J. S. Mill's Conception of Utility

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Mill's most famous departure from Bentham is his distinction between higher and lower pleasures. This article argues that quality and quantity are independent and irreducible properties of pleasures that may be traded off against each other – as in the case of quality and quantity of wine. I argue that Mill is not committed to thinking that there are two distinct kinds of pleasure, or that 'higher pleasures' lexically dominate lower ones, and that the distinction is compatible with hedonism. I show how this interpretation not only makes sense of Mill but allows him to respond to famous problems, such as Crisp's Haydn and the oyster and Nozick's experience machine.

Mill identifies himself as a utilitarian, in the tradition of his father and Jeremy Bentham, but departs from and modifies their doctrines in many ways. One of his most radical revisions is the distinction between higher and lower pleasures, which I attempt to make sense of here. What follows is merely an attempt at interpretation; I endeavour to show that my reading can be supported by Mill's texts, but concede that other remarks may seem to contradict the reading offered here. Ultimately, the truth may be that Mill never perfectly reconciled his Benthamite and non-Benthamite influences into a fully consistent system.[1]

I. TERMINOLOGY

I take utilitarianism to be that form of consequentialism that aims to promote (usually, but not necessarily, to maximize) happiness. So defined, utilitarianisms form a subset of consequentialist theories, but there is room for variation not only between, for example, act-, rule- and motive-utilitarianisms but also different conceptions of happiness or well-being. (By 'happiness' I intend a place-holder, like the Greek *eudaimonia*, which is equivalent to well-being and not biased towards hedonistic interpretations.)

The three most prominent theories of well-being, each itself admitting numerous variations, are (i) hedonistic theories, (ii) desire-satisfaction theories and (iii) objective-list (perfectionist) theories. Thus it is possible to be, for example, a hedonistic utilitarian – like

[1] Tensions between 'Benthamite' and 'Aristotelian' influences are noted by Andrew Levine, *Engaging Political Philosophy: From Hobbes to Rawls* (Malden, Mass., 2002), pp. 142–3; Stephen Darwall, *Philosophical Ethics* (Oxford, 1998), p. 118.

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Bentham – or a utilitarian subscribing to a desire-satisfaction view, as suggested by Ayer,[2] or a perfectionist about individual well-being. To say that Mill is a utilitarian therefore leaves open his understanding of pleasure and happiness.

II. HEDONISM AND PLEASURE

Mill explicitly associates himself with Bentham's hedonism, declaring that 'By happiness is intended pleasure, and the absence of pain'.[3] I argue that this is merely verbal agreement, for Mill actually had a very different understanding of pleasure from Bentham's, even before introducing his famous distinction between higher and lower pleasures.

For Bentham, the principle of utility or greatest happiness meant promoting the balance of pleasures over pains. Bentham understood pleasures and pains as mental states or, as he puts it, 'interesting perceptions'[4] which are distinct from their causes.[5] Thus it is, for example, that he distinguishes four sources of pleasure – physical, political, moral and religious[6] – and notes that fecundity and purity (two elements of his *Felicific Calculus*) 'are in strictness scarcely to be deemed properties of the pleasure or the pain itself . . . [but] properties only of the act, or other event, by which such pleasure or pain has been produced'.[7] It is easy to see how assessing actions by the pleasure and pain produced is evaluating them by their consequences and why Bentham famously held that, when the value of pleasure produced is the same, pushpin is as good as poetry.[8]

This is Bentham's understanding of pleasure, but the term 'hedonism' comes from the Greek *hedone*[9] and, in the Greeks, we find a different idea of pleasure – not a mental state that is consequent upon action but the pleasurable action itself. For instance, in Glaucon's typology of goods in Book II of Plato's *Republic* he lists, as examples of things good *in themselves*, 'joy and harmless pleasures',[10] meaning that pleasurable activities, such as reading, are seen as intrinsically good, rather than

[2] A. J. Ayer, 'The Principle of Utility', *Philosophical Essays* (London, 1954), pp. 264–7.
[3] J. S. Mill, *Utilitarianism*, ed. Roger Crisp (Oxford, 1998), II.2.4–5. References to *Utilitarianism* are by chapter, paragraph and line numbers.
[4] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* [*IPML*], ed. J. H. Burns and H. L. A. Hart (Oxford, 1996), V.1, p. 42.
[5] Bentham, *IPML*, VI.1, p. 51.
[6] Bentham, *IPML*, III.2, p. 34.
[7] Bentham, *IPML*, IV.6, p. 39.
[8] J. S. Mill, 'Bentham', *The Collected Works of John Stuart Mill*, ed. J. M. Robson (Toronto, various dates), X.113. All references to Mill's works, other than *Utilitarianism*, are by chapter and paragraph (where relevant) and to the volume and page number of this edition.
[9] Roger Crisp, *Mill on Utilitarianism* (London, 1997), p. 21.
[10] Plato, *Republic*, trans. G. M. A. Grube, rev. C. D. C. Reeve (Indianapolis, 1992), 327b.

