A Humean Constructivist Reading of J. S. Mill's Utilitarian Theory

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Abstract

There is a common view that the utilitarian theory of John Stuart Mill is morally realist and involves a strong kind of practical obligation. This article argues for two negative theses and a positive thesis. The negative theses are that Mill is not a moral realist and that he does not believe in certain kinds of obligations, those involving external reasons and those I call *robust* obligations, obligations with a particular, strong kind of practical authority. The positive thesis is that Mill's metaethical position can be interpreted as a Humean constructivist view, a metaethical view that is constructivist about value and entails the existence of practical reasons, but not external reasons or robust obligations. I argue that a Humean constructivist reading of Mill's theory is reasonable, and strengthens Mill's argument from desire for the value of happiness, an important but notoriously weak aspect of his theory.

§1 Introduction

There is a common view that the utilitarian theory of John Stuart Mill is intended to be realist about value and to involve a strong kind of practical obligation.[1] This article argues for two negative theses and a positive thesis. The negative theses are that Mill is not a moral realist and that he does not believe in certain kinds of obligations, those involving external reasons and those I call *robust* obligations,

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[1] Christine Korsgaard, *The Sources of Normativity* (Cambridge, 1996), pp. 51, 78; John Skorupski, *John Stuart Mill* (London, 1989), p. 289; H. R. West, *Mill's Utilitarianism* (London, 2007), p. 32; Walter Sinnott-Armstrong, 'Consequentialism,' *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/archives/spr2014/entries/consequentialism/> (2014), sect. 6; David Brink, 'Mill's Moral and Political Philosophy,' *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/mill-moral-political/> (2008), sect. 2.12.

obligations with a particular, strong kind of practical authority. The positive thesis is that Mill's metaethical position can be interpreted as a Humean constructivist view, a metaethical view that is constructivist about value and entails the existence of practical reasons, but not external reasons or robust obligations. There are four aspects of this argument: Mill's view that moral theories are not capable of proof, his account of practical reasons for utilitarianism, his non-cognitivism, and the constructivist nature of his argument for the value of happiness. I argue that a Humean constructivist reading of Mill's utilitarian theory is reasonable, and strengthens Mill's argument from desire for the value of happiness, an important but notoriously weak aspect of his theory.

I will not argue that Mill had a conception of Humean constructivism or anything similar. It seems likely that his metaethical view was not thoroughly worked out at all and is indeterminate or perhaps even confused. However, as a Humean constructivist reading is consistent with so much of what Mill says about his theory, and such a reading has not been given before, I believe it is of interest and can serve at least to clarify Mill's view and possibly find coherence where it has previously been thought lacking.

Thus I will argue that Mill's metaethical position includes several components that are not necessarily related – constructivism about value, prescriptivist non-cognitivism, a subjectivist view of proof in morality, and the absence of external or robust obligations – which are all features of, or compatible with, Humean constructivism. Humean constructivism thus serves as a useful framework with which to understand Mill's metaethical views.

In arguing that Mill's position is constructivist about value, non-cognitivist, subjectivist, and excludes external or robust obligations, I am not suggesting that these characteristics are each necessary or sufficient for Humean constructivism, but am instead taking an abductive approach. The question is: what metaethical view can best account for these characteristics? And I believe the answer is Humean constructivism. Rather than repeat my reservations about the coherence and determinacy of Mill's metaethical view throughout this article I will argue for a Humean constructivist reading without reiterating these qualifications, but would ask the reader to keep them in mind.

The final qualification to add is that I will not argue that either Humean constructivism or any of Mill's views are true.

In section 2 I outline the account of Humean constructivism given by Sharon Street, and explain the differences between Humean constructivism and a more traditional Humean view, reasons internalism. In sections 3-6 I discuss Mill's metaethical position. Section 3 argues that Mill's view of proof for moral theories is subjectivist, thus anti-realist, and is compatible with Humean constructivism.[2] In section 4 I argue that Mill's view of practical reason is internalist and excludes robust obligations, and is thus likewise compatible with Humean constructivism. Section 5 argues that Mill is a prescriptivist non-cognitivist; this supports my first negative thesis, that Mill is not a realist, as non-cognitivism is a form of anti-realism. Section 6 outlines the main premises of Mill's utilitarianism and shows that a Humean constructivist reading solves the apparent flaw in Mill's argument from desire for the value of happiness that is involved in a realist interpretation. In section 7 I consider an objection from John Skorupski to viewing Mill as a Humean about practical reason.

§2 Humean constructivism

2.1 Humean constructivist metaethical views

The conception of Humean constructivism discussed here is that recently described by Sharon Street.[3] According to Street, constructivism holds that 'the truth of a normative claim consists in that claim's being entailed from within the

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[2] Whether subjectivism entails anti-realism is contentious; I discuss this in section 2.1.

[3] Sharon Street, 'What is Constructivism in Ethics and Metaethics?,' *Philosophy Compass* 5.5 (2010), pp. 363–84; 'Coming to Terms with Contingency: Humean Constructivism about Practical Reason,' *Constructivism in Practical Philosophy*, ed. J. Lenman and Y. Shemmer (Oxford, 2012), pp. 40–59. A very different theory also called *Humean constructivism* is put forward by James Lenman in his 'Humean Constructivism in Moral Theory,' *Oxford Studies in Metaethics*, vol. 5, ed. R. Shafer-Landau (Oxford, 2010), pp. 175–94. There are less specific references to versions of the theory in Carla Bagnoli, 'Moral Constructivism: A Phenomenological Argument,' *Topoi* 21.1–2 (2002), pp. 125–38, and in Dale Dorsey, *Relativism and Constructivism: A Humean Response* (forthcoming). In this article I am speaking only of Street's version of the theory, but will henceforward omit that specification for brevity.

practical point of view.'[4] The practical point of view is occupied when a person values something:

> [T]he *practical point of view* is the point of view occupied by any creature who takes at least some things in the world to be good or bad, better or worse, required or optional, worthy or worthless, and so on – the standpoint of a being who judges, whether at a reflective or unreflective level, that some things call for, demand, or provide reasons for others.[5]

Street identifies two main categories of constructivism, restricted constructivism and metaethical constructivism. Restricted constructivist views 'specify some *restricted* set of normative claims and say that the truth of a claim falling within that set consists in that claim's being entailed from within the practical point of view, where the practical point of view is given some *substantive* characterization'.[6] Rawls's theory of justice is such a restricted constructivist view, one in which the practical point of view has substantive characterization as the 'original position', in which various judgements 'implicit in the public political culture of a liberal democratic society' are embedded.[7]

In contrast to restricted constructivist views, metaethical constructivist views hold that 'the truth of a normative claim consists in that claim's being entailed from within the practical point of view, where the practical point of view is given a *formal* characterization.'[8] A formal characterization of the practical point of view 'does not itself presuppose any substantive values but rather merely explicates what is involved in valuing anything at all'.[9] Metaethical constructivist views may be Kantian or Humean. Under Kantian metaethical constructivism moral conclusions follow from within any practical point of view given a formal characterization: 'moral values are entailed from within the standpoint of any valuer as such.'[10] Thus any person has reasons to act in a moral way. Humean

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[4] Street, 'What is Constructivism,' p. 367.

[5] Street, 'What is Constructivism,' p. 366.

[6] Street, 'What is Constructivism,' p. 367.

[7] Street, 'What is Constructivism,' p. 368.

[8] Street, 'What is Constructivism,' p. 369.

[9] Street, 'What is Constructivism,' p. 369.

