

UTILITARIANISM

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Introduction

The standard account of the origin of utilitarianism¹ is derived from Leslie Stephen, who argued that the doctrine developed from the rejection by John Locke (1632–1704) of innate ideas and his identification of good and evil with pleasure and pain respectively. Stephen identified two strands of utilitarianism. One strand was ‘theological utilitarianism’,² propounded by a ‘school’ of moral philosophers, most famously represented by William Paley (1743–1805), which held that what was useful or expedient, and hence virtuous, was what accorded with God’s will, and thereby attached a religious sanction to utilitarian moral behaviour. If men were virtuous, that is, promoted the happiness of the community and hence did God’s will, they would be rewarded in an afterlife with the pleasures of heaven, but if they were vicious, they would suffer the pains of hell. The other strand was developed by David Hume (1711–1776) and borrowed in essentials by Jeremy Bentham (1748–1832), and aimed to formulate a ‘scientific’ system of morality. The foundation of ethics was laid in an objective human psychology, which was common to all men and would motivate them in the same way, all other circumstances being equal. Taking Bentham and Paley as the representative thinkers of the two strands, Stephen remarked: ‘The relation ... of Bentham’s

¹ The term ‘utilitarian’ was coined by Jeremy Bentham in 1781 (see *The Correspondence of Jeremy Bentham. Volume 3: January 1781 to October 1788*, I.R. Christie (ed.) (London: Athlone, 1971), 57), while ‘utilitarianism’ did not appear until the 1830s. The doctrine was otherwise referred to as that of ‘utility’ or ‘expediency’.

² The term itself appears to have first appeared in W.E.H. Lecky, *History of European Morals from Augustus to Charlemagne*, 2 vols. (London: Longmans, Green, and Co., 1869), i. pp. xi, xii.

ethical doctrines to Paley's may be expressed by saying that Bentham is Paley *minus* a belief in hell-fire.'³

While stripping away the unnecessary theological trappings that characterized Paley's system, Bentham, argued Stephen, did not make any significant contribution to the development of ethics.⁴ Stephen's view was substantially endorsed by Ernest Albee, who noted that 'Bentham contributed almost nothing of importance to Ethics, considered strictly as such'.⁵ Both Stephen and Albee regarded Hume as the most prominent exponent of utilitarian moral theory in the eighteenth century. The subtlety of Hume's arguments was lost on Paley and Bentham, and it was left to John Stuart Mill (1806–73) to further the development of the doctrine along the lines suggested by Hume.⁶ Stephen's and Albee's interpretations retain considerable value in identifying Locke as the inspiration for utilitarianism, and in dividing it into a theological and a scientific—or, perhaps more expressively, a naturalistic—strand. Less convincing, however, is the assimilation of Hume to the utilitarian tradition and the belittling of Bentham's originality, both in terms of his positive contribution to the philosophy of utilitarianism and his rejection of a religious basis for morals and legislation. In the nineteenth century, the most important theoretical developments in the doctrine were associated with proponents of the secular, Benthamite school, though the question of whether there could be a moral universe without the existence of God returned to prominence in the work of Henry Sidgwick (1838–1900), who, following Bentham and John Stuart Mill, was the third of the great classical utilitarians.

Locke's Essay concerning Human Understanding

³ L. Stephen, *History of English Thought in the Eighteenth Century*, 2 vols. (London: Smith, Elder, & Co., 1876), ii. 125.

⁴ L. Stephen, *The English Utilitarians*, 3 vols. (London: Duckworth, 1900), i. 236.

⁵ E. Albee, *A History of English Utilitarianism* (London: Swan Sonnenschein, 1902), 165, 190.

⁶ Stephen, *English Thought*, ii. 92–3; Albee, *English Utilitarianism*, 78 n., 110–12.

Locke's *Essay concerning Human Understanding* (1689) contained the main elements that would coalesce into utilitarianism, though he did not present them in a systematic form. There are three key passages. In the first (Bk. II, Ch. VII), Locke described the way in which pleasure and pain accompanied 'almost all our *Ideas*, both of Sensation and Reflection'. Satisfaction, delight, or happiness on the one side, or uneasiness, trouble, torment, anguish, or misery on the other, were terms that merely represented 'different degrees of the same thing, and belong to the *Ideas of Pleasure and Pain, Delight or Uneasiness*'. Pleasure and pain, moreover, were the motives that God had provided not only to encourage us to pursue some actions and avoid others, but also to think about some subjects rather than others. Without this connection between 'our outward Sensations, and inward Thoughts' on the one hand, and pain and pleasure on the other, we would 'neither stir our Bodies, nor employ our Minds'.⁷ In the second passage (Bk. II, Ch. XX), having noted that pleasure and pain were 'simple *Ideas*', which could not be described or defined, but only known by experience, he went on to make the crucial point that good and evil were respectively the equivalent of pleasure and pain: 'That we call *Good*, which is apt to cause or increase Pleasure, or diminish pain in us; or else to procure, or preserve us the possession of any other Good, or absence of any Evil', while evil was that which 'is apt to produce or increase any Pain, or diminish any Pleasure in us; or else to procure us any Evil, or deprive us of any Good'.⁸ In the third passage (Bk. II, Ch. XXVIII), Locke explained that there were three laws by which the 'Rectitude' or 'Obliquity' of actions were judged, namely the divine law, the civil law, and the law of opinion or reputation. The divine law, given by God, was known either through 'the light of Nature, or the voice of Revelation'. The divine law was 'the only true touchstone of *moral Rectitude*', and it was according to this standard that actions were judged morally good or

⁷ J. Locke, *An Essay concerning Human Understanding*, P.H. Nidditch (ed.), (Oxford: Clarendon, 1975), 128–9.