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merely instrumentally productive of pleasure. Similarly, in Aristotle, we learn that *eudaimonia* or happiness consists in virtuous or excellent activity and 'pleasures . . . are activities, and an end [in themselves]'.[11]

Both senses of 'pleasure' survive in English: we can say either 'punting gives me pleasure' or 'punting is one of my pleasures'.[12] The former construes pleasure as Bentham did, as a mental state consequence of the activity, while the latter identifies pleasure with the activity itself. If Mill adhered strictly to his Benthamite upbringing, then we may expect him to have shared Bentham's mental state conception of pleasures; but we already know that Mill broke from the Benthamite hedonism he had inherited and the fact that he was clearly influenced by his classical Greek education makes it plausible that he could have meant the latter.[13] The next section concerns what Mill may have meant by pleasure.

III. DID MILL UNDERSTAND PLEASURE AS A MENTAL STATE OR ACTIVITY?

Having noted the same ambiguity, Roger Crisp tentatively concludes that Mill intended by 'pleasure' the pleasurable experience, or mental state, of punting, as opposed to the pleasurable activity (or 'pleasure source') itself. I grant that there is textual support for this reading, most notably, as Crisp points out, Mill's tendency to contrast pleasures to pains.[14] Crisp contends that 'you may say that punting is one of your pleasures, but not that housework is one of your pains'[15] and, since 'pains' only covers the mental state but not the activity or experience itself, he concludes that 'pleasure' is presumably used in the same way. Given Mill's ambiguity, I can be no more confident in my interpretation than Crisp, but I am inclined to read Mill the other way. As we can say either that punting *is* a pleasure or that it *gives* us pleasure, so we can say (as Crisp notes) that housework *is* a pain or *causes* us pain. That we do not tend to say 'housework is one of my pains' may be no more than a curiosity of the English language – I would certainly understand a foreigner who said it and, perhaps, not even consider his unusual expression wrong.

It is far from clear that Mill meant to refer only to mental states, as opposed to pleasurable activities, and other readers seem to favour

[11] Aristotle, *Nicomachean Ethics*, trans. T. Irwin (Indianapolis, 1985), 1153a9-11.
[12] This is noted by Crisp, *Mill on Utilitarianism*, p. 26.
[13] See Geraint Williams, 'The Greek Origins of J. S. Mill's Happiness', *Utilitas* 8 (1996); Jonathan Riley, 'Millian Qualitative Superiorities and Utilitarianism, Part I', *Utilitas* 20 (2008), pp. 271–5.
[14] Mill, *Utilitarianism*, e.g. II.4, 8 and 12, and IV.5 and 10–11.
[15] Crisp, *Mill on Utilitarianism*, p. 27.

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the activity interpretation.[16] Immediately after subscribing himself to the view that happiness consists in pleasure and the absence of pain, Mill cautioned that 'much more needs to be said; in particular, what things it includes in the ideas of pain and pleasure',[17] thereby warning his reader that he may be about to break from the Benthamite position he had seemingly endorsed. Mill adds that all desirable things 'are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain'.[18] This distinguishes things that are desirable in themselves, because of the pleasure inherent in them, from those that are merely instrumental to the promotion of pleasure. The latter category is familiar and might include, for example, education which, though not intrinsically enjoyable, allows us later to enjoy the pleasures of poetry. The implication, however, is that some activities may be desirable other than instrumentally – so punting, unlike education, may be desirable because it is itself a pleasure. If one conceives of pleasure as a mental state, then all activities would be desirable only instrumentally; but then it would be odd to say that pleasure is desirable because of the pleasure inherent in it. It seems the best way to interpret this passage is to assume Mill holds certain activities intrinsically desirable because they are pleasures (i.e. for the pleasure inherent in them, as opposed to the mental state produced by them).

This interpretation seems further supported by what Mill says in his 'proof', where he remarks that:

> The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure, as music, for instance, or any given exemption from pain, as for example health, are to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are a part of the end.[19]

Here, Mill speaks of music as a pleasure, rather than merely a cause of pleasurable experiences. Moreover, it seems more plausible to think that various different activities or experiences, each desirable in themselves, may unite to constitute a happy life, than to say this of pleasurable mental states, which it may be more natural to suppose

[16] E.g. David Brink, 'Mill's Deliberative Utilitarianism', *Philosophy & Public Affairs* 21 (1992), pp. 72–8 (though he restricts hedonism to mental state accounts of pleasure); John Rawls, *Lectures on the History of Political Philosophy* (Cambridge, Mass., 2007), p. 259; Levine, *Engaging Political Philosophy*, pp. 141–2.

[17] Mill, *Utilitarianism*, II.2.6–7.

[18] Mill, *Utilitarianism*, II.2.12–14.

[19] Mill, *Utilitarianism*, IV.5.19–25.

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homogeneous.[20] The same analysis could be applied to virtue, although Mill actually says only that the 'consciousness of it is a pleasure'[21] (which not only suggests a mental state conception of pleasure but also seems unlikely to satisfy his opponents who insisted that virtue itself was a good).

I believe that this interpretation of pleasures, as describing pleasurable activities, rather than mere mental states, better makes sense of Mill's understanding of pleasure and happiness as a whole, as will, I hope, become clear through the remainder of this article. I think, for example, that we can better understand Mill's distinction between higher and lower pleasures and remarks about various pleasures if 'pleasures' refers to different activities, rather than merely mental states.[22] Moreover, this interpretation is plausible because it is true to Mill's Greek influences and charitable because – as I will argue below – it appears to overcome some common objections to hedonism (although not ones that Mill himself considered). None of these reasons offer conclusive evidence for my interpretation, but it is at least possibly what Mill had in mind, if he meant anything consistently. I hope that, if the following remarks make sense of Mill's thought consistently with this reading, that offers further support for it; but the below arguments do not depend on any particular understanding of pleasures.