[10] Street, 'What is Constructivism,' p. 369.

constructivist views deny that moral conclusions follow from within any practical point of view. 'Instead, these views claim, the substantive content of a given agent's reasons is a function of his or her particular, contingently given, evaluative starting points.'[11] Thus under a Humean constructivist view practical reasons are only reasons entailed by the contingently given practical point of view in combination with the non-normative facts.

Humean constructivism is, as Street sees it, anti-realist: 'if one accepts metaethical constructivism, then one is an anti-realist about value in an important and traditional sense, holding that value is an *attitude-dependent* property.'[12] Whether or not attitude-dependence, or subjectivism, is a sufficient condition of anti-realism is highly contentious, and it is not possible to discuss the question here.[13] I will stipulatively follow the tradition that Street refers to and hold here that subjectivism is a form of anti-realism, in large part because Street's metaethical view is the one to which I will compare that of Mill.

2.2 Humean constructivism and obligations

Humean constructivism rules out two kinds of obligations. First, it rules out *external* obligations, obligations that involve a kind of external reason. External reasons are those which cannot be reached by a sound deliberative route from the motivations within a person's subjective motivational set.[14] According to Humean constructivism, any practical reason must be entailed by the contingently given practical point of view, and thus is an internal reason. Under Humean constructivism then, obligations can only be those involving internal reasons.

[11] Street, 'What is Constructivism,' p. 370.

[12] Street, 'Coming to Terms,' p. 41.

[13] See Richard Joyce, 'Moral Anti-Realism,' *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.eu/archives/sum2009/entries/moral-anti-realism/> (2009), sect. 1.

[14] Bernard Williams, 'Internal and External Reasons,' *Moral Luck* (Cambridge, 1981), pp. 101–13, at 101; 'Internal Reasons and the Obscurity of Blame,' *Making Sense of Humanity* (Cambridge, 1995), pp. 35–45, at 35. See sect. II.3 for the differences between reasons internalism and Humean constructivism.

Second, Humean constructivism rules out obligations that imply reasons that have a certain, very high degree of practical authority. That degree of practical authority is famously hard to capture, and it is not possible to explore this fully here; but Christine Korsgaard describes this kind of obligation well as a reason for an action such that the action *must* be done: 'obligation cannot exist unless there are actions which it is necessary to do.'[15] I will stipulatively call such obligations *robust* obligations to distinguish them from obligations without such special practical authority.

Humean constructivism entails reasons, but does not entail robust obligations. To illustrate a reason entailed by a practical point of view, take Rawls's example of a person who values counting blades of grass above all else.[16] The person has a reason but, I contend, not a robust obligation to buy a calculator, and by analogy a person who values particular ends will, under Humean constructivism, have reasons but not robust obligations to perform certain acts as means towards those ends. To fail to take the necessary means to achieve one's contingently given ends may be practically irrational, but that a reason must be followed in order to avoid practical irrationality is not sufficient for that reason to be a robust obligation, at least not within a Humean framework. Thus according to Humean constructivism a person who highly values, say, furthering the interests of others will have a reason to act to further the interests of others, but not a robust obligation to do so. Her practical point of view may involve other, stronger values than furthering the interests of others, which would then override her reason to further others' interests.[17] If the strongest aspect of her

[15] Korsgaard, *Sources*, pp. 16, 34. Similarly, Mackie speaks of a kind of practical authority involving 'not-to-be-doneness': J. Mackie, *Ethics: Inventing Right and Wrong* (London, 1977), p. 40.

[16] John Rawls, *A Theory of Justice*, rev. edn. (Cambridge, MA, 1999), pp. 379–80; Street, 'What is Constructivism,' p. 367.

[17] Street uses an example from Gibbard, that of an ideally coherent Caligula: 'Humean constructivists . . . think that things are pretty much as they appear with regard to such a case – in other words, that just as it seems on superficial inspection, one can indeed value torturing others above all else and be entirely coherent in doing so.' Street, 'What is Constructivism,' p. 371; Allan Gibbard, 'Morality as Consistency in Living: Korsgaard's Kantian Lectures,' *Ethics* 5.5 (1999), pp. 140–64, at 140.

practical point of view is to further the interests of others and she does not do so she will be acting in a practically irrational way; but we do not have any robust obligation to be practically rational. It does not seem to be something a person *must* do, under Street's Humean constructivist view.

2.3 Humean constructivism and reasons internalism

As noted in section 2.2, Humean constructivism shares features with a more traditional Humean view: Bernard Williams's reasons internalism.[18] It might therefore seem that reasons internalism (hereafter, internalism) would be the appropriate basis for a Humean reading of Mill. However there are several important respects in which Humean constructivism and internalism differ, and these elements make Humean constructivism the better fit with Mill's view.

Williams gives the following formulation for internalism:

> *A* has a reason to φ only if '*A* could reach the conclusion that he should φ (or a conclusion to φ) by a sound deliberative route from the motivations that he has in his actual motivational set – that is, the set of his desires, evaluations, attitudes, projects, and so on.[19]

Street gives the following formulation of her view:

> [T]he fact that X is a reason for agent A to Y is constituted by the fact that the judgment that X is a reason (for A) to Y withstands scrutiny from the standpoint of A's other judgments about reasons.[20]

Street uses *normative judgement* and *taking oneself to have a reason* interchangeably with *valuing*, so the difference in the formulations is primarily one of which aspects of the subjective motivational set are emphasized.[21]

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[18] Street considers them both anti-realist Humean views, but says nothing else, as far as I know, about the relationship between them. Sharon Street, *Objectivity and Truth: You'd Better Rethink It* (unpublished), p. 4.

[19] Williams, *Making Sense*, p. 35.

[20] Street, *Objectivity*, p. 36.

[21] Street, 'Coming to Terms,' pp. 43–4. Street talks in terms of *values* (again, interchangeably with *normative judgement* and *taking oneself to have a reason*) rather than *desires*, as she believes the talk of desires tends to make the evaluative content of Humean

Whereas Williams's reasons internalism is intended to be only an account of practical reason, Street's Humean constructivism aims not only to give an account of reasons, but to give a specifically anti-realist account of reasons, a constructivist view of value, an account of differences between values and desires and, I hold, involves a particular view of obligations.[22] As I will argue that Mill is not a realist, is a constructivist about value and does not believe in robust obligations, his view fits Humean constructivism more closely than it does reasons internalism.[23]

(Korsgaard hints at an internalist reading of Mill in her 'Skepticism about Practical Reason'.[24] This consists only of noting that under Williams's view a person who comes to question a principle she was raised to live by might not reject it even though it does not admit of ultimate proof as she may, on reflection, find that people should accept and act on the principle, and on that basis retain it and educate others to adopt it.[25] Korsgaard notes that it is odd that this internalist view is very much like Mill's description of the reflective process even

views seem superficial and arbitrary. There is in traditional Humean talk no clear distinction between desires that are fleeting, of little importance in relation to our other desires, and associated with a narrow range of emotions, and those that are lifelong, of great importance in relation to our other desires, and associated with a wide range of affective attitudes. For Street, values thus exist on the same spectrum as desires, but are characterized by greater discipline, range and depth of associated emotional experience, and structural complexity. (For Street's account, see her *What is Constructivism*, pp. 42–4.)

[22] Michael Ridge argues that Street's view is 'a sophisticated species of metaethical subjectivism, rather than an entirely novel metaethical theory.' I tend to agree with Ridge, but believe that the sophistication of Humean constructivism is significant and useful. Michael Ridge, 'Kantian Constructivism: Something Old, Something New,' *Constructivism in Practical Philosophy*, pp. 138–57, at 157.