⁸ *Ibid.*, 229–31.

evil. God not only had ‘Goodness and Wisdom to direct our Actions to that which is best’, but also ‘Power to enforce it by Rewards and Punishments, of infinite weight and duration, in another Life’.⁹ The civil law, laid down by the state, with the purpose of protecting life, liberty, and property, was the standard by which to judge whether actions were criminal or not, and was enforced by rewards and punishments administered by the state. The law of opinion or reputation was the standard by which to judge whether actions were virtuous or vicious, terms used to designate actions that were respectively praised (or liked) and blamed (or disliked) in any particular society, and were only right or wrong in so far as they coincided with the dictates of the divine law.¹⁰ With both human motivation and notions of good and evil made essentially dependent on pleasure and pain, the psychological and ethical foundations had been laid for scientific or secular utilitarianism. Add to this the view that God was the source of moral rules and moral obligation, and the foundations had been laid for theological utilitarianism.

Theological Utilitarianism

The earliest systematic presentation of the utilitarian doctrine appeared in 1731 in an anonymous essay written by John Gay (1699–1745), which appeared as a preface to Edmund Law’s English translation of William King’s *An Essay on the Origin of Evil* (first published in Latin in 1702). Gay was concerned with two questions that dominated eighteenth-century moral philosophy: first, what was the criterion of virtue; and second, given that men had free will, what was the source of the obligation to practise virtue.¹¹ Drawing heavily on Locke, his main purpose was to refute the moral sense theory of Francis Hutcheson (1694–1746), on the grounds that there was no evidence that such a moral sense existed and that the notion was

⁹ Ibid., 352.

¹⁰ Ibid., 352–4.

¹¹ See [J. Gay], ‘Preliminary Dissertation. Concerning the Fundamental Principle of Morality’, in William King, *An Essay on the Origin of Evil* (London: W. Thurlbourn, 1731), pp. xi–xxxiii.

difficult to distinguish from the doctrine of innate ideas. Without any conscious aim of doing so, Gay inaugurated a new departure in moral philosophy. He began with the monist claim characteristic of utilitarianism, namely that there was a single criterion of virtue, even though moralists had given it different names, such as acting agreeably to nature or reason, the fitness of things, conformity to truth, promoting the common good, and the will of God. Hence, ‘the true Principle of all our Actions’ was not a moral sense, but ‘our own *Happiness*’.¹²

Gay explained that virtue consisted in ‘*Conformity to a Rule of Life, directing the Actions of all rational Creatures with respect to each other’s Happiness*’, that we were obliged to conform our actions to this rule, and that a person who did conform would or ought to receive esteem or approval. The three central elements of virtue, therefore, were that the action should concern others, it should be obligatory, and, if performed, would or should lead to praise.¹³ Obligation arose when an agent was in such a position that, in order to be happy, he needed to perform some particular action. This meant that obligation was ‘founded upon the prospect of *Happiness*, and arises from that necessary Influence which any Action has upon present or future Happiness or Misery’. There were four sources from which obligation might arise: first, from ‘the fix’d Laws of Nature’, which was natural obligation; second, from the esteem and favour or disesteem and disfavour of our fellows, which was virtuous obligation; third, from the authority of the civil magistrate, which was civil obligation; and fourth, from the authority of God, which was religious obligation. The only ‘full and complete Obligation’ was that which arose from the authority of God, and ‘since we are *always* obliged to that conformity call’d Virtue, it is evident that the immediate Rule or

¹² Ibid., pp. xi–xiv.

¹³ Ibid., pp. xvii–xviii.

Criterion of it is the Will of God', at least insofar as that will concerned one's behaviour towards one's fellow-creatures. What, then, was the will of God?

Now it is evident from the Nature of God, *viz.* his being infinitely happy in himself from all Eternity, and from his Goodness manifested in his Works, that he could have no other Design in creating Mankind than *their* Happiness; and therefore he wills their Happiness

Since the will of God was the immediate criterion of virtue, and the criterion of the will of God was the happiness of mankind, then the happiness of mankind was the criterion of virtue at one remove.¹⁴ Gay argued that the only thing that man pursued for its own sake was pleasure, and things that produced pleasure were termed good and met with approval, while things that produced misery were termed evil and met with disapproval. From reflecting on pleasure and pain, there arose respectively a desire for pleasure and an aversion to pain, which led in turn to love and hatred, and thence to all the passions or affections.¹⁵ In a parenthesis, Gay noted that, by happiness, was 'meant the sum total of Pleasure'.¹⁶ By equating the happiness and good of mankind with pleasure, and misery and evil with pain, by claiming that there was no other basis for morality, and by introducing the element of calculation, Gay's position was recognizably utilitarian.

A number of writers, many of whom were theologians associated with the University of Cambridge, developed Gay's position in the mid-eighteenth century,¹⁷ but it was the publication in 1785 of William Paley's *Principles of Moral and Political Philosophy*, which remained the Cambridge textbook on the subject for fifty years, that saw utilitarianism enter

¹⁴ *Ibid.*, pp. xviii–xix.

¹⁵ *Ibid.*, pp. xxii–xxiii.

¹⁶ *Ibid.*, p. xxiii.