IV. HIGHER AND LOWER PLEASURES INTRODUCED

Mill's most famous departure from Bentham is his qualitative distinction between pleasures. Bentham held that all activities are to be assessed by the quantity of pleasure produced, a factor of their intensity and duration, and thus, when the quantity of pleasure is the same, pushpin is as good as poetry – the source of the pleasure making no difference to its value. In fact, Bentham was no great fan of poetry,[23] whereas Mill – who regarded its appreciation as one of the key factors in his recovery from depression[24] – was and wanted to defend it as more valuable than the mere bodily sensations or

[20] Mill, *Utilitarianism*, II.8.11–12 insists that 'Neither pains nor pleasures are homogeneous'. Of course, it is possible that pleasurable mental states might be heterogeneous, for instance if they shared some quality that made them pleasant but others that distinguished them. Nonetheless, one could suppose (falsely I believe) that there is some particular mental state common to all activities we call pleasant. It seems more obvious that pleasurable activities differ in kind.

[21] Mill, *Utilitarianism*, IV.8.6.

[22] Of course, a certain mental state may also be necessary. Reading or punting could hardly be classed as a pleasure if one did not enjoy it. Cf. Brink, 'Deliberative Utilitarianism', pp. 74–6.

[23] Rawls, *Lectures*, p. 261. Cf. Mill, 'Bentham', *Collected Works*, X.113.

[24] J. S. Mill, *Autobiography*, V, *Collected Works*, I.149–57.

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pleasures enjoyed by children and lower animals and, thereby, show that hedonistic utilitarianism was not merely a 'doctrine worthy only of swine'[25] but capable of incorporating the 'finer things' in life.[26] Mill's solution to these problems was that we may prefer a lesser amount of the pleasure of poetry to a greater amount of pushpin-pleasure because the former is superior in kind or quality, i.e. a 'higher pleasure'.

The first thing to stress is that Mill does *not* say there are two kinds of pleasure, 'higher' and 'lower'.[27] What he says is that one pleasure may be superior in quality to another and that we prefer pleasures that involve our higher faculties. This does not imply any sharp dividing line between those pleasures that employ higher faculties and those that do not – there can be a continuum of pleasures, according to a continuum either of faculties or of differences in the extent to which our higher faculties are involved in any activity. Thus, rather than thinking of higher and lower as denoting two kinds of pleasures, it is more useful to think of them as comparative terms, like taller or shorter. (An important difference is that there is only one way in which one thing may be taller than another, whereas there may be different ways for one pleasure to be higher than another – employing different higher faculties. Nonetheless, the point here is that we cannot, strictly, speak of pleasures as 'higher' or 'lower' in isolation; we always need another to compare to.) For any two persons, we can usually say that one is taller than the other (or that they are about equal) and, though we can loosely categorize people as simply 'tall' or 'short', we can always say that a tall person is shorter than an even taller person. So it is, I contend, with pleasures. Chess is higher than draughts (checkers), which in turn is higher than pushpin; or poetry may be called a higher pleasure, but philosophy still higher. Many questions remain about this doctrine, including whether it is compatible with hedonism (an issue addressed below). More immediately, however, we want to know what makes one pleasure higher than another and how it is that we know; the following section tackles these questions in reverse order.

[25] Mill, *Utilitarianism*, II.3.5.

[26] Mill, *Utilitarianism*, II.1; compare IV.5–8. 'Fine' or 'noble' often translate the Greek *kalon*, which combined both moral and aesthetic ideals.

[27] This interpretation is also offered by Crisp, *Mill on Utilitarianism*, p. 30, but contradicts that of Rawls, *Lectures*, pp. 259–63. Rawls's lectures date from 1994, so do not reflect recent scholarship. Nor should his undergraduate lectures be taken as his final thoughts on these topics. Nonetheless, on this point they seem clearly wrong, and it is a mistake often made by undergraduates. I also reject the claim of Jonathan Riley, 'Is Qualitative Hedonism Inconsistent?', *Utilitas* 11 (1999), p. 355 that there are two *or more* discrete classes of pleasure.

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V. COMPETENT JUDGES

On the epistemological question, Mill appeals to the preferences of competent judges:

> On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final.[28]

I believe it is fruitful to compare this to what Hume says about aesthetic matters in his essay 'Of the Standard of Taste'. There Hume, a forerunner to Mill in both the utilitarian and empiricist traditions, observes that, despite variety of tastes:

> Whoever would assert an equality of genius and elegance between OGILBY and MILTON, or BUNYAN and ADDISON, would be thought to defend no less an extravagance, than if he maintained a mole-hill to be as high as TENERIFFE, or a pond as extensive as the ocean. Though there may be found persons, who give preference to the former authors; no one pays attention to such a taste; and we pronounce without scruple the sentiment of these pretended critics to be absurd and ridiculous.[29]

Hume therefore sets out to find 'a rule, by which the various sentiments of men may be reconciled; at least, a decision, afforded, confirming one sentiment, and condemning another'.[30] Hume holds that:

