

THOROUGHLY MODERN MILL

Roger Scruton

*A utilitarian who became a liberal,
but never understood the limits of reason.*

May 20 sees the 200th anniversary of the birth of John Stuart Mill, the greatest exponent of 19th-century liberalism, whose philosophy still dominates jurisprudence in the English-speaking world. Mill was a many-faceted intellectual who wrote on all aspects of philosophy, on law and morals, on political economy, and on poetry and the arts. His home-schooling at the hands of his father, the economist and historian James Mill, was a model of rigor, causing him to read and write Greek aged 6, to master Latin

aged 9, and to have acquired a thorough grounding in history and mathematics aged 10, when he began work on a history of Roman government. Mill later developed a taste for poetry, acquired a perfect knowledge of French, and, despite his agnostic upbringing, read deeply in the Bible, which he believed to be one of the two Great Books, the other being Homer.

Mill was never a member of a university, but devoted his life to self-education while holding lucrative posts at the India Office. He suffered a serious nervous breakdown in 1836. This breakdown, described in Mill's remarkable *Autobiography*, was in part a response to the hard-headed utilitarianism of his father and his circle of "Philosophical Radicals." The cost-benefit morality that James Mill had inherited from Jeremy Bentham, and which he had instilled into his son, left Mill bereft of all emotional succor.

Utilitarianism ("that action is right which promotes the greatest happiness of the greatest number") was a philosophy of the head which seemed to make no room for the heart. Mill recovered through reading Wordsworth, found consolation with Harriet Taylor, the wife of a tolerant gentleman who no doubt had good grounds for trusting in his wife's chastity, and subsequently married the widowed Mrs. Taylor to continue in an apparently sexless union.

Mill's rebellion against utilitarianism did not prevent him from writing a qualified defense of it, and his *Utilitarianism* is acknowledged today as one of the few readable accounts of a moral disorder that would have died out two centuries ago, had people not discovered that the utilitarian can excuse every crime. Lenin and Hitler were pious utilitarians, as were Stalin and Mao, as are most members of the Mafia. As Mill recognized, the "greatest happiness principle" must be qualified by some guarantee of individual rights, if it is not to excuse the tyrant. In response to his own waver- ing discipleship, therefore, he wrote *On Liberty*, perhaps his most influential, though by no means his best, production. At the time, Benthamite ways of thinking were influencing jurisprudence, and arguments based on the "general good" and the "good of society" appealed to the conservative imagination of the Victorian middle classes. It seemed right to control the forms of public worship, to forbid the expression of heretical opinions, or to criminalize adultery, for the sake of a "public morality" which exists for the general good. If individual freedom suffers, then that, according to the utilitarians, is the price we must pay.

According to Mill's argument, that way of thinking has everything

upside down. The law does not exist to uphold majority morality against the individual, but to protect the individual against tyranny—including the “tyranny of the majority.” Of course, if the exercise of individual freedom threatens harm to others, it is legitimate to curtail it—for in such circumstances one person’s gain in freedom is another person’s loss of it. But when there is no proof of harm to another, the law must protect the individual’s right to act and speak as he chooses.


This principle has a profound significance: It is saying that the purpose of law is not to uphold the will of the majority, or to impose the will of the sovereign, but to protect the will of the individual. It is the legal expression of the “sovereignty of the individual.” The problem lies in the concept of harm. How can I prove that one person’s action does not harm another? How can I prove, for example, that other people are not harmed by my public criticism of their religious beliefs—beliefs on which they depend for their peace of mind and emotional stability? How can I prove that consensual sex between two adults leaves the rest of us unaffected, when so much of life’s meaning seems to rest on the assumption of shared sexual norms? These questions are as significant for us as they were for Mill; the difference is that radical Islam has now replaced Scottish Puritanism as the enemy of liberal values.

Mill’s defense of liberty, which was enunciated with great force and seeming clarity, soon followed the path taken by his defense of utilitarianism, and died the death of a thousand qualifications. On Liberty sees individual freedom as the aim of government, whose business is to reconcile one person’s freedom with his neighbor’s. The *Principles of Political Economy* by contrast, while pretending to be a popular exposition of Adam Smith, accords extensive powers of social engineering to the state, and develops a socialist vision of the economy, with a constitutional role for trade unions, and extensive provisions for social security and welfare. The book is, in fact, a concealed socialist tract. While *On Liberty* belongs to the 18th-century tradition that we know as classical liberalism, *Principles of Political Economy* is an example of liberalism in its more modern sense.

Mill’s hostility to privilege, to landed property, and to inheritance of property had implications which he seemed unwilling or unable to work out. His argument that all property should be confiscated by the state on death, and redistributed according to its own greater

wisdom, has the implication that the state, rather than the family, is to be treated as the basic unit of society—the true arbiter of our destiny, and the thing to which everything is owed. The argument makes all property a temporary lease from the state, and also ensures that the state is the greatest spender, and the one least bound by the sense of responsibility to heirs and neighbors. It is, in short, a recipe for the disaster that we have seen in the communist and socialist systems, and it is a sign of Mill’s failure of imagination that, unlike Smith, he did not foresee the likely results of his favored policies.

Taking *On Liberty* and *Principles of Political Economy* together we find, in fact, a premonition of much that conservatives object to in the modern liberal worldview. The “harm” doctrine of *On Liberty* has been used again and again to subvert those aspects of law which are founded not in policy but in our inherited sense of the sacred and the prohibited. Hence this doctrine has made it impossible for the law to protect the core institutions of society, namely marriage and the family, from the sexual predators. Meanwhile, the statist morality of *Principles of Political Economy* has flowed into the moral vacuum, so that the very same law that refuses to intervene to protect children from pornography will insist that every aspect of our lives be governed by regulations that put the state in charge.

