely choose to sacrifice their personal security and even lose their lives to deflect grave harms that would otherwise befall others. In effect, in situations where someone's vital interests will inevitably be sacrificed, these noble few prefer to forgo their own rights rather than see others stripped of their equal rights by factors beyond their control. These few are willing to give up what most fair-minded people may consider the most valuable component of personal happiness, namely, the security afforded by their equal rights, in order to experience a kind of personal happiness which the few consider qualitatively superior even to their own security, namely, an aesthetic and spiritual kind of pleasure including freedom from pain found only in making the world a better place for others even at the cost of one's own vital interests. Since this highest kind of enjoyment is for those capable of experiencing it infinitely more valuable than any lower pleasure including security, their choice to experience *even a bit* of it instead of a large amount of security and comfort over some lifetime can be a rational hedonistic choice for them, even if such a choice is not rational for the rest of us who are not similarly capable. There is no conflict *for them* between their idea of personal happiness and the happiness of everyone else: they are willing to waive their own rights if need be to maintain the equal rights of others. *A fortiori*, their freedom to engage in the relevant acts of self-sacrifice promotes their own happiness while simultaneously promoting the happiness of others. Thus, Mill can coherently say that

> the ultimate end, with reference to and for the sake of which all other things are desirable (*whether we are considering our own good or that of other people*), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison.[29]

Sidgwick, Moore and their followers have largely diverted scholarly attention away from Mill's extraordinary utilitarianism toward far less interesting versions of the utilitarian doctrine. Unfortunately, recent commentators seem determined to continue in this line insofar as they persist in ignoring, misinterpreting or otherwise rejecting his

[29] Mill, *Utilitarianism*, *CW*, x. 215, my emphasis.

pluralistic hedonism including its idea of qualitative superiorities as infinite superiorities. Henry West, for instance, goes so far as to assert that 'it is absurd to think that the slightest superiority in quality would outweigh any amount of quantity of an alternative on every occasion' so 'let us not attribute that view to Mill'.[30] But West does not offer a single philosophical argument to support his charge of absurdity. Rather, he proceeds to reject virtually everything Mill explicitly says about the matter, and then constructs his own frankly revisionist view of qualitative superiority. He claims that a 'sense of dignity' may give rise to a second-order pleasure or pain that alters a competent agent's preferences relating to first-order pleasures or pains, and that 'the pleasure . . . arising from a sense of dignity need not be a mere quantitative addition' but 'may also be a qualitatively distinct pleasure'.[31] Yet he neglects to explain what he means by 'a qualitatively distinct pleasure' as opposed to just any distinct source of pleasure. Nor does he explain how he thinks a combination of first-order and second-order pleasures can be qualitatively superior to the same first-order pleasure taken by itself, unless the second-order pleasure simply gives the combination a greater overall quantity of pleasure. He seems to be suggesting that a 'sense of dignity' can lead an agent to prefer one first-order pleasure over another, even though dignity does not add any quantity of pleasure to the preferred pleasure and the preferred pleasure is smaller in amount than the pleasure that is not preferred. If so, he unwittingly rejects hedonism, the view he claims to endorse.

Even John Skorupski claims that it is '*too* straightforward' to think that Mill is saying that one pleasure is qualitatively superior to another if and only if the one pleasure is infinitely superior in value to the other.[32] But Skorupski's central argument is fallacious unless he accepts the straightforward view. Given ethical hedonism, he cannot consistently maintain that one way of life is qualitatively superior to another unless the qualitatively superior life contains at least some particular pleasures, or types of pleasures, that are qualitatively superior in the sense of being infinitely more pleasant than any particular pleasure, or type of pleasure, found in the inferior way of life. In the absence of the straightforward view, one way of life can contain a greater overall finite quantity of pleasant feeling than another but no way of life can properly be called qualitatively superior to another. Moreover, if pleasure is a single homogeneous feeling independently of

[30] Henry West, *An Introduction to Mill's Utilitarian Ethics* (Cambridge, 2004), p. 64.
[31] West, *Introduction*, pp. 69, 72.
[32] John Skorupski, 'Quality of Well-Being: Quality of Being', *Well-Being and Morality: Essays in Honour of James Griffin*, ed. R. Crisp and B. Hooker (Oxford, 2000).

its various sources and objects, Skorupski must admit that an ugly and vicious life replete with animal sensations of pleasure may be superior in principle to a noble and virtuous life.