> Though it be certain that, beauty and deformity, more than sweet and bitter, are not qualities in objects, but belong entirely to the sentiment, internal or external; it must be allowed, that there are certain qualities in objects, which are fitted by nature to produce those particular feelings.[31]

And:

> Though some objects, by the structure of the mind, be naturally calculated to give pleasure, it is not to be expected, that in every individual the pleasure will be equally felt.[32]

This is why we face such diversity of opinion, so recognition of true beauty (or its causes) comes about only over time[33] or from competent critics. As Hume remarks on the latter:

> [A] true judge in the finer arts is observed, even in the most polished ages, to be so rare a character; Strong sense, united to delicate sentiment, improved by

[28] Mill, *Utilitarianism*, II.8.2–6.
[29] David Hume, 'Of the Standard of Taste', *Essays: Moral, Political and Literary*, ed. E. F. Miller (Indianapolis, 1985), pp. 230–1.
[30] Hume, 'Standard of Taste', p. 229.
[31] Hume, 'Standard of Taste', p. 235.
[32] Hume, 'Standard of Taste', p. 234.
[33] Hume, 'Standard of Taste', p. 233.

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practice, perfected by comparison, and cleared of all prejudice, can alone entitle critics to this valuable character; and the joint verdict of such, wherever they are found, is the true standard of taste and beauty.[34]

While Mill says little to elaborate on his idea of competent judges, it is reasonable to assume he had something similar in mind – they must be 'equally acquainted with, and equally capable of appreciating and enjoying, both'[35] of the pleasures and unprejudiced, for example, by 'any feeling of moral obligation'.[36]

It should be noted that Mill's criterion is not one of what economists call 'revealed preference'. The mere fact that we sometimes choose one pleasure over another does not suffice to show that it is higher or, since we sometimes choose poetry over pushpin and sometimes pushpin over poetry, the relation 'higher than' would be symmetrical! What matters is a 'decided preference'[37] or judgement, not a choice made from 'infirmity of character',[38] which may be for an acknowledged lesser good. Thus Mill can accept that even competent judges, when they are tired of poetry, may turn to pushpin. Indeed, it is necessary for one to be a competent judge that one has ample experience of both pleasures to compare.

Both Hume's and Mill's judges play only an epistemic or evidential role.[39] It is by their verdict that we can *know* one pleasure higher than another, but it is not their verdict that *makes* it so. The appropriate model is what Rawls calls an 'imperfect procedure', such as a jury trial, in which there is an independently right answer that the judges try to identify.[40] For Hume, what makes one piece of art better than another is that it is better fitted to produce pleasure in the human mind. For Mill, something similar is true. He supposes it is simply 'an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both [pleasures], do give a most marked preference to the manner of existence which employs their higher faculties'.[41] This comes very close to what Rawls calls the Aristotelian Principle, which states that 'other things being equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the

[34] Hume, 'Standard of Taste', p. 241.
[35] Mill, *Utilitarianism*, II.6.1–2.
[36] Mill, *Utilitarianism*, II.5.5–6.
[37] Mill, *Utilitarianism*, II.5.5.
[38] Mill, *Utilitarianism*, II.7.4.
[39] This is also the interpretation of Brink, 'Deliberative Utilitarianism', p. 80.
[40] John Rawls, *A Theory of Justice*, rev. edn. (Cambridge, Mass., 1999), pp. 74–5.
[41] Mill, *Utilitarianism*, II.6.1–4.

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capacity is realized, or the greater its complexity'.[42] For Rawls, this is simply a natural fact of human psychology, confirmed by observation, and so it is for Mill, though he connects it to 'a sense of dignity'.[43] If this is what makes one pleasure higher than another, then it is possible that even competent judges can be wrong – something Mill explicitly allows for, when he says we must accept a majority if they disagree.[44] It is possible that even the *majority* of such judges could be wrong; Mill does not say that they are necessarily right, merely that 'there can be no appeal'[45] – as it is in the highest court.

VI. IS MILL STILL A HEDONIST?

It is now clear, I hope, what Mill meant by higher and lower pleasures, but not whether he could consistently maintain such position while remaining a hedonist. Of course, Mill will not count as a hedonist, on my reading, if we restrict hedonism to the view that only mental states can be of intrinsic value.[46] Given that the English 'pleasures' may naturally refer to activities, rather than mental states, I see no reason for such a restriction. In any case, my concern here is not whether Mill's general conception of pleasure is genuinely hedonistic, but whether he can consistently distinguish higher and lower pleasures without appeal to some other value.

Many critics attacked Mill on this point, starting with the earliest receptions of Mill's distinction. Bradley, for instance, remarked:

> If you are to prefer a higher pleasure to a lower without reference to quantity – then there is an end altogether of the principle which puts the measure in the surplus of pleasure to the whole sentient creation. It is no use saying all pleasures are ends, only some are more ends . . . Given a small quantity of higher pleasure in collision with a large quantity of lower, how can you decide between them? To work out the sum you must reduce the data to the same denomination. You must go to quantity or nothing; you decline to go to quantity, and hence you can not get any result.[47]

[42] Rawls, *Theory*, p. 374. Rawls only calls the principle *Aristotelian*, rather than Aristotle's, but his footnote also acknowledges how close Mill comes to expressing the same idea.

[43] Mill, *Utilitarianism*, II.6.26.

[44] Mill, *Utilitarianism*, II.8.6. Since they are, by hypothesis, competent judges, we can assume Condorcet's Jury Theorem applies.