Mill famously referred to the Conservative Party as “the stupider party,” he being, from 1865, a member of Parliament in the Liberal interest. And no doubt the average Tory MP was no match for the brain that had conceived the *System of Logic*—an enduring classic and Mill’s greatest achievement. Yet Mill suffered from the same defect as his father. He never understood that wisdom is deeper and rarer than rational thought. He never understood that the intellect, which flies so easily to its conclusions, relies on something else for its premises. Those conservatives who upheld what Mill called “the despotism of custom” against the “experiments in living” advocated in *On Liberty* were not stupid simply because they recognized the limits of the human intellect. They were, on the contrary, aware that freedom and custom are mutually dependent, and that to free oneself from moral norms is to surrender to the state. For only the state can manage the ensuing disaster. 

MORTIMER ADLER'S CRITIQUE OF JOHN STUART MILL'S UTILITARIANISM

The main trouble with utilitarianism is not the principle of utility itself, for that must govern any moral thinking that is done in terms of ends and means. Any teleological ethics, such as that of common sense, is utilitarian or pragmatic in its employment of the principle of utility in appraising the goodness of means. The trouble with utilitarianism is that it is a teleological ethics with not one but two ultimate ends, and the two cannot be reconciled to each other or fused into a single overarching goal that can be the object of one primary moral obligation.

By consulting the actual desires of men, Mill concludes that everyone seeks his own happiness. Let us waive for the moment the error of identifying the happiness made up of the things an individual happens to want with the happiness constituted by the real and common goods every man ought to seek. Still using happiness to signify the sum total of satisfactions experienced by the individual who gets whatever he wants for himself, Mill then tries to substitute the general happiness or the greatest good of the greatest number for individual happiness as the ultimate goal.

Having first said, as a matter of fact, that each man desires his own happiness, conceived by him in terms of his own wants, Mill then shifts to saying that the ultimate standard or objective, in accordance with which the principle of utility should be applied, is "not the agent's own greatest happiness, but the greatest amount of happiness altogether."

With regard to the individual's own happiness, Mill sees no need to argue for it as the ultimate end, since in fact all men do desire it. But when he comes to the "general happiness," Mill finds it impossible to say that, as a matter of fact, everyone desires this as his ultimate end. He considers the man who says to himself, "I feel that I am bound not to rob or murder, betray or steal, but 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?"

Does Mill have an answer to this question, a question that would be asked by anyone who regarded his own individual happiness as his ultimate end? Answer it Mill must try to do, since he has employed the fact that all men do desire their individual happiness for its own sake and for nothing beyond itself, in order to establish

happiness as the ultimate end that men do seek. He cannot dismiss this question lightly.

Coming from one of the world's most eminent logicians, the answer Mill gives is a model of sophistry. It runs as follows: "No reason can be given why the general happiness is desirable [note: "desirable," not "desired"] except that each person, so far as he believes it to be attainable, desires his own happiness [note: "his own happiness" is what each person desires, not the "general happiness"]. This, however, being a fact, 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 [granted]; that each person's happiness is a good to that person [granted, and more, it is his ultimate good]; and the general happiness, therefore [does "therefore" signify a valid logical sequitur?] a good to the aggregate of persons."

Not only is this plainly a non sequitur, as a matter of logic; it is also meaningless as a matter of fact, for even though an aggregate of persons may, as collectively organized, have a collective goal, it is not the object of their individual desires, nor can it be distributively identified with the diverse individual goals each seeks for himself.

In addition to suffering from the serious defect of its failure to distinguish between natural needs and conscious desires, and between real and apparent goods, utilitarianism is fatally hung up by positing two ultimate ends. The teleological and utilitarian ethics of common sense has only one basic normative principle, only one ultimate end, and only one primary moral obligation; and precisely because that one end, the *totum bonum* which is the same for all men, is a common good, and not the greatest good for the greatest number, common sense is able to pass from the obligations an individual has in the conduct of his own life, aiming at happiness, to the obligations he has in his conduct toward others, who are also aiming at the same happiness he seeks for himself.

The two ends that Mill fails properly to relate to one another can be properly related only when they are seen as, respectively, the ultimate end of the individual and the ultimate end of the state or political community. The ultimate end of the individual is only and always his own happiness (the *totum bonum commune hominis*). The ultimate end of the state or political community is the happiness of all its members—not the greatest good for the greatest number, but the general (or better, common) happiness that is the same for all men. Only the state can act for this end effectively and directly; the individual cannot. The individual is under the negative

obligation not to interfere with or impair the pursuit of happiness by his fellow men; his only positive obligation toward them calls for conduct that indirectly promotes their pursuit of happiness by directly serving the good of the political community itself (the *bonum commune communitatis*), which is prerequisite to the state's functioning as a means to the "general happiness"—the ultimate good of all its individual members.

The happiness of the individual and the general happiness are both ends and both ultimate. This by itself creates no problem when their relationship is handled as Aristotle handled it. But Mill made an insoluble problem of it for himself by treating both ends as ultimate ends for one and the same agent—the individual.

The ethics of common sense, unlike either the deontological ethics of Kant or the utilitarianism of John Stuart Mill and some of his followers, is not an ethics that lays down rules of conduct by which a wide variety of particular acts can be judged good or bad, right or wrong; instead it is an ethics that judges particular acts mainly by reference to the moral quality of the habit or disposition that they manifest.

Given a man of good moral character, one who is disposed to seek everything that is really good for himself and to choose whatever means serve this end, any act he performs in accordance with his character tends to be a good act. Such a man can act badly only by acting out of character or against his character, and if by repetition of such acts, his habit or disposition itself is changed, he can become a man of bad moral character and thereby fail to achieve what is really good for himself. 📖



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