¹⁷ For the emergence of utilitarianism as an ethical doctrine congenial to the latitudinarianism that became prominent among theologians in the University of Cambridge in the mid-eighteenth century see J. Gascoigne, *Cambridge in the age of the Enlightenment: Science, religion and politics from the Restoration to the French Revolution* (Cambridge University, 1989), 126–30, and more generally *Utilitarians and Religion*, J.E. Crimmins (ed.) (Bristol: Thoemmes, 1998).

the mainstream of English thought. The logical starting-point for Paley's ethics, however, was his argument from design, which he later famously put forward in *Natural Theology* (1802). He pointed out that the difference between a stone and a watch was that, while the former was just a stone, the latter had been assembled for a purpose, namely in order to indicate the time of day. The 'inevitable' inference was 'that the watch must have had a maker; that there must have existed, at some time and at some place or other, an artificer or artificers who formed it for the purpose which we find it actually to answer; who comprehended its construction, and designed its use'.¹⁸ The same evidence of contrivance that existed in a watch also existed in nature, except that the contrivances in nature were to an overwhelming extent more numerous, complex, subtle, and various.¹⁹ The choice, for Paley, was between design and chance, and it was absurd, he claimed, to think that the contrivance of an eye, for instance, could be the result of chance.²⁰ Design meant an intelligent Creator, who was God.²¹ One of the attributes of God was goodness, which could be inferred from the facts, first, 'that, in a vast plurality of instances in which contrivance is perceived, the design of the contrivance is *beneficial*', and second, that God had 'superadded *pleasure* to animal sensations' when there was no need to do so, for instance by adding the pleasures of the palate to the necessary function of eating.²²

In *Moral and Political Philosophy*, building on this theological basis, Paley noted that happiness consisted in any condition in which the amount of pleasure exceeded that of pain, estimating both pleasure and pain by their intensity and duration. Happiness did not consist in the pleasures of sense, in an exemption from pain, or in high rank, but rather in the exercise of the social affections, in the exercise of the faculties, whether of mind or body, in the

¹⁸ W. Paley, *Natural Theology: or, Evidences of the Existence and Attributes of The Deity, collected from the appearances of nature* (London: R. Faulder, 1802), 1–4.

¹⁹ *Ibid.*, 19.

²⁰ *Ibid.*, iv. 35–44.

²¹ *Ibid.*, 473.

²² *Ibid.*, 488, 518–19.

pursuit of some object, in the prudent constitution of the habits, and in health. The point was that happiness was pretty equally distributed throughout the different orders in society, and that vice had no advantage over virtue with respect to happiness in this world.²³ These preliminary points cleared the way for the central thesis of theological utilitarianism. Echoing Gay, and borrowing directly from Edmund Law,²⁴ Paley announced that virtue was ‘the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness’. A virtuous act was one that promoted the happiness of mankind; to act in this way was to fulfil the will of God; and the motivation to do so came from the prospect of enjoying everlasting happiness.²⁵ Just as we would not be obliged to obey the law if the magistrate had not imposed any sanctions in the event of our disobedience, so we would not be under any obligation ‘to practise virtue, obey the commands of God, do what is right’, had God not imposed sanctions. Everything depended on the assumption that there would be a distribution of rewards and punishments in an afterlife.²⁶ Since the will of God was the rule by which we were to direct our conduct, in order to know what we were obliged to do, we needed to know what was the will of God: ‘The method of coming at the will of God, concerning any action, by the light of nature, is to enquire into the tendency of the action to promote or diminish the general happiness.’²⁷ Actions were to be judged according to their tendency to produce happiness: ‘Whatever is expedient, is right.—It is the utility of any moral rule alone which constitutes the obligation of it.’²⁸

Secular Utilitarianism

²³ W. Paley, *The Principles of Moral and Political Philosophy* (London: R. Faulder, 1785), 18–34.

²⁴ See E. Law, ‘On Morality and Religion’, in King, *Origins of Evil*, 4th edn. (1758); and *Utilitarians and Religion*, Crimmins (ed.), 21, 153.

²⁵ Paley, *Moral and Political Philosophy*, 35–45.

²⁶ *Ibid.*, 47–54.

²⁷ *Ibid.*, 54–60.

²⁸ *Ibid.*, 61.

Bentham developed his utilitarianism independently of the Cambridge theologians, drawing instead on the Continental Enlightenment, and in particular Claude Adrien Helvétius (1715–1771) and Cesare Beccaria (1738–1794), as well as such British writers as Locke, Hume and Joseph Priestley (1733–1804).²⁹ He assembled the elements of his utilitarianism in his ‘most interesting year’ of 1769,³⁰ while his *Introduction to the Principles of Morals and Legislation* (hereafter *IPML*), which contains his best known statement of the principle of utility, was written in 1780, and hence predated the appearance of Paley’s *Moral and Political Philosophy*. Paley did, indeed, often feature in Bentham’s later writings, but in the guise of ‘a false brother’.³¹

Bentham began *IPML* by stating that ‘Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*’.³² Given the prevalence of natural theology in eighteenth-century England, the reader might assume that Bentham was stating that, since God had created nature, He had placed mankind under the two ‘sovereign masters’. Bentham meant no such thing: the all-powerful God assumed by the proponents of natural theology would be a capricious tyrant, more likely to instil fear and hence misery, rather than hope and happiness, in His followers. Moreover, it made no sense to attribute both benevolence and omnipotence to a supreme being in a world where evil existed: the supreme being was either not benevolent or not all-powerful.³³ ‘Nature’, for Bentham, represented animal psychology, founded on animal physiology. Human beings, like all sentient creatures, were motivated by a desire for pleasure and an aversion to pain. In deciding whether or not to perform an action, we made a calculation, based on the extent of our relevant knowledge and

²⁹ P. Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford University, 2006), 3–5.

³⁰ *The Works of Jeremy Bentham*, J. Bowring (ed.), 11 vols. (Edinburgh: W. Tait, 1843), x. 54.

³¹ University College London Library, Bentham Papers, box cvii, fo. 214 (January 1809).

³² J. Bentham, *An Introduction to the Principles of Morals and Legislation* [hereafter *IPML*], (J.H. Burns and H.L.A. Hart (eds.)), (London: Athlone, 1970), 11.