[23] Reasons internalism is also compatible with some non-Humean views. For example, Korsgaard's view holds that practical reasons must be internal: Christine Korsgaard, 'The Normativity of Instrumental Reason,' *Ethics and Practical Reason*, ed. G. Cullity and B. Gaut (Oxford, 1997), pp. 215–54, at 215 n. 1.

[24] Christine Korsgaard, 'Skepticism about Practical Reason,' *Journal of Philosophy* 83.1 (1986), pp. 5–25.

[25] Korsgaard, 'Skepticism,' p. 22

though he is often taken to be the best example of an externalist ethical position, as in Nagel's *The Possibility of Altruism*.[26] There is no contradiction, however, as Nagel describes Mill as a *motivation* externalist, not a *reasons* externalist, and the two are independent.[27])

I am more concerned with a Humean interpretation of Mill than a specifically Humean constructivist one. Although I find Street's theory a good fit for Mill, if the reader considers that Humean constructivism does not offer anything above Humean practical reason more broadly I would be happy if she were convinced of a Humean, rather than a specifically Humean constructivist, interpretation.

§3 Mill's view of proof in moral theory

Humean constructivism holds that practical reasons are only those reasons entailed by the contingently given practical point of view. There can then, according to this view, be no proof for any moral theory: there are no facts of the matter about whether a person should or should not hold the ultimate values she holds within her practical point of view. Mill's position on proof for moral theories is subjectivist and thus anti-realist, and is compatible with the Humean constructivist view.

Mill discusses the possibility of a proof of his theory early in *Utilitarianism*:

It is evident that this cannot be proof in the ordinary and popular meaning of the term. Questions of ultimate ends are not amenable to direct proof . . . If, then, it is asserted that there is a comprehensive formula, including all things which are in themselves good, and that whatever else is good is not so as an end but as a means, the formula may be accepted

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[26] Thomas Nagel, *The Possibility of Altruism* (Princeton, 1970), p. 8.

[27] For the difference between the views see Connie Rosati, 'Moral Motivation,' *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/moral-motivation/> (2006), sect. 3.2, and Stephen Darwall, *Impartial Reason* (Ithaca, 1983), p. 54.

or rejected, but is not a subject of what is commonly understood as proof.[28]

Humean constructivism observes a distinction between means and ends: means are subject to proof, as which means will accomplish particular ends is a factual matter; but ultimate ends are not subject to proof, as they are contingently given aspects of the particular practical point of view. (Non-ultimate ends can be shown to be entailed or not by ultimate ends, and so are subject to proof in that regard.) This is Mill's position, described in the *System of Logic*. Mill makes the distinction between ends and means by referring to the province of the former as 'art' and the province of the latter as 'science':

> The art proposes to itself an end to be attained, defines the end, and hands it over to the science. The science receives it, considers it as a phenomenon or effect to be studied, and having investigated its causes and conditions sends it back to art with a theorem of the combinations of circumstances by which it could be produced.[29]

Mill includes morality in this categorization as an art, not a science.[30] All arts have first principles, the ends they are to achieve, which are assumed rather than rationally demonstrated:

> Every art has one first principle, or general major premise, not borrowed from science; that which enunciates the object aimed at and affirms it to be desirable. The builder's art assumes that it is desirable to have buildings; architecture (as one of the fine arts) that it is desirable to have

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[28] J. S. Mill, *Utilitarianism*, ed. George Shaw (Indianapolis, 1863/2001), 1.5. (References to *Utilitarianism* are to chapter and paragraph numbers.) This agrees with Hume's view that 'the ultimate ends of human actions can never, in any case, be accounted for by *reason*, but recommend themselves entirely to the sentiments and affections of mankind, without any dependence on the intellectual faculties.' David Hume, *Enquiry Concerning the Principles of Morals*, ed. J. B. Schneewind (Indianapolis, 1751/1983), app. 1.5.

[29] J. S. Mill, *A System of Logic Ratiocinative and Inductive*, *Collected Works*, vol. 8, ed. J. Robson (Toronto, 1974), 6.12.12. References to the *System of Logic* are by book, chapter and section number.

[30] Mill, *System*, 6.12.1.

them beautiful or imposing. The hygienic and medical arts assume, the one that the preservation of health, the other that the cure of disease, are fitting and desirable ends.[31]

Mill uses the analogy of health again in *Utilitarianism* to indicate that ultimate ends are assumed and not subject to proof or falsification: 'The medical art is proved to be good by its conducing to health; but how is it possible to prove that health is good?'[32] The principle of utility, then, is a principle that a person may or may not hold as an end, depending on her contingently given practical point of view. Science can show how the end can be achieved, but cannot determine whether it should be an end or not.

Despite the impossibility of proving ends, and thus of proving the principle of utility, Mill writes that: 'Considerations may be presented, capable of determining the intellect either to give or withhold its assent to the doctrine.'[33] This Mill calls 'a larger meaning of the word "proof."'[34] The 'assent' cannot be epistemological, in the sense of believing the principle of utility to be a fact, as Mill holds morality to be not a factual matter. It must be the practical meaning of 'assent' that is in play: acquiescence, consent or compliance. As Alan Ryan writes,

> what is envisaged is that, if the intellect is given enough information of one kind and another, the will will be determined in a utilitarian direction . . . This view of Mill explains why he should be so concerned with the problems of the sanctions of the principle; in trying to prove the principle . . . Mill is offering us motives which will induce us to live by it.[35]

Mill's view of proof is thus in keeping with a Humean constructivist view, in which ultimate ends are aspects of the contingently given practical point of

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[31] Mill, *System*, 6.12.2.

[32] Mill, *Utilitarianism*, 1.5. Presumably Mill could answer this question himself, by saying that health is good because it produces happiness, but that there is no way to show that happiness is good because it is valued as an end in itself.

[33] Mill, *Utilitarianism*, 1.5.

[34] Mill, *Utilitarianism*, 1.5. The clarity of *Utilitarianism* is not helped by Mill's continued use of the word 'proof' in this sense.

[35] Alan Ryan, *The Philosophy of John Stuart Mill* (London, 1970), p. 208.

view, and as such are not subject to proof or disproof. The nature of Mill's reasons for assent to the principle of utility will be the subject of the next section.

§4 Mill's view of practical reason

As discussed above (sect. II.2), under Humean constructivism there are practical reasons, but not external or robust obligations. Classical utilitarianism is sometimes thought to be greatly demanding, but I will argue that Mill's theory fits a Humean constructivist reading and excludes external or robust obligations.

It has been noted by several philosophers that Mill's theory does not involve the existence of a certain kind of obligation (or perhaps obligations at all). This has often been regarded as an unintentional failure on Mill's part. Ryan notes that Mill's justification of utilitarianism 'is open to the Kantian objection that it may be an argument that will get us to *want* to do what, it may be, is right, but it cannot get us to see that we *ought* to do what is right'.[36] Korsgaard notes of the theory that 'The bare fact that you accept the proof doesn't seem to obligate you to utilitarian conduct', and concludes that Mill fails to answer the question of why certain actions are necessary.[37] David Brink notes that Mill attributes the existence of utilitarian practical reasons to the individual conscience, but does not address the question of whether or not people should have such consciences.[38] I contend that rather than trying to show that people have external or robust obligations and failing, Mill does not believe in such obligations at all, and this is the reason he makes no attempt to demonstrate their existence. As noted in the previous section, what he *does* try to do, given his view that there is no proof for the principle of utility, is give us motives which will persuade us to follow it. This is in keeping with a Humean constructivist view, in which there are no external or robust obligations and in which practical reasons are entailed from the contingently given practical point of view. Under this reading, Mill attempts to persuade the reader that her practical point of view entails reasons for utilitarian action.