[45] Mill, *Utilitarianism*, II.8.1–2.

[46] Brink, 'Deliberative Utilitarianism', p. 71.

[47] F. H. Bradley, *Ethical Studies*, 2nd edn. (Oxford, 1927), p. 119. It may be reasonable to suppose that you need some exchange rate to adjudicate between quantity and quality, but it is unreasonable to assume that must be quantity, since this neglects quality altogether.

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While Carritt asserted that:

> [F]or those who maintain that pleasure alone is in any sense 'good', to distinguish some pleasures as bad is a manifest absurdity. 'Superior pleasure' either means greater quantity of pleasure or it implies some quality other than pleasantness as the standard of selection . . . [which] is no better than to say, 'I care for nothing but money, but it must be honestly come by'. The only consistent hedonist is one who seeks pleasures solely according to their quantity . . . acknowledging that the objects which afford them are irrelevant.[48]

And:

> If pleasure is the only thing we owe to others, then it is its quantity only and not its quality which we must consider. We ought only to spread a taste for music and poetry, instead of beer and skittles, so far as we are assured that the aesthetic pleasures are keener, less mixed, and more permanent. If the utilitarian grants that to enjoy Homer and Shakespeare is 'better' than to enjoy the serio-comic and the moving pictures, he seems to admit a 'good' which he ought to produce but which is assessed by something else than an amount of pleasure.[49]

It should be noted that there have been more sympathetic commentators, who have pointed out that pleasures may differ, just as colours differ in shade.[50] My aim in this section is to show that there is indeed room for one to care only about pleasures, but still distinguish between them according to quality.

It will be helpful to begin with an analogy. Consider what I call a *Bacchant*, i.e. someone who cares only about wine. It is important to be aware that this person cares about wine *in itself* and not consequent pleasure, so is undeterred by, for example, the prospect of a hangover. Such a person cares about the quantity of wine – that is, they always want more wine rather than less, *ceteris paribus* – but they also care about its quality. (I assume that their tastes track an objective feature of the wine, which I think is more analogous to Mill's view, but this is not necessary for my present purposes – 'quality' can be understood as referring to subjective preference.) Although, other things being equal, they always prefer more wine to less, if we offer them a choice between a bottle of inferior wine and a glass of superior wine, it is possible that they will prefer the glass of superior wine. This does not seem strange and, as Mill observes, 'It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation

[48] E. F. Carritt, *The Theory of Morals* (London, 1928), p. 21.
[49] Carritt, *Theory*, p. 43.
[50] E.g. C. D. Broad, *Five Types of Ethical Theory* (London, 1930), p. 232; Riley, 'Is Qualitative Hedonism Inconsistent?', p. 354. Cf. Guy Fletcher, 'The Consistency of Qualitative Hedonism and the Value of (at Least Some) Malicious Pleasures', *Utilitas* 20 (2008), pp. 465–6.

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of pleasures should be supposed to depend on quantity alone.'[51] It is worth noting that even Bentham was happy to speak of both quality and quantity in relation to knowledge and punishment.[52]

Let us now consider the famous 'Haydn and the oyster' example.[53] In this somewhat fanciful case, an angel offers you the choice between the life of the composer Haydn or that of an oyster, capable of no more than the basest pleasures, but will allow you to live as an oyster for as long as you like. Since Haydn will live only seventy-seven years, and thus experience only a finite amount of pleasure, if you care only about quantity of pleasure, then at some point the life of the oyster – which accumulates pleasure at a much slower rate – will eventually seem preferable. Note that it is no solution to say we prefer the life with the highest average, rather than total, for that faces a reverse problem – it would imply that we would prefer to be Haydn for a second than an almost-equally gifted composer who lives for one hundred years.

To illustrate the problem with wine, suppose that Haydn's glass is filled quickly (mirroring the intensity of pleasure in his life), while wine drips very slowly into the oyster's – if you pour the oyster wine over a much longer duration, it will eventually come to have a greater quantity. However, if we suppose Haydn not only gets poured wine more quickly, but gets poured *better* wine, then it may be rational to prefer Haydn's glass, even if the quantity is less. So it is with pleasure – if Haydn gets a superior quality of pleasure, then it may be rational – even for someone who cares only about pleasure – to prefer that smaller quantity of higher pleasure to a larger quantity (in terms of intensity and duration) of inferior pleasure. Just as one can be a Bacchant while caring about quality as well as quantity of wine, so one can still be a hedonist while caring about quality as well as quantity of pleasure. As Mill says, 'It is quite compatible with the principle of utility [and hedonism, which he does not clearly distinguish] to recognise the fact, that some *kinds* of pleasure are more desirable and more valuable than others.'[54]

It should be clear that *quality* is a genuinely different scale than *quantity* and not simply to be reduced to the latter,[55] even in infinite amounts.[56] It may, of course, be thought that higher pleasures will