³³ P. Beauchamp, pseud., *Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (London: R. Carlile, 1822), 9–32.

judgement, as to the benefits or advantages—resolvable into feelings of pleasure—on the one side, and the costs or disadvantages—resolvable into feelings of pain— on the other. We had a motive to act insofar as the action in question produced a balance on the side of pleasure. The measurement of the value of a pleasure or pain taken in itself depended on four elements: intensity, duration, certainty, and propinquity. A more intense, longer-lasting, certain, and sooner-to-be experienced pleasure was more valuable than a less intense, shorter, less certain, and remoter pleasure. However, while the prospect of a pleasure might be beneficial to the actor, performance of the action might result overall, when the pains and pleasures of all persons affected by the action were considered, in more misery than happiness. Hence, in order to judge whether an action was good or evil, in other words right or wrong, one had to take into account a further element, namely extent, that is the number of persons affected by the action. An action was morally good to the extent that, in respect of all its consequences for all the individuals affected by it, it produced a balance on the side of pleasure, and morally evil to the extent that it produced a balance on the side of pain.³⁴

In order to act, we required a motive, and motives consisted solely in either the prospect of enjoying a pleasure or avoiding a pain. Since we could only feel our own pleasures or pains, and since human beings were in general motivated primarily by self-interest, what incentive was there for us to promote the greatest happiness of the community as a whole, rather than our own selfish interests? In *IPML* Bentham pointed to three sanctions or sources of pleasures and pains (familiar from Locke and adopted by Gay), which might be used in order to direct conduct into the right channels. These were, first, the political, including the legal sanction, namely the rewards and punishments distributed by the state, for instance through the courts; second, the moral or popular sanction, distributed by the public generally, and particularly through praise and blame; and third, the religious sanction,

³⁴ Bentham, *IPML*, 38–41.

distributed by a supreme being either in the present life or in an afterlife.³⁵ Bentham later added the sympathetic and antipathetic sanctions, which had their source in the mind of each individual. When we saw persons to whom we were kindly disposed experiencing pleasure we also experienced pleasure, as we did when we saw persons to whom we were unkindly disposed experiencing pain.³⁶ The only objective basis for morality was the principle of utility, because it was founded on pains and pleasures, feelings that existed in the real, physical world. All alternative theories consisted in ‘so many contrivances for avoiding the obligation of appealing to any external standard, and for prevailing upon the reader to accept of the author’s sentiment or opinion as a reason and that a sufficient one for itself’. By appeal to high-sounding but empty phrases, such as ‘moral sense’ or ‘natural law’, the likes and dislikes of the moralist were elevated into moral rules for the guidance and determination of the conduct of others.³⁷

Later in his career, related perhaps to his commitment to political radicalism after 1809,³⁸ Bentham came to prefer the phrase ‘greatest happiness principle’ or ‘greatest felicity principle’ to the phrase ‘principle of utility’. The word ‘utility’ did not so readily suggest the ideas of pleasure and pain as did the words ‘happiness’ and ‘felicity’, or the idea of the number of persons affected, which was ‘the circumstance, which contributes, in the largest proportion, to the formation of ... the *standard of right and wrong*, by which alone the propriety of human conduct, in every situation, can with propriety be tried’.³⁹ Bentham explained, moreover, that by ‘the greatest happiness of the greatest number’ he did not mean

³⁵ Bentham, *IPML*, 34–7. The effect of the religious sanction depended upon people’s beliefs concerning the distribution of such rewards and punishments. Whether in truth there was any such distribution was another matter.

³⁶ J. Bentham, *Deontology together with A Table of the Springs of Action and Article on Utilitarianism*, A. Goldworth (ed.), (Oxford: Clarendon, 1983), 201, 202–4, 277–8; Bentham to Étienne Dumont, 29 November 1821, *The Correspondence of Jeremy Bentham. Volume 10: July 1820 to December 1821*, (Oxford: Clarendon, 1994), 444.

³⁷ Bentham, *IPML*, 21–9.

³⁸ Schofield, *Utility and Democracy*, 247–71.

³⁹ Bentham, *IPML*, 11 n.

that it was simply a matter of counting the number of individuals who were advantaged, in whatever degree, from an action or policy, and then counting those who were disadvantaged, in whatever degree, and thereupon favouring the majority. Instead of speaking of ‘the greatest happiness of the greatest number’, it was more accurate to speak of ‘the greatest happiness of the whole community’. It was possible to promote the greatest happiness of the greatest number while not promoting the greatest happiness of the whole community.⁴⁰ Bentham had recognized the problem that later came to be known as ‘the tyranny of the majority’, and hence was concerned to mitigate the criticism by pointing out that the promotion of the greatest happiness involved counting not only the number of individuals who benefited or suffered from a certain law, measure, policy, or action, but the degree to which each such individual benefited or suffered.

Nineteenth-century debates

Despite Bentham’s animosity towards Paley and the theological utilitarians, there was in practice a great deal of overlap and practical co-operation between the two schools. The most prominent example was perhaps John Austin (1790–1859), appointed as the first Professor of Jurisprudence at the newly established University of London in 1826, who was a member of Bentham’s circle, describing himself—albeit in relation to his jurisprudence—as a ‘disciple of Bentham’.⁴¹ Yet Austin offered what was arguably the most sophisticated account of theological utilitarianism, by combining a belief in a hedonistic God with the clarity of method associated with Bentham.⁴² Bentham’s literary editor John Bowring (1792–1872), merchant, radical MP, and diplomat, was a Unitarian and a hymn-writer, composing the well-

⁴⁰ Bentham Papers, box xxxi, fo. 215 (18 November 1828).

⁴¹ Austin to Bentham, 20 July 1819, *The Correspondence of Jeremy Bentham. Volume 9: January 1817 to June 1820*, S. Conway (ed.), (Oxford: Clarendon Press, 1989), 336–7; A.D.E. Lewis, ‘John Austin (1790–1859: Pupil of Bentham’, *Bentham Newsletter*, 2 (1979), 18–29.