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[36] Ryan, *Philosophy*, p. 209.

[37] Korsgaard, *Sources*, pp. 80, 85–6; see also Roger Crisp, *Routledge Philosophy Guidebook to Mill on Utilitarianism* (London, 1997), p. 82.

[38] Brink, *Mill*, sect. 2.12.

Mill obscures his position on obligation by failing to clarify his terms. It is not immediately obvious whether by 'obligation' Mill means the *motivation* for utilitarian action, or the *authority* and *source* of the principle of utility, which might provide reasons for utilitarian action other than those of motivation.[39] However, the chapter in which Mill's discussion of the issues takes place is titled 'Of the Ultimate *Sanction* of the Principle of Utility' (my emphasis), and Mill speaks only of factors that motivate utilitarianism, rather than any reasons for the existence of external or robust obligations. He thus equates 'obligations' with 'sanctions', which are enforcements of rules with reward or punishment, pleasure or pain.[40] It seems reasonable then to take Mill on his own terms: rather than trying to establish *robust* or *external obligations* for utilitarianism and failing, Mill is trying to establish *motivations* for utilitarianism. Whether he succeeds or fails cannot be addressed here; I suggest only that his argument be evaluated on its own terms.

Mill identifies two kinds of motivation for utilitarianism, internal and external (not to be confused with Williams's internal and external reasons, or Nagel's motivation internalism and externalism). External motivations include 'the hope of favor and the fear of displeasure from our fellow creatures or from the Ruler of the universe, along with whatever we may have of sympathy or affection for them, or of love and awe of Him'.[41] Given Mill's probable agnosticism ('[T]he whole domain of the supernatural is . . . that of simple Hope') and his tendency to pander to religious sentiments for fear of losing his audience, we can reasonably ignore the theistic component.[42] What is left for non-theists in the way of external motivation is the individual's concern for the approbation and disapprobation of others, and sympathy and affection for them; or 'The

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[39] Brink, *Mill*, sect. 2.12.

[40] Mill, *Utilitarianism*, 3.1; West, *Mill's Utilitarianism*, p. 69. Roger Crisp notes that ' "Sanction" was a technical term in eighteenth and nineteenth-century ethics, defined by Bentham as a source of the pleasures and pains that motivate people to act'; Crisp, *Mill on Utilitarianism*, p. 91.

[41] Mill, *Utilitarianism*, 3.3.

[42] J. S. Mill, Autobiography, Collected Works, vol. 1, ed. J. Robson (Toronto, 1981), p. 483; Fred Wilson, 'John Stuart Mill,' *Stanford Encyclopedia of Philosophy*, < http://plato.stanford.edu/entries/mill/> (2012).

whole force . . . of external reward and punishment' and 'all that the capacities of human nature admit of disinterested devotion' to others.[43] These reasons do not appeal to external obligations, but only to aspects of the contingently given practical point of view.

Mill identifies internal motivation—the 'ultimate sanction'—as 'a subjective feeling in our own minds' that consists of 'a pain, more or less intense attendant on violation of duty, which in properly cultivated moral nature rises, in the more serious cases, into shrinking from it as an impossibility'.[44] This could be an indication of external obligations for a moral sense theorist, who might view conscience as knowledge about moral facts; as Mill was not a moral sense theorist, there is no reason to think that the subjective feeling of 'pain' that accompanies certain acts is such an indication.[45] It is instead best understood as a product of the contingently given practical point of view. It could be produced by the awareness that we have acted against our own practical reason, or the product of empathy, the awareness that we have done something harmful or failed to do something helpful, perhaps in contradiction to our stated values.

Mill holds that the conscience is based most strongly on benevolence, 'the feeling of unity with our fellow creatures.'[46] Benevolence is thus the primary aspect of the practical point of view to which Mill appeals in promoting utilitarian practical reasons. Mill holds benevolence to be a natural product of the need to live in society[47] and, with the external motivators, to be strengthened and honed by education:

> The whole force therefore of external reward and punishment, whether physical or moral, and whether proceeding from God or from our fellow men, together with all that the capacities of human nature admit of disinterested devotion to either, become available to enforce the utilitarian morality, in proportion as that morality is recognized; and the

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[43] Mill, *Utilitarianism*, 3.3.

[44] Mill, *Utilitarianism*, 3.5, 3.3.

[45] Mill, *Utilitarianism*, 1.3.

[46] Mill, *Utilitarianism*, 3.2, 3.10.

[47] Mill, *Utilitarianism*, 3.10.

more powerfully, the more the appliances of education and general cultivation are bent to the purpose.[48]

Benevolence and the desire for reward and fear of punishment are contingently given aspects of the practical point of view. Mill's view of the motivations for utilitarianism thus fits a Humean constructivist reading: the source of utilitarian practical reasons is entailment by the practical point of view, practical reasons are proportionate to the strength with which people hold the values that entail them, and whether or not people hold utilitarianism as a practical point of view is not subject only to chance but is capable of reinforcement, enforcement and cultivation. There is no appeal to, or justification of, external or robust obligations.

Mill accepts that his theory involves no external obligations, and thus that a person whose practical point of view does not include values that entail utilitarian reasons has no reasons for utilitarianism other than punishment and reward: 'Undoubtedly this sanction [conscience] has no binding efficacy on those who do not possess the feelings it appeals to.'[49] Mill denies, however, that belief in such obligations has more motivational force than the subjective conscience:

> There is, I am aware, a disposition to believe that a person who sees in moral obligation a transcendental fact, an objective reality belonging to the province of 'things in themselves,' is likely to be more obedient to it than one who believes it to be entirely subjective, having its seat in human consciousness only. But whatever a person's opinion may be on this point of ontology, the force he is really urged by is his own subjective feeling, and is exactly measured by its strength.[50]

The problem then that the absence of external obligations may seem to pose for Mill's utilitarianism applies to other theories as well; although persons without conscience have no reasons for utilitarianism, 'neither will these persons

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[48] Mill, *Utilitarianism*, 3.3.

[49] Mill, *Utilitarianism*, 3.5.

[50] Mill, *Utilitarianism*, 3.6.

be more obedient to any other moral principle than to the utilitarian one'.[51] Thus there is no answer to the person who asks 'why am I bound to promote the general happiness? If my own happiness lies in something else, why may I not give that the preference?'[52] This difficulty will always present itself unless we have been shaped by education to have 'the feeling of unity with our fellow creatures . . . deeply rooted in our character.'[53] To see in this a failed argument for external or robust obligations is a mistake. Mill speaks only of contingent, subjective motives to action – dismissing the idea of moral obligation as 'a transcendental fact, an objective reality' – and accepts the contingency of utilitarian reasons that results.

This contingency might seem to make arguing for utilitarianism hopeless. Mill notes that 'moral associations which are of artificial creation, when the intellectual culture goes on, yield by degrees to the dissolving force of analysis', and that utilitarianism would suffer the same fate 'if there were no leading department of our nature, no powerful class of sentiments' to support it.[54] Mill goes on to say, though, that:

> there *is* this basis of powerful natural sentiment; and this it is which, when once the general happiness is recognized as the ethical standard, will constitute the strength of the utilitarian morality. This firm foundation is that of the social feelings of mankind – the desire to be in unity with our fellow creatures, which is already a powerful principle in human nature, and happily one of those which tend to become stronger, even without express inculcation, from the influences of advancing civilization.[55]

The social instincts are contingently given, but that does not mean they are rare or arbitrary; they are what Dale Dorsey calls a 'robust species-wide regularity', being not universal but held to varying degrees by the great majority of people.[56]

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[51] Mill, *Utilitarianism*, 3.5.

