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Mill's Misleading Moral Mathematics

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The debate over whether Mill is better read as an act or a rule utilitarian began in the 1950s and has continued ever since.¹ We shall argue that in certain passages in which Mill initially appears to be endorsing the act-utilitarian moral theory, he is really doing something quite different. Insofar as he is endorsing any particular view at all, it is not act utilitarianism. (Nor is it even a moral theory.) Mill has a peculiar idea about how to assess individual actions from the utilitarian point of view. It takes account of both the act's individual consequences and the consequences of the general performance of classes of acts to which it belongs. This leads him to use what may look like act-utilitarian language to describe a quite different way of thinking.

The strongest example of Mill's seeming to embrace some version of act utilitarianism is probably this passage from a letter to the logician John Venn in 1872.

I agree with you that the right way of testing actions by their consequences, is to test them by the natural consequences of the particular action, and not by those which would follow if every one did the same. But, for the most part, the consideration of what would happen if every one did the same, is the only means we have of discovering the tendency of the act in the particular case. In your example from Austria, it is only by considering what would happen if everybody evaded his share of taxation, that we perceive the mischievous tendency of anybody's doing so. And that this mischievous tendency overbalances (unless in very extreme cases) the private good obtained by the breach of a moral rule, is obvious if we take into consideration the importance, to the general good, of the feeling of security, or certainty; which is impaired, not only by every known actual violation of good rules, but by the belief that such violations ever occur.²

An obvious way to read this passage is to take the first sentence as a declaration that Mill is an act utilitarian. The remainder can then be seen as proposing a method for ascertaining the consequences of individual actions

that might be labeled “magnification by multiplication.” Magnification by multiplication directs us to consider what would happen if actions of an action-type Φ were generally performed as a way of making it easier to see what the consequences of every token act of Φ ing are.³

There are two ways that this method might be understood, which correspond to two versions of act utilitarianism. Act utilitarians uniformly say that actions must be evaluated based on how their consequences compare to those of other things the agent could do, but they differ over whether acts are to be judged by their actual or expected consequences. An act’s actual or “objective” consequences are just the consequences that it actually would have. In the broad act-utilitarian sense of “consequences,” this means everything that really would happen subsequent to it. Its expected or “subjective” consequences are a probability distribution over all of the different consequences that it *might* have, as far as the agent could know, with the probabilities reflecting how likely different outcomes are relative to the information available. Interpreters who take Mill to be an “objective” act utilitarian may well believe that he intends magnification by multiplication as a tool for helping to ascertain what the results of a particular act really would be. Some interpreters see Mill as a “subjective” act utilitarian, though, and they might think that he is proposing magnification by multiplication as a method for gauging the “expected value” of the consequences of a particular action by means of calculating the “average” outcome of actions of that general type.

A similar passage appears in Mill’s essay “Whewell’s Moral Philosophy.” In this passage, Mill is again considering the appraisal of actions contrary to useful socially recognized rules. Once again, it is easy to read him as saying that magnification by multiplication is the only way to ascertain how much damage a single violation of a useful social rule will do to the public’s confidence that the rule will generally be obeyed in the future.

If the effect of a “solitary act upon the whole scheme of human action and habit” is small, the addition which the accompanying pleasure makes to the general mass of human happiness is small likewise. So small, in the great majority of cases, are both, that we have no scales to weigh them against each other, taken singly. We must look at them multiplied, and in large masses. The portion of the tendencies of an action which belong to it not individually, but as a violation of a general rule, are as certain and as calculable as any other consequences; only they must be examined not in the individual case, but in classes of cases.⁴

This time Mill illustrates the point by means of the rule prohibiting ho-

micide. The upshot of the example is that while there are “many persons” so odious that it would be better for them to be “assassinated” if only the direct consequences of the act are considered, when the effect of a killing on people’s sense of personal safety is taken into consideration it becomes clear that extra-legal killings are virtually never justified on utilitarian grounds.