⁴² See John Austin, *Province of Jurisprudence Determined*, W.E. Rumble (ed.) (Cambridge University Press, 1995), 38–105.

known hymn ‘In the cross of Christ I glory’, which contain the lines ‘Bane and blessing, pain and pleasure, By the cross are sanctified’—a succinct statement of theological utilitarianism.⁴³

The most important theoretical developments in the nineteenth century, however, were made by thinkers who belonged to Bentham’s secular school, of whom the most important advocate in the 1810s and 1820s was James Mill (1773–1836), who met Bentham in the winter of 1808–9, and with whom he quickly formed a close friendship. Mill’s major contribution to the philosophy of utilitarianism was *Analysis of the Phenomena of the Human Mind* (1829), in which he gave a detailed account of the psychological basis, including the key notion of the association of ideas, on which Benthamite utilitarianism rested.⁴⁴ While James Mill’s work constituted the most coherent and systematic account of the hedonistic psychology that lay at the foundation of classical utilitarianism, its most attractive account is generally attributed to his son, John Stuart Mill. In his essay *Utilitarianism* (1861), the younger Mill expounded the doctrine with a view both to answering objections to it, and in persuading his readers to subscribe to it:

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. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.

Pleasure and freedom from pain were the only things desirable as ends, and it was only because a thing was pleasurable, or was a means to pleasure or the avoidance of pain, that it

⁴³ Bowring excluded Bentham’s published works on religion from his edition of Bentham’s *Works*, on the grounds that he had ‘not deemed it safe to give [them] to the world ... so bold and adventurous were some of his speculations: see *Autobiographical Recollections of Sir John Bowring*, L.B. Bowring (ed.), (London: Henry S. King, 1877), 339.

⁴⁴ James Mill, *Analysis of the Phenomena of the Human Mind*, 2 vols. (London: Baldwin and Cradock, 1829).

was desirable.⁴⁵ This was standard Benthamite doctrine. Mill, however, with a view to answering critics who regarded utilitarianism ‘as a doctrine worthy of swine’, departed from Bentham by distinguishing between higher and lower pleasures. The desirability of a pleasure was not merely a function of its quantity, but also of its quality—‘some *kinds* of pleasure are more desirable and more valuable than others’. A higher pleasure was such that anyone ‘competently acquainted’ with both higher and lower pleasures would choose to experience it in preference to any quantity of lower pleasure, no matter the amount of ‘discontent’ with which it might be ‘attended’. No human being would exchange their place for that of a ‘lower’ animal, ‘for a promise of the fullest allowance of a beast’s pleasures’, just as ‘no intelligent human being would consent to be a fool’, even if they thought that the fool was ‘better satisfied with his lot than they are with theirs’. Hence, ‘It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.’⁴⁶ For Bentham, while accepting that intellectual pleasures were potentially of the greatest value, because potentially the greatest in quantity, the fact remained that the most intense pleasures, if not those of the longest continuance, were those of ‘the bed’ and ‘the table’, distinctly lower pleasures in Mill’s view.⁴⁷

According to the utilitarian doctrine, noted Mill, happiness was ‘the only thing desirable, as an end’, and anything else that was desirable was so only as a means to that end. How was it possible, asked Mill, to convince people that the doctrine was true? Since ‘first principles’ were ‘incapable of proof by reasoning’, the appeal had to be to matters of fact. Just as the only proof that an object was visible was that people actually saw it, so the only proof that anything was desirable was the fact that people actually desired it.⁴⁸ The only

⁴⁵ J.S. Mill, ‘Utilitarianism’ in *Essays on Ethics, Religion and Society (Collected Works of John Stuart Mill: Volume X)*, J.M. Robson, F.E.L. Priestley, and D.P. Dryer (eds.), (University of Toronto, 1969), 203–59 at 210.

⁴⁶ *Ibid.*, 210–12.

⁴⁷ P. Schofield, ‘Jeremy Bentham on Taste, Sex, and Religion’ in X. Zhai and M. Quinn (eds.), *Bentham’s Theory of Law and Public Opinion* (Cambridge University, 2014), 90–118 at 108–9.

⁴⁸ Mill, ‘Utilitarianism’, 234.

reason that could be given ‘why the general happiness is desirable’ was the fact ‘that each person ... desires his own happiness’. This fact was sufficient to prove ‘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’.⁴⁹ Mill has been accused here of fallaciously grounding universalistic hedonism on egoistic hedonism; in other words, he mistakenly inferred, from the notion that an individual’s own happiness was a good to that individual, that the general happiness was a good to all. Mill responded that he was not claiming that each and every individual would be motivated to pursue the general happiness, but making the factual point, based on simple calculation, that the more pleasure that existed in a community, the better for everyone considered as a whole.⁵⁰

Having claimed that the general happiness was in fact desirable, and thus one end of conduct, Mill went on to claim that it was the sole end of conduct. He admitted that people desired things other than happiness, for instance virtue, power, fame, and money. Many things were desired in and for themselves, but they had become so through the operation of the association of ideas. Virtue, for instance, might come to be pursued for its own sake, even though, ‘according to the utilitarian doctrine’, it was ‘not naturally and originally part of the end’. However, ‘in those who love it disinterestedly it has become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness’. Observation of one’s self and of others would show that mankind desired nothing but what was pleasurable or pain-avoiding, and ‘that to desire anything, except in proportion as the idea of it is pleasant, is a physical and metaphysical impossibility’.⁵¹

Mill’s commitment to the principle of utility can be seen in the structure of the harm principle, as described in *On Liberty*, with each step involving some characteristic feature of

⁴⁹ Ibid.

⁵⁰ Mill to Henry Jones, 13 June 1868, *The Later Letters of John Stuart Mill (Collected Works of John Stuart Mill: Volume XVI)* F.E. Mineka and D.N. Lindley (eds.), (University of Toronto, 1972) 1414.