IX. CONCLUSION

My discussion in this two-part article has been wide-ranging and leads to two main conclusions. First, the approach taken by Arrhenius and Rabinowicz (AR) to Millian qualitative superiorities is infected by an elementary confusion. Their application of marginalist analysis implicitly relies on some intrinsic value besides pleasure including freedom from pain, and thus does not make sense in the context of ethical hedonism (sections I–III). Correctly applied, marginalist analysis has a valid role to play within any variety of ethical hedonism, including Mill's extraordinary pluralistic hedonistic utilitarianism. But what AR call 'Millian superiorities' are never genuine qualitative superiorities in Mill's sense. Nothing discussed by AR requires us to depart from standard hedonism in which pleasure is assumed to be a single kind of enjoyable feeling unmarked by qualitative distinctions. In such a standard framework, all superiorities are correctly viewed as quantitative superiorities (section IV).

Second, contrary to the assertions of AR and many other commentators, Millian qualitative superiorities are defined such that the higher pleasure, or type of pleasure, is infinitely (and in that sense 'incomparably') superior to the lower. There is no other way consistently to accommodate within hedonism the idea of a hierarchy of higher and lower kinds of pleasures which Mill arguably took over from Hutcheson. The result is a non-standard pluralistic hedonism in which infinite differences of intrinsic value between different kinds of pleasant feelings are smoothly integrated with finite differences of intrinsic value between different amounts of any given kind of pleasant feeling (sections V–VI). Until this point is appreciated, it is impossible to understand the extraordinary structure of Mill's utilitarianism, in particular, the priority assigned to a code of justice and equal rights over all competing considerations for promoting personal happiness in harmony with the happiness of others (sections VII–VIII).

Although AR themselves are apparently uninterested in the issue of what Mill's own views in the matter might be, it is important for Mill scholars to recognize that AR's idea of qualitative superiority cannot reasonably be attributed to Mill. The text of *Utilitarianism* is *not* sufficiently indeterminate to bear the kind of interpretation that AR are putting on it. In short, AR's notion of a qualitatively superior pleasure is nonsensical in the context of ethical hedonism;

Mill explicitly adopts a hedonistic version of utilitarianism; so AR's idea of qualitative superiority cannot reasonably be said to be Mill's.

The only way to avoid the conclusion that Millian qualitative superiorities are infinite superiorities is to deny that Mill is an ethical hedonist. But such a move is indefensible if one's purpose is to interpret Mill's own philosophy rather than revise it. Given that he is a hedonist, the interpretation of qualitative superiority as infinite superiority must be accepted. This does not imply that his pluralistic hedonistic utilitarianism has great appeal, or that it is immune from criticism. It remains an open question whether some other ethical theory should be adopted instead. But his extraordinary doctrine should not be given short shrift, as it was by Sidgwick, Bain, Moore, the early neoclassical economists such as Jevons, Marshall and Edgeworth, and many others in their train. Moore in particular cannot be applauded for showing any deep understanding of the Millian doctrine that he so contemptuously dismissed. Like the others named above, he should be seen as a leading participant in a broad reactionary movement against Mill's radical liberal democratic outlook. This conservative reaction, led by established elites in the universities, churches and other social institutions, was already at work during Mill's lifetime. It largely succeeded in distorting and discrediting his pluralistic utilitarian liberal philosophy by the turn of the twentieth century. Even today, its influence continues to exert a damaging effect on his reputation as a moral and political philosopher. Nevertheless, his unconventional version of utilitarianism remains a powerful doctrine and deserves more careful study by 'post-Moorean value theorists'.[33]

jonriley@tulane.edu

[33] For helpful comments on earlier drafts, I am grateful to Christoph Fehige, Paul Kelly, Dale Miller, Elijah Millgram, Molly Rothenberg, and an anonymous referee. Responsibility for the views expressed is mine alone.