[51] Mill, *Utilitarianism*, II.4.28–30.
[52] Bentham, *IMPL*, VI.11, p. 55 and XIV.22, p. 171.
[53] Crisp, *Mill on Utilitarianism*, p. 24.
[54] Mill, *Utilitarianism*, II.4.26–8.
[55] Ayer, 'The Principle of Utility', p. 252; cf. Bradley, *Ethical Studies*, pp. 118–19 '[S]ince the moral "higher" is here, as we see, the more pleasurable or the means to the more pleasurable, we come in the end to the amount, the quantity of pleasure without distinction of kind or quality; and having already seen that such an end is not a moral end, we get nothing from the phrases "higher" and "lower" unless it be confusion'.
[56] The view that superiority in quality amounts to an infinite (or indefinite) superiority in quantity is defended by Jonathan Riley, 'On Quantities and Qualities of Pleasure',

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generally be more intense or productive of future pleasures. One might, for example, have many good extrinsic reasons to prefer poetry to pushpin – for instance, because it can be enjoyed alone and one is less likely to tire of it. Mill notes that previous utilitarian writers have successfully established the superiority of mental over bodily pleasures on grounds of safety, permanence, etc.,[57] but he aims to offer a more principled defence, abstracting from these circumstantial advantages (much as Plato strips justice of its circumstantial advantages – such as reputation – in the *Republic*). If the advantages of higher pleasures lay simply in such matters as their permanence or future effects, then one would have no reason to prefer poetry to pushpin the night before one's execution, if the quantity of pleasure was the same. Mill, however, would say that poetry is intrinsically preferable because, whatever the amount of pleasure involved, it is a better-quality pleasure.[58]

On this reading, quantity and quality are two independent properties of pleasures that must be traded off (as I show below) when choosing between pleasures. Scarre objects to Donner's similar view, pointing out that we don't think a fine claret better than a mediocre one because it possesses more of some good-making property 'quality'.[59] Quality is not, however, some basic good-making property. Rather, it is a conclusion of our evaluative judgements; when we judge one thing's natural properties make it a better instance of its kind, according to the appropriate standards, we attribute superiority in quality. Thus, one wine is not better than another because it possesses some peculiar property 'quality', but calling it higher quality is shorthand for saying that it has other properties that would make us prefer it, even in smaller quantities. Similarly, one pleasure is higher than another not because it possesses some general property 'quality' but because it better contributes to a eudaimonistic conception of happiness, and thus we attribute higher quality to it. This could be called a 'buck-passing' account of quality.[60]

Mill's qualitative distinction between pleasures solves problems of the Haydn and the oyster sort, and I shall argue below that it also solves at least one other well-known difficulty for hedonism, but that does not imply that it is not genuinely a form of hedonism. Nor, of course, is it to say that all the distinctive problems with Mill's own

Utilitas 5 (1993), pp. 291–5; 'Is Qualitative Hedonism Inconsistent?', pp. 347–51; 'Qualitative Superiorities, I', pp. 269–71. This also has obvious implications for the trade-off between higher and lower pleasures.

[57] Mill, *Utilitarianism*, II.4.20–25.

[58] I thank Chris Brooke for prompting me to stress this point.

[59] Geoffrey Scarre, 'Donner and Riley on Qualitative Hedonism', *Utilitas* 9 (1997), pp. 354–5.

[60] After T. M. Scanlon, *What We Owe to Each Other* (Cambridge, Mass., 1998), pp. 95–100.

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version of hedonism have been – or can be – solved. In particular, it remains to be seen whether we can distinguish intensity and quality and how we can balance between them.

VII. BALANCING HIGHER AND LOWER PLEASURES

Mill defends his appeal to competent judges by noting that even those who do not distinguish higher and lower pleasures will need, ultimately, to make similar appeals:

> [T]here needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both?[61]

If this were so, then it would be difficult or impossible to tell whether competent judges had preferred one pleasure because they thought it simply more intense (greater in quantity) or superior in kind (qualitatively higher). With wine, we can easily observe quantity, so if someone chooses a smaller quantity we must suppose it is because she thinks it a better wine. With pleasures that others enjoy, we can only observe their duration, and thus have no good idea of either total quantity (which depends also on intensity) or quality. It may seem, therefore, that Mill has no way to distinguish his quality criterion from simple intensity; however, perhaps intensity is not something that needs to be judged by others – maybe each person can be taken as an infallible judge of the intensity of his or her own pleasure – while judgements of quality depend on the cultivation of higher faculties, so people may be mistaken. Put another way: I cannot be mistaken about what I like, but I can be about what is actually better for me.

In any case, the question still arises how to balance higher and lower pleasures. This problem for Mill is, in some respects, similar to the controversy over 'dominant end' and 'inclusive end' interpretations of Aristotle's *eudaimonia*.[62] The question is whether higher and lower pleasures can be traded off against each other or we always want more of the highest good, such that it exhibits lexical dominance[63] over the lower. This means that the highest good is to be maximized before the lower comes into play, as a tie-breaker between activities that are equal at first. Rawls's example of lexical ordering is words in a dictionary, but

[61] Mill, *Utilitarianism*, II.8.7–11.

[62] E.g. Thomas Nagel, 'Aristotle on *Eudaimonia*', *Phronesis* 17 (1972); J. L. Ackrill, 'Aristotle on *Eudaimonia*', *Proceedings of the British Academy* 60 (1974).

[63] This phrase comes from Rawls, *Theory*, pp. 37–8, and is used by Crisp, *Mill on Utilitarianism*, p. 40.

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another might be football league tables – positions are determined by points scored and then goal difference, and points lexically dominate goal difference, since the latter only ever breaks ties and can never overcome a difference in points.