[52] Mill, *Utilitarianism*, 3.1.

[53] Mill, *Utilitarianism*, 3.2.

[54] Mill, *Utilitarianism*, 3.9.

[55] Mill, *Utilitarianism*, 3.10

[56] Dorsey, *Relativism and Constructivism*, p. 18.

There is a motivation for utilitarianism even for those who are devoid of benevolence: '[H]owever imperfect may be their own practice, they desire and commend all conduct in others toward themselves by which they think their happiness is promoted'; 'even if he has none of it [the feeling that the good of others must be attended to] himself, he is as greatly interested as anyone that others should have it'.[57] In this view the egoistic person's happiness is best served by a society which acts to promote happiness in general, as that is the means by which her happiness is most likely to be promoted. Support for utilitarian practical reasons is thus, if Mill is right, entailed even from an egoistic practical point of view.

Finally, there is in Mill's argument for utilitarianism a political perspective. Alan Ryan calls this 'a Hobbesian argument about the nature of the rules which self-interested [persons] could agree to as rules to regulate their conduct with each other'.[58] After noting that 'the social feelings of mankind – the desire to be in unity with our fellow creatures' are' already a powerful principle in human nature, and happily one of those which tend to become stronger . . . from the influences of advancing civilization', Mill writes:

> Now society between human beings, except in the relation of master and slave, is manifestly impossible on any other footing than that the interests of all are to be consulted. Society between equals can only exist on the understanding that the interests of all are to be regarded equally.[59]

Thus Ryan suggests that Mill's answer to the question he gives in *Utilitarianism* – 'If my own happiness lies in something else, why may I not give that the preference?' – is 'largely to suggest that everyone else will simply combine to make sure that he does give the general happiness the preference'.[60] There is more to this aspect of Mill's argument than a Hobbesian view, however; the 'desire to be in unity with our fellow creatures' also implies that our pleasure in being in harmony with others is a motive to consider their interests.

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[57] Mill, *Utilitarianism*, 3.3, 3.10.

[58] Ryan, *Philosophy*, p. 196.

[59] Mill, *Utilitarianism*, 3.10.

[60] Ryan, *Philosophy*, p. 201.

Thus Mill's reasons for the adoption of utilitarianism are benevolence, the fear of punishment and disapprobation and desire for reward and approbation, the desire to live in a society in which one's happiness is promoted, the desire to live in harmony with others, and the need for rules which persons can agree to as a means to regulate their conduct in society. The strongest of these motives is a benevolent conscience, and the strength of a benevolent conscience can be improved by education and cultivation. There is no appeal to external or robust obligations. Mill's view of practical reasons fits a Humean constructivist view, in which practical reasons are only those reasons entailed by the contingently given practical point of view in combination with the non-normative facts.

Korsgaard wonders, given Mill's acceptance of the contingency of practical reason, what the point of his argument could be:

> But on reflection, it is really very obscure what Mill thinks this argument can accomplish . . . What the argument about the sanction actually seems to do is to prove that if there were any utilitarians then their morality would be normative for them. But why on earth should Mill's readers care about that? . . . If they have already endorsed utilitarianism presumably they already find it normative. So what does Mill think he is doing?[61]

It is true that Mill does not make this clear, but I believe a Humean constructivist reading provides some probable answers.

First, Mill believes that people do not always *realize* that their practical points of view entail utilitarian practical reasons. After noting that moral beliefs had, before utilitarianism, lacked a clearly identified first principle, Mill writes:

> It would, however, be easy to show that whatever steadiness or consistency these moral beliefs have attained has been mainly due to the tacit influence of a standard not recognized . . . the principle of utility, or, as Bentham latterly called it, the greatest happiness principle, has had a large share in forming the moral doctrines even of those who most scornfully reject its authority.[62]

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[61] Korsgaard, *Sources*, p. 85.

[62] Mill, *Utilitarianism*, 1.4.

Thus non-utilitarians are mistaken about the basis of their own judgements. This constitutes practical irrationality: we are unlikely to achieve our ends if we are mistaken as to what they are.

Second, Mill nowhere suggests that people's practical points of view are *exclusively* utilitarian; on the contrary, he acknowledges that the utilitarian conscience is 'not innate but acquired', and that the utilitarian conscience can be strengthened by education and cultivation.[63] Mill can thus be read in part as urging people to cultivate their own utilitarian consciences and to further utilitarianism through the education of others.

Finally, it must be remembered what Mill's purpose in promoting utilitarianism was. As Julia Driver writes, 'If anything could be identified as the fundamental motivation behind the development of classical utilitarianism it would be the desire to see useless, corrupt laws and social practices changed.'[64] The justifications for such laws and practices were, in Mill's view, non-utilitarian; if Mill could persuade his readers that their deepest social values were in fact utilitarian ones, he could persuade them to reject such justifications and support reform. Before utilitarianism, Mill tells us, ethics was 'not so much a guide as a consecration of men's actual sentiments', and Mill is clear that our actual sentiments are not all benevolent; the 'consecration' of such sentiments as moral obligations can only be detrimental in Mill's view, and the acceptance that happiness is the end of ethics only beneficial.[65]

If Mill was, as I have argued, not attempting to persuade his readers of the existence of any robust or external obligations these several reasons seem sufficient to explain the purpose of his argument for the sanctions for utilitarianism, and are in keeping with a Humean constructivist view in which a person's practical rationality depends in part on her proper understanding of what her practical point of view involves. Mill seeks to persuade the reader that her practical point of view is, where social values are concerned, a utilitarian one.

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[63] Mill, *Utilitarianism*, 3.8, 3.3.

[64] Julia Driver, *Consequentialism* (Abingdon, 2012), p. 12.

[65] Mill, *Utilitarianism*, 1.4

§5 Mill's non-cognitivism

This section concerns my negative thesis that Mill is not a moral realist. Non-cognitivism is a form of moral anti-realism, so if Mill is a non-cognitivist he cannot also be a moral realist.[66] Humean constructivism is anti-realist but neutral between anti-realist views of moral language and moral judgement; non-cognitivism therefore does not imply Humean constructivism, but is compatible with it.

Mill can be usefully interpreted as a *prescriptivist* non-cognitivist, a view according to which moral judgements and statements are species of prescriptive judgements and statements, even where they appear to be indicative. It is important that commitments associated with other non-cognitivist views are not necessarily entailed or required by the view I ascribe to Mill. Neither should Mill's prescriptivism be read as necessarily holding much in common with Carnap's or Hare's prescriptivist views.[67] All that is possible here is to give grounds for a prescriptivist reading of Mill; a full exploration of what his prescriptivism involves and entails must take place elsewhere.[68]

The argument that Mill is a non-cognitivist has been made by several scholars, notably Alan Ryan:[69]

> [T]he vindication of Mill's statement that there can be no proof of ultimate ends rests in the fact that a proposition like 'Happiness is the supreme good' is not, as its grammatical form suggests, a statement at all,

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[66] Joyce, *Moral Anti-Realism*, sect. 1; Geoff Sayre-McCord, 'Moral Realism,' *The Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/archives/sum2011/entries/consequentialism/> (2011).

[67] Rudolf Carnap, *Philosophy and Logical Syntax* (London, 1937); R. M. Hare, *The Language of Morals* (Oxford, 1952).

[68] The following discussion is indebted to Christopher Macleod's argument against a non-cognitivist reading of Mill, in his 'Was Mill a Noncognitivist?,' *The Southern Journal of Philosophy* 51.2 (2013), pp. 206–23.