⁵¹ Mill, ‘Utilitarianism’, 234–8.

the doctrine, if not an outright utility calculation. Mill argued that individuality was essential to human flourishing and happiness, that individuality was threatened by the pressures of social conformity that existed in democratic states, and that it was necessary, therefore, to protect individuality. Such protection should be founded on ‘one very simple principle’, which stated that the only justification for ‘interfering with the liberty of action’ of any member of society was ‘to prevent harm to others’.⁵² The first step was to consider whether the action was self-regarding or other-regarding. Insofar as an action affected the agent alone, there was no justification for interference. Once it had been established that an action was other-regarding, the second step was to consider whether the party or parties affected had given their consent or not. Where consent had been given by a responsible agent, there was again no justification for interference. Taking other-regarding actions that had not been consented to, the third step was to consider whether the action was beneficial or harmful. If beneficial, then again there was no justification for interference. Taking other-regarding actions that had not been consented to and were harmful, it was, at the fourth and final step, open to discussion whether there should be interference from the law, or interference from public opinion, or no interference at all. There should be no interference where there existed some overriding benefit to society as a whole, even though harm had resulted to some individuals—for instance, an improved industrial technique might put a competitor out of business, but the overall benefits to society from a better and cheaper product justified the policy. The harm principle did not rule out each and every action that caused harm to others, but stipulated that an action became liable to interference when it did cause harm, whereupon the policy adopted was determined by a utility calculation.⁵³ Insofar as the harm principle

⁵² J.S. Mill, ‘On Liberty’, *Essays on Politics and Society (Collected Works of John Stuart Mill: Volume XVIII)*, in J.M. Robson and A. Brady (eds.), (University of Toronto, 1977), 213–310 at 223.

⁵³ *Ibid.*, 276–84.

was a central element of Mill's liberalism, and the harm principle itself was a product of his utilitarianism, the principle of utility was central to his liberalism.

In *Utilitarianism*, in a footnote to his discussion of 'Bentham's dictum, "everybody to count for one, nobody for more than one"',⁵⁴ Mill stated that:

This implication, in the first principle of the utilitarian scheme, of perfect impartiality between persons, is regarded by Mr. Herbert Spencer (in his *Social Statics*) as a disproof of the pretensions of utility to be the foundation of right; since (he says) the principle of utility presupposes the anterior principle, that everybody has an equal right to happiness.

Mill claimed that the principle of equality, which he reformulated as the notion 'that equal amounts of happiness are equally desirable, whether felt by the same or by different persons', was not a 'presupposition' of the principle of utility, but 'the very principle itself', 'for what is the principle of utility, if it be not that "happiness" and "desirable" are synonymous terms?'⁵⁵ In the 1863 edition, Mill added a further paragraph to the footnote, explaining that he had received 'a private communication' from Spencer (1820–1903), in which he objected 'to being considered an opponent of Utilitarianism' and stating that he regarded 'happiness as the ultimate end of morality'.⁵⁶

In *Social Statics* (1851), Spencer pointed out that the content of what was considered to be the greatest happiness varied from culture to culture, and from individual to individual, and even if it were theoretically possible to identify the content of the greatest happiness, no one, legislators included, had the requisite knowledge and judgment to do so.⁵⁷ In Spencer's

⁵⁴ See Bentham, *Rationale of Judicial Evidence, specially applied to English practice*, J.S. Mill (ed.), 5 vols. (London: Hunt and Clarke, 1827), iv. 475: 'Every individual in the country tells for one; no individual for more than one'.

⁵⁵ Mill 'Utilitarianism', 257–8 n.

⁵⁶ *Ibid.*, 258 n.

⁵⁷ H. Spencer, *Social Statics. The conditions essential to human happiness specified, and the first of them developed* (New York: Robert Schalkenbach Foundation, 1995), 5–13.

view, the principle of an equal right to happiness had its foundation in the moral sense. The disciples of Bentham, therefore, had no option but to fall back on an intuition of the moral sense on which to ground their system.⁵⁸ John Stuart Mill had edged towards a reconciliation of utilitarianism and intuitionism by claiming that, if there were an innate sense of duty, there was ‘no reason why the feeling which is innate should not be that of regard to the pleasures and pains of others’, in other words the greatest happiness principle.⁵⁹ The moral sense, according to Spencer, was a perceptive faculty that attached pleasure and pain to feelings, and thereby generated a belief that the actions that produced those feelings were good and bad respectively. The problem was that such feelings tended to conflict, leading to conflict between beliefs. The role of reason was to resolve such conflicts by developing ‘a systematic morality’ based on ‘deductions scientifically drawn from some primary law of man which the moral sense recognizes’.⁶⁰ Spencer went on to argue that both the physical and moral worlds had constant and universal laws that had been laid down by God;⁶¹ that the moral law was suitable only for the perfect man, and not for man as he was at present;⁶² and that while evil arose from non-adaptation to circumstances, the inevitable tendency was towards complete adaptation and, therefore, perfection.⁶³ He agreed with the theological utilitarians that the greatest happiness was God’s purpose, but argued that ‘the expediency philosophers’ had mistakenly assumed that the greatest happiness was the immediate aim of man, whereas the correct course was to discover the conditions through conformity to which the greatest happiness might be obtained.⁶⁴ Spencer concluded that the fundamental principle, in accord with the will of God and essential to the promotion of happiness, was the equal liberty

⁵⁸ Ibid., 21–3.

⁵⁹ Mill, ‘Utilitarianism’, 230.

⁶⁰ Spencer, *Social Statics*, 25, 28–9.

⁶¹ Ibid., 37–48.

⁶² Ibid., 51–4.

⁶³ Ibid., 54–60.