Some construe Mill's doctrine lexically; that is, as saying that any amount of higher pleasure is always to be preferred to any amount of lesser pleasure.[64] He does indeed say that 'It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied',[65] which lends credence to such an interpretation. Mill's doctrine is that the pig or fool is content merely because he does not know his imperfections or the higher things that the intelligent man desires, but this mere subjective contentment is not to be confused with true happiness, which involves the exercise and realization of one's higher faculties.[66] If this was so, however, it might lead to somewhat bizarre conclusions, such as that the ideal life involves putting aside not only bodily pleasures – at least, so far as humanly possible – but even poetry in preference to maximizing one's philosophical fulfilment. This would seem not only counter-intuitive to us but also to conflict with Mill's liberal commitments to diversity and experiments in living.[67]

It is not obvious that Mill had such lexical dominance in mind. The plausibility of such a reading is, I think, weakened by the recognition that higher and lower pleasures are ordered along a scale of quality, rather than being two (or more) distinct kinds of pleasure. Moreover, what Mill actually says is that:

> *If* one of the two [pleasures] is, by those who are competently acquainted with both, placed *so far above* the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for *any quantity of the other pleasure* which their nature is capable of, we are justified in ascribing to the preferred enjoyment a *superiority in quality, so far outweighing quantity as to render it, in comparison, of small account*.[68]

Whether such a discontinuity is possible has been the focus of much discussion;[69] my aim is not to defend its truth, but merely to offer the most plausible and consistent interpretation of Mill – which requires only that *some* pleasures *may* be like this, and not that all higher

[64] E.g. Brink, 'Deliberative Utilitarianism', pp. 72 and 92; Riley, 'On Qualities and Quantities', pp. 295–6 and 'Qualitative Superiorities, I', p. 269; Rawls, *Lectures*, pp. 261–3.

[65] Mill, *Utilitarianism*, II.6.40–42.

[66] Mill, *Utilitarianism*, II.6.33–34.

[67] J. S. Mill, *On Liberty*, III.1, *Collected Works*, XVIII.261.

[68] Mill, *Utilitarianism*, II.5.6–13. Emphasis added.

[69] Jesper Ryberg, 'Higher and Lower Pleasures – Doubts on Justification', *Ethical Theory and Moral Practice* 5 (2002); Wlodek Rabinowicz, 'Ryberg's Doubts About Higher and Lower Pleasures – Put to Rest?', *Ethical Theory and Moral Practice* 6 (2003); Gustaf Arrhenius and Wlodek Rabinowicz, 'Millian Superiorities', *Utilitas* 17 (2005).

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pleasures are incommensurably superior to lower ones. Though saying that lower pleasures are of 'small account' is consistent with their lexical domination (as goal difference is of small account compared to points scored in football leagues), Mill does not say that this is *always* the case or, indeed, that it is *ever* so. I think the attention that has been given to cases concerning infinite amounts[70] is misplaced, since Mill only says 'any quantity of the other pleasure which *their nature is capable of*',[71] and finite human beings are obviously not capable of infinite amounts of pleasure. All Mill actually requires is that the pleasure of reading poetry would always outweigh any amount of pushpin-pleasure one was capable of, given the natural limits of human lifespan and attention. This does not commit him to saying that the poetry-pleasure would outweigh an infinite amount of pushpin-pleasure, were that possible. One may still find it implausible that five minutes of reading Shakespeare's sonnets could really be better than any amount of pleasure that one could get from a whole lifetime of playing pushpin (though this will presumably be limited, as diminishing returns set it), but this is Mill's view – it is better to enjoy some realization of one's higher faculties than to live like a contented pig or child.[72]

Mill's statement about higher pleasures trumping lower ones is a hypothetical, merely allowing for the *possibility* that one pleasure is so superior to another as to render quantity irrelevant. He never says that all differences in quality are so great as to render quantity irrelevant. It is therefore no embarrassment to his view that, as Ryberg notes, we also have preferences that do not exhibit this discontinuity.[73] Mill's allowance that great differences in quality *may* trump any difference in quantity has seemingly misled many commentators into supposing that *all* differences in quality do so, thereby producing a lexical hierarchy of pleasures,[74] but this is plainly not Mill's intention. Moreover, since he motivates the qualitative distinction by analogy to other cases, we should remember that lexical dominance is not the usual pattern. Perhaps we may prefer any (small) quantity of a fine pre-phylloxera claret to any (large) amount of cheap plonk, but ordinarily there will come a point where we prefer more of a lesser wine to any given amount

[70] E.g. Riley, 'On Qualities and Quantities'; Scarre, 'Donner and Riley', pp. 355–9; Riley 'Is Qualitative Hedonism Inconsistent?'; Ryberg, 'Doubts on Justification'.

[71] Mill, *Utilitarianism*, II.5.10. Emphasis added. Ryberg, 'Doubts on Justification', pp. 422–3, notes that it is unrealistic to assume away diminishing marginal utility, but does so anyway.

[72] I thank Roger Crisp for pressing me on this point.

[73] Ryberg, 'Doubts on Justification', p. 419.

[74] E.g. Riley, 'On Qualities and Quantities', pp. 291–6.

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of a better one, as is evident if we compare a thimble-full of the good wine to a bottle of wine that is only slightly worse in quality.