[69] Ryan, and West after him, do not use the term 'non-cognitivism' or refer to Mill as a 'non-cognitivist,' but that Mill is a non-cognitivist seems the only reasonable interpretation of their position on his view of moral language. See also Alan Ryan, *J. S. Mill* (London, 1974), pp. 101–4.

but an imperative – 'Seek happiness' – and is not susceptible of either truth or falsity . . .[70]

Ryan's position is supported by Henry West:

Aren't there moral truths: It is wrong to kill, to steal, to deceive, to coerce, except in special circumstances? . . . According to Mill's analysis of moral language, these are disguised as statements of fact, but are more like imperatives: thou shalt not kill; thou shalt not steal, etc. They are precepts or rules, rather than statements of fact.[71]

Ryan's and West's prescriptivist reading of Mill's metaethics is based on a straightforward reading of his statements: 'morality itself is not a science, but an art; not truths, but rules'; the results of inquiry into morality 'do not express themselves in the indicative, but in the imperative mood'.[72]

Mill's non-cognitivism is based on his distinction between art and science, noted in section 3. He holds that whereas science deals in truths and facts, art deals in precepts and rules.[73] Mill holds morality to be an art, and that the language of morality is thus properly prescriptive rather than descriptive:

The language of science is, This is, or, This is not; This does, or does not, happen. The language of art is, Do this; Avoid that. Science takes cognisance of a phenomenon, and endeavours to discover its law; art proposes to itself an end, and looks out for means to effect it.[74]

Against the non-cognitivist reading of Ryan and West, Christopher Macleod argues not for a cognitivist interpretation but an agnostic one: 'I do not believe there is a safe reading of Mill's metaethics on the basis of textual

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[70] Ryan, *Philosophy*, p. 190.

[71] West, *Mill's Utilitarianism*, p. 31.

[72] J. S. Mill, *Essays on Some Unsettled Questions of Political Economy*, ed. J. Robson (Toronto, 1961–91), pp. 229–339, at 319–20; Mill, *System*, 6.12.1.

[73] Mill, *Essays*, p. 312.

[74] Mill, *Essays*, p. 312.

evidence.'[75] Macleod gives several reasons why the non-cognitivist interpretation should not be accepted.

One such reason is that ascribing non-cognitivism to Mill is anachronistic.[76] This objection might be justified if the ascription in question uses the term *non-cognitivism* with all the implications of its modern usage; Mill did not think in modern metaethical terms. It seems reasonable, however, to use current terminology for convenience. It is possible to do so in order to identify and illuminate features of philosophers' thought – even, or perhaps especially, those they may not have been fully aware of – without ascribing to them beliefs they did not have. Just as *absolute music* has explanatory power in reference to Mozart's music even though the term was coined over fifty years after his death, concepts like non-cognitivism may have explanatory power with regard to Mill's work even though he was not familiar with them.

A second objection to the proposed non-cognitivism of Mill is that Mill referred to there being 'propositions', 'premises' and 'assertions' of art.[77] Macleod suggests this indicates that Mill may have believed moral judgements to be truth-apt. However, although in Mill's view there are no rational justifications for ends, there are rational justifications for means (see sect. III); as means is the area of practical reason to which Mill holds that rational justification applies, we can presume that means is the area of practical reason in which Mill holds that facts exist.

Macleod gives the following quote as an example of Mill's reference to facts of art: 'it is true, that in the largest sense of the words, even these propositions [of art] assert something as a matter of fact.'[78] That statement does not imply cognitivism when seen in context, however. Mill precedes the statement by saying:

> Every art has one first principle, or general major premise, not borrowed from science; that which enunciates the object aimed at, and affirms it to be a desirable object . . . These are not propositions of science.

[75] Macleod, *Was Mill a Noncognitivist*, p. 214.

[76] Macleod, *Was Mill a Noncognitivist*, pp. 217–18.

[77] Macleod, *Was Mill a Noncognitivist*, p. 215.

[78] Macleod, *Was Mill a Noncognitivist*, p. 215; Mill, *System*, 6.12.5.

Propositions of science assert a matter of fact: an existence, a co-existence, a succession, or a resemblance. The propositions now spoken of do not assert that any thing is, but enjoin or recommend that something should be. They are a class by themselves. A proposition of which the predicate is expressed by the words ought or should be, is generically different from one which is expressed by is, or will be.[79]

It is here that Mill states what Macleod believes to imply cognitivism, that 'it is true, that in the largest sense of the words, even these propositions [of art] assert something as a matter of fact.' But Mill follows the statement by saying that: 'The fact affirmed in [these propositions of art] is, that the conduct recommended excites in the speaker's mind the feeling of approbation.' Thus to summarize the passage, Mill states that ends are not the proper subject of science, but of art; that propositions of art are not descriptive, but prescriptive; but that propositions about ends do have descriptive content in a very broad sense, in that they affirm the fact that the speaker has certain approbative sentiments. This is entirely in accordance with non-cognitivism and does not support a cognitivist reading of Mill.

Macleod also argues against Mill's non-cognitivism from the lack of motivation. He claims that non-cognitivism is a solution to problems that Mill didn't face: 'So, when Mill gives details of the motivations for drawing a distinction between art and science, they are not motivations for a noncognitivist position. Issues of queerness, motivational deficiency, and epistemic contact with the moral never arise.'[80] It is true that Mill does not discuss these issues as motivations for his distinctions between art and science, but they are nevertheless issues of great importance to Mill, and it is thus possible that they underlie his non-cognitivism. Mill discusses motivational problems at length as I have shown above (see section 3; chapter 3 of *Utilitarianism* is devoted to this topic), he discusses moral sense theory,[81] and he discusses moral queerness. Mill states for example that there is a

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[79] Mill, *System*, 6.12.5.

[80] Macleod, *Was Mill a Noncognitivist*, p. 216.

[81] Mill, *Utilitarianism*, 1.3.

sort of mystical character which, by a tendency of the human mind of which there are many other examples, is apt to be attributed to the idea of moral obligation, and which leads people to believe that the idea cannot possibly attach itself to any other objects than those which, by a supposed mysterious law, are found in our present experience to excite it.[82]

Roger Crisp writes that:

Mill was an empiricist, who believed that our understanding of the world must be based ultimately entirely on the evidence of our senses. That is why he is so contemptuous of the moral sense view. The moral sense would have to be quite unlike any of the other senses, which have physical correlates.[83]

And as mentioned, Mill also argues against the position of a 'person who sees in moral obligation a transcendental fact, an objective reality belonging to the province of "things in themselves."'[84] Mill thus does address 'issues of queerness, motivational deficiency, and epistemic contact', and this seems sufficient to motivate a non-cognitivist position on his part.

There is, then, good reason to think that Mill is a non-cognitivist, and thus not a moral realist. His non-cognitivism is compatible with a Humean constructivist view.

§6 Mill's argument from desire

Mill's argument from desire for happiness as the only good has been subject to what one philosopher describes as 'justified universal execration'.[85] This view is based on the understanding that Mill is a realist about happiness as a value, but fails to justify that realism.[86]

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[82] Mill, *Utilitarianism*, 3.4.

[83] Crisp, *Mill on Utilitarianism*, p. 69.

[84] Mill, *Utilitarianism*, 3.6.

[85] Anthony Quinton, *Utilitarian Ethics*, 2nd edn. (London, 1989), p. 64.

[86] Korsgaard, *Sources*, pp. 51, 78; Skorupski, *John Stuart Mill*, p. 289; West, *Mill's Utilitarianism*, p. 32.