⁶⁴ Ibid., 60–2.

principle, otherwise termed justice, by which each person had as much liberty as was compatible with the equal liberty of others.⁶⁵ This ‘fundamental truth’ was recognized by the moral sense, and developed into a scientific morality by the intellect.⁶⁶ From here, Spencer derived a set of personal rights, including rights to life, liberty, property, free speech, and the franchise.⁶⁷

Although Spencer claimed that he was not ‘an opponent’ to utilitarianism, the doctrine that he outlined in *Social Statics* was quite distinct from what had hitherto been the mainstream of English utilitarianism. First, he rejected consequentialism, on the grounds that it was futile to try to ascertain all the effects of policies or actions, and instead argued that the morality of actions and policies should be assessed by their consonance with general principles. Second, he was committed to the existence of a moral sense, a notion that had been consistently rejected by the utilitarians.⁶⁸ Third, his emphasis on equal liberty and absolute moral rights, which he saw as vital ingredients in the promotion of happiness, jarred with the less prescriptive hedonism of Mill and, even more strikingly, Bentham, who preferred to leave open the question of what, in each particular circumstance, might be most conducive to happiness. Furthermore, Spencer’s evolutionism, to which he was converted after the appearance of *Social Statics*, and which transmuted into an endorsement of laissez-faire capitalism, was a departure from the classical utilitarian tradition. The classical utilitarians, while often associated with free trade through their development of the principles of political economy, were never committed to any one absolute policy recommendation, since what was expedient was always dependent upon particular circumstances. The doctrine of evolution, moreover, was incompatible with theological utilitarianism, insofar as the latter

⁶⁵ Ibid., 67–72.

⁶⁶ Ibid., 84.

⁶⁷ According to D. Weinstein, *Equal Freedom and Utility: Herbert Spencer’s Liberal Utilitarianism* (Cambridge University Press, 1998), Spencer advocated the adoption of non-utilitarian moral principles as the best means of maximizing utility.

⁶⁸ J.B. Schneewind, *Sidgwick’s Ethics and Victorian Moral Philosophy* (Oxford: Clarendon, 1977), 175–7.

relied on the argument from design. Henry Sidgwick, who took up the mantle of the utilitarian tradition, criticized Spencer by making the point that evolution or progress as such did not equate straightforwardly with increase in moral value.⁶⁹

Sidgwick is, as noted above, recognized as the third of the great classical utilitarians following Bentham and John Stuart Mill, but unlike Bentham and Mill, who held no formal academic posts, he was a lifelong academic at the University of Cambridge, eventually being elected Knightbridge Professor of Philosophy in 1885. His major work *The Methods of Ethics* was first published in 1874, but was reissued with Sidgwick's emendations through to the posthumously published sixth edition in 1901. While Sidgwick confessed that his 'first adhesion to a definite Ethical system was to the Utilitarianism of [John Stuart Mill], and referred to his 'discipleship of Mill' (though he also acknowledged his debt to Immanuel Kant),⁷⁰ his interpretation of the basic elements of that system represented a return to Bentham's position. Sidgwick accepted Bentham's view that the greatest happiness should be understood in terms of the greatest possible surplus of pleasure over pain, and that pleasures were capable of being compared quantitatively.⁷¹ In other words, Sidgwick rejected Mill's distinction between higher and lower pleasures and hence between the quantity and quality of pleasures. If pleasure were to be taken as 'the sole ultimate end of rational conduct', there was no escaping Bentham's view, hence 'all *qualitative* comparison of pleasure must really resolve itself into quantitative'. The point was that pleasures were all linked by the common property of pleasantness.⁷² In relation to the distribution of a given quantum of happiness, Sidgwick endorsed Bentham's 'formula' that everybody was to count for one. The utilitarian principle itself, noted Sidgwick, gave no answer to the distributive question, and thus needed

⁶⁹ H. Sidgwick, 'The Theory of Evolution and its Application to Practice' *Mind*, 1 (1876), 52–67; M. Ruse, 'Evolution and Ethics in Victorian Britain' in W.J. Mander (ed.), *The Oxford Handbook of British Philosophy in the Nineteenth Century*, (Oxford University Press, 2014), 233–56 at 239–40.

⁷⁰ H. Sidgwick, *The Methods of Ethics*, 7th edn. (London: Macmillan, 1907), pp. xvi–xxiii.

⁷¹ *Ibid.*, 92, 413.

⁷² Sidgwick, *Methods of Ethics*, 93–4.

to be supplemented by a principle of just or right distribution. The principle adopted by most utilitarians, and one that needed no ‘special justification’, was that of pure equality.⁷³

In contrast to the earlier utilitarian position on the opposition between utility and moral sense, and following Mill’s suggestion rather than Spencer’s attempt at reconciliation, Sidgwick accepted that utilitarianism itself was founded on an intuition that the universal happiness was the ultimate standard of morality, though problematically he found that the view that the greatest happiness of the individual self was the ultimate standard of morality, in other words egoism, also had intuitive appeal. Since utilitarianism and intuitionism both aimed at the general happiness, albeit the latter regarded adherence to the rules of morality as the best means of achieving it, utilitarianism was allied with intuitionism in its opposition to egoism.⁷⁴ Another significant point of difference between Sidgwick and the earlier secular utilitarian position was his allocation of different spheres to ethics and to the natural sciences—Bentham and Mill had both grounded their ethics on psychology. In his discussion of ‘nature’, Sidgwick argued that ‘what ought to be’ could not be derived from ‘what is’. All that ‘nature’ and ‘natural’ could mean was what was more common or original as opposed to rarer or later, and carried with it no implications for morality.⁷⁵ Psychology dealt with nature, and so could not form the basis for ethics.

Sidgwick identified two related problems which he struggled to resolve. The first was what he termed the ‘Dualism of Practical Reason’, that is the problem noted above concerning the proper basis for ethics, given the intuitive appeal of both egoistic hedonism (Epicureanism) and universalistic hedonism (utilitarianism).⁷⁶ The second was what he termed the ‘double aspect’ of utilitarianism, namely, once one had accepted that utilitarianism

⁷³ Sidgwick, *Methods of Ethics*, 416–17, 432. For a statement of Bentham’s to the same effect see *Rights, Representation, and Reform: Nonsense upon Stilts and other writings on the French Revolution*, P. Schofield, C. Pease-Watkin, and C. Blamires (eds.), (Oxford: Clarendon, 2002), 72–3.