VIII. ADVANTAGES OF MILL'S ACCOUNT

I have already shown one advantage of Mill's qualitative distinction, namely that it can distinguish between poetry and pushpin and thus resolve 'Haydn and the oyster'-style problems. I want to suggest that Mill's understanding of utility is also immune to one other well-known objection to hedonism, namely Nozick's experience machine.[75] Nozick asks us to imagine that 'super-duper neuroscientists' can plug us in to a virtual reality machine so perfect we can have any experiences we want – from writing a great novel to scoring the winning touchdown in the Superbowl – with the only drawback being that none of these experiences actually happen. The mental state hedonist is presumably committed to saying it would be better for you to plug into the experience machine, provided you could be suitably assured that it would continue to produce experiences at least as pleasurable as those you would expect from real life. Nozick argues that our intuitive reluctance to plug into such a machine shows that there is something else besides our subjective experiences that matters to us – we really care, for example, about how the world actually is.

Mill has, I think, at least two responses to such an objection. Firstly, if he understands 'pleasure' to include an activity and not only a mental state, then he can reject the experience machine from the start. It may give you the illusory, subjective experience of punting, but if the pleasure is (or includes) the activity, rather than just the mental state, it cannot give you the *pleasure* of punting. This seems rather austere, if only because, however unattractive the experience machine may seem all things considered, I believe there is something to be said for it. Even if 'pleasure' is understood to include the activity or source, however, it need not be particularly 'active' in the ordinary sense of that word – watching television or reading a book is an activity, and so being plugged into the experience machine also counts as a kind of pleasurable activity, but a very different one from actually punting. It is enough for Mill to say that, while being plugged in to the experience machine constitutes a pleasurable experience, it is not the same as that of punting.

Second, even if Mill did understand pleasure as simply a mental state, and so something that could in principle be provided by either a veridical experience or the experience machine, he could say that these experiences differ in kind. Recall that what makes one pleasure

[75] Robert Nozick, *Anarchy, State, and Utopia* (Oxford, 1974), pp. 42–5.

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higher than another is its exercise and realization of higher, human faculties. It is reasonable to suppose that there are higher faculties that we exercise only in real life and would not develop in an experience machine. Moreover, the way we know one pleasure to be higher than another is by appeal to competent judges. While the 'decided preference' criterion is not satisfied by a mere intuitive repulsion to the experience machine, and there are in fact no judges acquainted with both reality and the experience machine, it is also reasonable to suppose that, if we had chance to try an experience machine, we might still exhibit a 'decided preference' for the pleasures of real activities, thus giving us grounds to believe them higher.[76] Of course, as we might prefer an inferior wine, if it was not much worse and there was enough of it, there may be real lives so wretched that the experience machine would be preferable, but for most of us reality would be better. That is, to adapt Mill's comparison between Socrates and the fool, it is better to live a real life dissatisfied than an illusory one contented.

IX. CONCLUSION

I have offered an interpretation of Mill which argues that his hedonism actually has more in common with Aristotle than with Bentham. I suggested, tentatively, that he understands pleasures not simply as mental states or internal experiences, but as activities that include their source – so it would be truer to Mill's understanding to say 'poetry is one of my pleasures', rather than 'poetry gives me pleasure'. I have outlined an understanding of higher and lower pleasures that, in particular, emphasizes: the epistemic role of judges; that these are not two kinds of pleasure, but rather relative comparison of any two pleasures (which need not fit on a complete ordering); and that higher pleasures do not always dominate lower pleasures. I have argued that this is compatible with hedonism, because one who cares only about any particular X (e.g. pleasure) need not care only about the quantity of that X, if it also varies in quality, and that it solves several well-known problems that afflict cruder forms of hedonism.

Although I cannot argue it here, I believe this interpretation of Mill is conformable with his wider moral and political theory, including his preference for liberal institutions.[77] If what actually best promotes our well-being is an objective matter, and the verdict of even competent

[76] Such a response is suggested by Darwall, *Philosophical Ethics*, pp. 116–18, though he suggests that because Mill values objects rather than mental states his doctrine is hedonism in name only.

[77] For an illuminating account of how Mill's understanding of happiness fits his wider political theory, see Brink, 'Deliberative Utilitarianism' (though I do not agree with it in all aspects).

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judges in our own time is merely evidential, then Mill's worries about fallibility[78] militate against imposing what we take to be higher pleasures on others. Just as Hume observes that the people of one age may be caught up in some temporary vogue, and so the true test of beauty is the test of time,[79] so what best serves the interests of man as a progressive being can be established only by leaving people free to live as they will and observing which activities are deemed worthy of choice by people in all ages.

I do not pretend that this interpretation is wholly without difficulties, or that Mill does not in places say seemingly contradictory things, but as he says: 'The beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded.'[80] In that spirit, I await falsification by better interpretations.[81]

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[78] Mill, *On Liberty*, II.3–20, *Collected Works*, XVIII.229–43.
[79] Hume, 'Standard of Taste', p. 233.
[80] Mill, *On Liberty*, II.8, *Collected Works*, XVIII.232.
[81] I thank Chris Brooke, Krister Bykvist, Roger Crisp, Helen McCabe, Dominic Wilkinson, as well as two audiences in Oxford (convened by Chris Brooke and Julian Savulescu) and one in Sheffield (convened by Robert Stern) and two anonymous referees, for their helpful comments.

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