I suggest that Mill does not fail to justify realism about the value of happiness, because he does not try; rather, Mill is a constructivist about value. Mill's argument is strong under a Humean constructivist reading, and this reading makes more sense of his position than the common view that he argues for realism and fails.

I do not argue that it is decisive that Mill is committed to a constructivist view of value; as with most aspects of Mill's metaethics there is a significant degree of ambiguity and even obscurity. I will argue though that there are good reasons for a constructivist reading of Mill, and that such a reading makes sense of otherwise problematic aspects of his argument.

That Mill has a constructivist view of value makes his theory compatible with Humean constructivism, but does not commit him to it, though his view that desire is the basis of value is in keeping with a Humean approach. For brevity I will not repeat the qualifications expressed here, but would ask that the reader keep them in mind.

Mill's argument for utilitarianism involves three primary claims:

1. The **Hedonic Psychological Claim**: People solely value
   happiness for its own sake.

2. The **Hedonic Metaphysical Claim**: Happiness is the sole
   good.
   (Corollary: A right act is one which promotes happiness.)

3. The **Utilitarian Normative Claim**: Moral agents should act
   to promote happiness and reduce suffering.[87]

Mill bases the *utilitarian normative claim* on the *hedonic metaphysical claim*, a move which is unproblematic. However, he bases the *hedonic metaphysical claim* on the *hedonic psychological claim*, a move which appears very problematic. An

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[87] These three claims do not represent the whole of Mill's argument, omitting most importantly the aggregation premise – that as each person's happiness is a good to that person the general happiness is a good to the aggregate of persons (Mill, *Utilitarianism*, 4.3), which is not relevant to my purposes here. For formulations of the complete argument see Brink, *Mill*, sect. 2.11, and Quinton, *Utilitarian Ethics*, pp. 59–60.

examination of Mill's argument indicates that he had something very much like Humean constructivism in mind, and, if so, the problem is resolved.[88]

Mill sums up utilitarianism succinctly: 'The creed which accepts as the foundation of morals "utility" or the "greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness.'[89] This is a metaphysical claim, as it states that rightness exists and is equivalent to happiness-promotion. It is reasonable to assume that some positive practical reasons are implied by the existence of actions that are right and some negative practical reasons by the existence of actions that are wrong. If so, the statement can be reformulated as 'Moral agents should act to promote happiness and to reduce unhappiness', which is the *utilitarian normative claim*.

While Mill's definition of the principle of utility is both metaphysical and normative, Mill founds it on a strictly metaphysical basis:

> [T]he theory of life on which this theory of morality is grounded [is] that pleasure and freedom from pain are the only things desirable as ends; and that all desirable things . . . are desirable either for pleasure inherent in themselves or as means to the promotion of pleasure and the prevention of pain.[90]

This is a statement of the hedonic metaphysical claim. Mill bases the hedonic metaphysical claim on the hedonic psychological claim:

> [T]he sole evidence it is possible to produce that anything is desirable is that people do actually desire it . . . No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness . . . we have not only all the proof which the case admits of, but all which it is possible to require that happiness is a good: that each person's happiness is a good

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[88] I am leaving aside the question of whether the *hedonic psychological claim* is true.

[89] Mill, *Utilitarianism*, 2.2.

[90] Mill, *Utilitarianism*, 2.2.

to that person, and the general happiness, therefore, a good to the aggregate of all persons.[91]

Mill thus bases the *utilitarian normative claim* on the *hedonic metaphysical claim*, which in turn is based on the *hedonic psychological claim*. The latter, highly problematic step is the one with which I am concerned. Mill's argument that happiness is desirable because people desire it is, on the face of it, very poor (as famously criticized by Moore).[92] The word 'desirable' does have a sense in which it means simply 'capable of arousing desire', and in this sense if a person desires something it is desirable by definition. This does not seem to be the sense that Mill has in mind, though, as it does not follow from this sense of 'desirable' that what is desired is good. It is usually assumed that Mill has in mind the other sense of 'desirable', meaning, as Moore put it, 'what *ought* to be desired'.[93] But surely we cannot conclude what people ought to desire from what they do desire. Mill's *hedonic psychological claim* therefore appears incapable of supporting his *hedonic metaphysical claim*.

Mill's argument for the *hedonic metaphysical claim* is, however, strong if interpreted under a Humean constructivist view. Under Humean constructivism there are no values independent of the practical point of view, so any statement that something is valuable can only mean that it is valued within a practical point of view. Thus under Humean constructivism to say that *X* is valuable means only that *X* is valuable to some person or persons. There is no such thing as something that *ought* to be valued. Likewise under Humean constructivism to say that *X* is desirable means only that *X* is desirable to some person or persons. There is no such thing as something that *ought* to be desired. As Street puts it, 'Things are valuable ultimately because we value them.'[94] Likewise, things are desirable only because we desire them.

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[91] Mill, *Utilitarianism*, 4.3.

[92] G. E. Moore, *Principia Ethica* (Cambridge, 1903/1948), pp. 66–7.

[93] Moore, *Principia*, p. 67.

[94] Street, 'What is Constructivism,' p. 40; see also Sharon Street, 'Constructivism about Reasons,' *Oxford Studies in Metaethics*, vol. 3, ed. R. Shafer-Landau (Oxford, 2008), pp. 207–45.

This is in fact what Mill's argument states. Here is the argument again with implications of the negative thesis – that there are no objective goods – in bold.

> **[T]he sole evidence it is possible to produce that anything is desirable is that people do actually desire it**. If the end which the utilitarian doctrine proposes to itself were not, in theory and practice acknowledged to be an end, nothing could ever convince any person that it was so. **No reason can be given why the general happiness is desirable, except** that each person, so far as he believes it to be attainable, desires his own happiness . . . **we have not only all the proof which the case admits of, but all which it is possible to require** that happiness is a good: **that each person's happiness is a good** *to that person*, and the general happiness, therefore, a good to the aggregate of all persons.

I have added italics to highlight the important point that Mill claims not to have shown that happiness is an absolute or objective good, but only that each person's happiness is a good to that person.[95] I have included in this version of the quote the sentence 'If the end which the utilitarian doctrine proposes to itself were not, in theory and practice acknowledged to be an end, nothing could ever convince any person that it was so', commonly ignored in discussions of Mill's argument, which refers to Mill's view that ends are not subject to proof and again strongly implies a constructivist, not a realist, view of value.

A Humean constructivist interpretation of Mill's metaphysical premise renders an otherwise very weak argument coherent, as under a Humean constructivist view the *hedonic psychological claim* entails the *hedonic metaphysical claim*, which describes a practical point of view. That practical point of view entails utilitarian practical reasons, the *utilitarian normative claim*.

Although under Humean constructivism the practical point of view is contingently given, Mill's *hedonic psychological claim*, if true, represents a

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[95] The problematic aggregation premise does not follow easily from this reading, but does not follow easily from any other reading I know of either. It is not possible to discuss possible solutions here, but a Humean constructivist reading doesn't hang on the aggregation premise; a Humean constructivist reading, like some other views, can hold that Mill is simply wrong that happiness is aggregative.

characteristic of people in general – a robust species-wide regularity – which entails utilitarian practical reasons for practically all people, particularly under Mill's social-instinct and Hobbesian arguments discussed in section 4, in which all people have an interest in promoting a society which treats interests equally. Mill's *hedonic psychological claim* is an empirical claim that may be true or false; it is not possible to discuss that here. But if the premise is true, under a Humean constructivist reading his argument for utilitarianism is strong. A Humean constructivist reading of Mill is thus an attractive alternative to the common view that he holds a realist view of value which he badly fails to justify.