⁷⁴ Sidgwick, *Methods of Ethics*, 83–6.

⁷⁵ *Ibid.*, 81, 83.

⁷⁶ *Ibid.*, p. xxi.

was the proper basis for ethics, how could one bring self-interested individuals to do their duty? In other words, how could individuals, whose primary motivation was to promote their own happiness, be brought to promote the greatest happiness of the community as a whole?⁷⁷ The ‘dualism’ problem, therefore, concerned the reasons for accepting one moral standard as opposed to another, and was a problem within ethics. The ‘double aspect’ problem concerned the motives that an individual might have for acting in a morally appropriate way, and was a problem of the relationship between psychology and ethics. In relation to the ‘dualism’ problem, as Bart Schultz points out, for Sidgwick, ‘Egoism ... could rival utilitarianism as an independent principle of practical reason.’⁷⁸ Unless there was some sort of natural harmony between duty and happiness, there appeared to be ‘a fundamental contradiction’ at the root of ethical thought, with scepticism the inevitable conclusion.⁷⁹ In relation to the ‘double aspect’ problem, Sidgwick noted that Bentham had attempted to reconcile his view that the proper end of action of the individual was his own greatest happiness,⁸⁰ with his view that the proper standard of right and wrong was the greatest happiness of the greatest number, by means of the political, moral, and religious sanctions, but there was no guarantee that these sanctions would be adequate. In short, Bentham and Mill could not have provided an adequate account of moral obligation unless they had abandoned the ‘purely empirical basis’ of their utilitarianism.⁸¹ The solution had to be found within ethics itself, but that in turn led back to the ‘dualism’ problem.

⁷⁷ H. Sidgwick, ‘Bentham and Benthamism’ in Politics and Ethics’, in *Miscellaneous Essays and Addresses*, E.M. Sidgwick and A. Sidgwick (eds.), (London: Macmillan, 1904), 135–69 at 150–1. For the problem of the ‘Dualism of the Practical Reason’ see Schneewind, *Sidgwick’s Ethics*, 352–79, and B. Schultz, *Henry Sidgwick: Eye of the Universe. An Intellectual Biography*, (Cambridge University Press, 2004), 205–53.

⁷⁸ *Ibid.*, 206.

⁷⁹ *Ibid.*, 209–13.

⁸⁰ Bentham did not say that the ‘proper’ end of each individual’s action was his own greatest happiness, except in those cases in which no one else was affected by his action: in fact, his claim was that, for most persons, it was, on most occasions, the actual end: see, for instance, *First Principles preparatory to Constitutional Code*, P. Schofield (ed.), (Oxford: Clarendon, 1989), 232–4.

⁸¹ H. Sidgwick, *Outlines of the History of Ethics for English Readers*, 2nd edn. (London: Macmillan, 1888), 233–9.

Having admitted that an ‘inseparable connexion between Utilitarian Duty and the greatest happiness of the individual who conforms to it’ could not be ‘satisfactorily demonstrated on empirical grounds’, Sidgwick thought that the only solution was to appeal, like the theological utilitarians, to the existence of an afterlife in which a utilitarian God would distribute rewards and punishments according to the merit or demerit of the individual’s actions in the present life. The rational egoist who accepted God’s command to promote the general happiness needed ‘no further inducement to frame his life on Utilitarian principles’. But how, asked Sidgwick, was an individual to be convinced of the existence of God? Against the background of his own orthodox Anglican upbringing and a lifelong interest in ghosts, and several years of attending séances, it was Sidgwick’s concern with the ethical implications of a Godless universe that motivated him in 1882 to take a leading role in the establishment of the Society for Psychical Research in order to find empirical evidence for the existence of a spiritual domain. As Schultz explains, Sidgwick believed that, in *Methods of Ethics*, he had failed to provide a convincing basis for ethics, and this had heightened his own fears for the future of civilization:

this endeavor to reenchant the universe was ... bound up with [Sidgwick’s] worries about the chaos of the dualism of practical reason and the grounding of egoism; ... such concerns were absolutely crucial to him, and he regarded the empirical investigation of the paranormal as a form of theological study that could help to vindicate belief in the moral order of the universe, the harmony of duty and interest.⁸²

For Gay, Paley, and the theological utilitarians, observation of the natural world revealed a creator God who willed the happiness of his creatures. For Bentham and the Mills, there was neither utility in religious belief, nor truth in claims affirming the existence of God, though

⁸² Schultz, *Sidgwick*, 276–7, 279.

the younger Mill did advocate a secular religion of humanity.⁸³ For Sidgwick, in the post-Darwinian age, scientific investigation was the final resource for establishing the existence of a divine dispensation and hence an adequate basis for moral obligation.

Sidgwick was a recognizably academic philosopher, and was pivotal in reforming philosophical studies in the University of Cambridge in line with the general trend towards more specialist, independent disciplines in the second half of the nineteenth century. His view that the domain of ethics was independent from the natural sciences became something of an orthodoxy when another Cambridge educated philosopher G.E. Moore (1873–1958) criticized the utilitarians, amongst others, for committing the ‘naturalistic fallacy’, that is for defining goodness in terms of a natural quality, namely pleasure.⁸⁴ In the twentieth century utilitarians generally abandoned psychology and theology, not to mention the practical reform of the world that had characterized the Benthamites, and focused on developing the most plausible account of the doctrine judged by the standards of the new discipline.⁸⁵

⁸³ J.S. Mill, ‘Three Essays on Religion’, *Essays on Ethics, Religion, and Society*, 369–489.

⁸⁴ G.E. Moore, *Principia Ethica*, revised edn., T. Baldwin (ed.), (Cambridge University Press, 1993), 69–72.

⁸⁵ See T. Hurka, *British Ethical Theorists from Sidgwick to Ewing*, (Oxford University Press, 2014).