A realist interpretation of Mill's argument might hold that he does not see the desirable as being entailed by desiring, but rather, sees desiring as the only kind of evidence for the desirable, which has its status independently of what people desire or value. There is an indication that this is Mill's view at the beginning of the chapter:

> It has already been remarked that questions of ultimate ends do not admit of proof, in the ordinary acceptation of the term. To be incapable of proof by reasoning is common to all first principles, to the first premises of our knowledge, as well as to those of our conduct. But the former, being matters of fact, may be the subject of a direct appeal to the faculties which judge of fact – namely, our sense and our internal consciousness. Can an appeal be made to the same faculties on questions of practical ends? Or by what other faculty is cognizance taken of them?[96]

We might think then that Mill believes that there is some sense by which we can apprehend whether something is an ultimate end, and this sense is our desire.

However, Mill does not go on to say anything about a desirability that exists independently of people's desires. Although it is possible that Mill had an argument that desire is a guide to what is desirable but that desirability is not constituted by desiring, he makes no such argument. I believe charity requires that we assume that had Mill believed in such a realm of the desirable, one independent from people's desires, he would have mentioned it. If we take what

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[96] Mill, *Utilitarianism*, 4.1.

Mill does say, rather than what he doesn't, we seem to have a constructivist view of value.[97]

Another possible argument against a constructivist reading of Mill's theory of value is that in chapter 2 of *Utilitarianism* he accepts that people's desires can go astray.[98] If desires can go astray, it would seem that the desirable cannot only be that which is desired. However, the manner in which they go astray, Mill believes, is in valuing pleasures of lower quality over pleasures of higher quality. The reason for his judgement that the higher pleasures are of higher quality is that they are desired more by those familiar with them; Mill believes that no one who has experienced both kinds of pleasures prefers the lower.[99] That there is something amiss in a person's preferring a lower desire to a higher one lies then, for Mill, only *within* the person's desire for pleasure: in preferring the lower desire she is pursuing pleasure of lower quality than can be attained elsewhere.[100] The person thus holds a false relevant belief, that a lower desire gives more pleasure than a higher one. (Practical irrationality through false belief is a possibility pointed out by Hume himself.[101]) There is here no indication of any value lying beyond what people desire, and thus the practical irrationality Mill describes is in keeping with a constructivist interpretation.[102]

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[97] This view means that Mill's comment that desire is the sole evidence for desirability in the way that seeing something is the only evidence for visibility and hearing something the only evidence for audibility is a mistake if taken as an exact parallel (Mill, *Utilitarianism*, 4.3). But the analogy is commonly taken not to be intended as an exact parallel (Crisp, *Mill on Utilitarianism*, p. 75; West, *Mill's Utilitarianism*, p. 78).

[98] Mill, *Utilitarianism*, 2.7.

[99] Mill, *Utilitarianism*, 2.6.

[100] Mill, *Utilitarianism*, 2.6, 2.8.

[101] David Hume, *A Treatise of Human Nature* (Oxford, 1740/1978), p. 463. There is a useful discussion of Hume's view in Richard Joyce, 'Irrealism and the Genealogy of Morals,' *Ratio* 26.4 (2013), pp. 351–72.

[102] This view in which a person's practical rationality lies in valuing what she would value (or want herself to value) if she was better informed is reminiscent of the views of Peter Railton ('Moral Realism,' *The Philosophical Review'* 95.2 (1986), pp. 163–207) and Michael Smith (*The Moral Problem* (Malden, 1994)).

§7 An objection considered

John Skorupski argues against interpreting Mill as a Humean about practical reason. Skorupski's reason for this is as follows:

> It is, as [Mill] points out, no part of his argument that every action flows ultimately from a desire. So one must not read Humean conceptions of practical reasoning into Mill. We can will against inclination; 'instead of will the thing because we desire it, we often desire it only because we will it' [U IV.11]. That point Mill fully concedes to his Kantian friends. He recognizes the existence of purely conscientious action, flowing not from any unmotivated desire but from acceptance of duty.[103]

This is highly questionable, if the Kantian approach to practical reasoning holds that actions can be motivated by pure reason regardless of agents' background desires, and the Humean approach holds in contrast 'that such rational principles never have a primary role to play in the explanation of motivation of the fixing of our ends . . . never explaining the original formation of motivation'.[104] Mill's discussion of will and desire fits the Humean approach thus described, not the Kantian one.

Mill does say that 'Will, the active phenomenon, is a different thing from desire, the state of passive sensibility.'[105] However, Mill's conception of will is not Kantian, as he immediately makes clear: 'This, however, is but an instance of that familiar fact, the power of habit.' He goes on to explain that desire is the original motive of all actions, but that once habits are ingrained behaviours continue after their originating desires have faded. Thus the distinction between will and desire

> consists only in this – that will, like all other parts of our constitution, is amenable to habit, and that we may will from habit what we no longer desire for itself, or desire only because we will it. *It is not the less true that will, in the beginning, is entirely produced by desire*.[106]

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[103] Skorupski, *John Stuart Mill*, p. 14; see also p. 295.
[104] R. Jay Wallace, *Normativity and the Will* (Oxford, 2006), p. 16.
[105] Mill, *Utilitarianism*, 4.11.
[106] Mill, *Utilitarianism*, 4.11; my emphasis.

Thus 'Will is the child of desire, and passes out of the dominion of its parent only to come under that of habit.'[107] The view that actions can be caused by either desire or habit does not entail a Kantian view of 'the existence of purely conscientious action, flowing not from any unmotivated desire but from acceptance of duty'; and the observation that some actions, originally motivated by desire, come to be performed by sheer force of habit doesn't sufficiently contradict the Humean view to be regarded as non-Humean. Humean views of practical reason hold that 'there are two *main* kinds of psychological state', belief and desire, but not that those are the only kinds of psychological state; there is no obvious reason why Mill's conception of habitual action as an aspect of will cannot be incorporated into a Humean view.[108]

Finally, Mill makes clear that he accepts the Humean view in his example of a person who has not developed virtue as a habit or in whom the habit is weak: 'How can the will to be virtuous, where it does not exist in sufficient force, be implanted or awakened? Only by making the person *desire* virtue – by making him think of it in a pleasurable light, or of its absence in a painful one.'[109] Thus Mill's distinction between will and desire is compatible with a Humean approach to practical reason.

§8 Conclusion

Mill is, then, not a moral realist and does not believe in external or robust obligations. Mill rejects the possibility of proof for moral theory, sees no reasons for a person adopting utilitarianism other than a person's contingently given values and the approbation, censure, reward or punishment she is subject to by others, and thinks that moral judgements cannot properly be factual. Mill nevertheless promotes utilitarianism as a practical theory on the basis that people generally have benevolent sentiments and desire happiness. This seems a very slim basis indeed for the *utilitarian normative claim*. Under a Humean constructivist interpretation, however, Mill's theory is robust. Mill appeals to the practical points of view of his readers, which he believes to involve a desire for

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[107] Mill, *Utilitarianism*, 4.11.
[108] Smith, *Moral Problem*, p. 7; my emphasis.
[109] Mill, *Utilitarianism*, 4.11; Mill's emphasis.

happiness and, generally, a concern for the happiness of others. This practical point of view entails utilitarian practical reasons for practically all people, and also entails reason to support the cultivation of the utilitarian practical point of view through reward, sanction, cultivation and education. A Humean constructivist reading of Mill's utilitarian theory is thus reasonable and presents the theory in a strong and coherent form.[110]