While these passages are suggestive, however, we ought to be very reluctant to conclude that Mill’s intent is in fact to recommend magnification by multiplication. Whatever it is that he is saying we should do, he clearly thinks that it is necessary for us to do it nearly every time we weigh the consequences of individual actions. We must do it in “the great majority of cases,” because “for the most part,” it is “the only means we have of discovering the tendency of the act in the particular case.” But Mill is too perceptive of a social theorist not to realize that magnification by multiplication is not a widely applicable strategy for discovering either the actual or the expected consequences of individual actions. The method may be useful in some instances. Usually, though, when some outcome would result from the general performance of some action-type, the individual token actions that constitute the practice will make unequal contributions to producing it. The total effect of the practice is a function of the number of token acts that are performed, but the function need not be a linear one. It may not even be a uniformly increasing one. The first few people to cross a lawn may do no harm, but at some point additional crossings begin to damage the grass, albeit probably to unequal degrees. Eventually, though, the grass will be completely worn away, at which point more crossings can do no further harm. Something similar can surely be said regarding Mill’s examples of tax evasion and homicide. How much damage one instance of killing or tax evasion will do to the public’s sense of security is almost certainly affected by how many have gone before it, among many other things. Magnification by multiplication treats all token actions of the same type as if they had the same consequences. Moreover, it says that every individual action of a type will produce a share of whatever outcomes would result from large numbers of people doing the same, when in reality there may be so few people who do so that those outcomes never materialize—or there may be so many that one more person’s doing the same will make no difference.⁵

So magnification by multiplication is not very useful as a method for estimating the consequences of a particular action. It might be better than nothing, if one were completely ignorant about the frequency with which actions of a certain type were being performed. As soon as one knows something about this, though, one is positioned to make a more accurate prediction of the outcome of a specific token action than magnification by

multiplication would deliver.

If the textual evidence for thinking that Mill means to recommend magnification by multiplication were strong enough, then we would be stuck. Fortunately, however, his discussion in the Whewell essay continues in a direction that invites and indeed requires us to rethink both the paragraph just quoted from this work and the passage quoted from the Venn letter—including the first sentence of that passage, where Mill seems to embrace act utilitarianism.

We have seen that Mill counters Whewell's claim that utilitarianism can sanction murder with the response that if enough murders occur then the public's sense of security would be affected, which would significantly diminish the aggregate level of happiness. Whewell anticipates this response, and he attempts to preempt it by saying that an agent might recognize the value of the general rule and not intend that the individual murder that he is contemplating should be "drawn into consequence" as establishing a contrary precedent. Mill's rejoinder begins with the obvious point that it is not up to the agent whether his act should be drawn into consequence by others. He then goes on to say something quite significant.

If a hundred infringements would produce all the mischief implied in the abrogation of the rule, a hundredth part of that mischief must be debited to each one of the infringements, though we may not be able to trace it home individually. And this hundredth part will generally far outweigh any good expected to arise from the individual act.⁶

Here Mill seems to be expressing an idea very different from magnification by multiplication. That method was a way of discovering what the consequences of a particular action would be. In this passage, in contrast, Mill is apparently saying that in our "utilitarian accounting" we might sometimes need to "debit" an action with a certain amount of unhappiness, even if this amount of unhappiness "cannot be traced home individually" as a consequence of the action. What he is in effect proposing is that when evaluating an action from the utilitarian standpoint, there are considerations that must be taken into account over and above the action's particular consequences. These are what we might call its "type consequences," namely a proportionate share of the consequences that would result from a sufficiently large general practice of actions of the same type. The doctrine that he puts forward in the Whewell essay is that actions must be "credited" or "debited" with their type consequences, for purposes of utilitarian accounting, whether or not the individual actions would or could be expected to produce those consequences. Mill makes this point in the context of an example in

which the type-consequence of an act is a portion of the evil that would result from the abrogation of a recognized coercive social rule, but it has far more general application. Presumably he is even committing himself to the claim that we must take any desirable results that would accrue from the general performance of an action-type into account when we evaluate tokens of that type. And of course a single action can be a token of multiple types, so any given act might have a plurality of type consequences.

In light of the foregoing, we can now read the Venn letter as proposing that, when we are seeking to determine the "tendency" of a given action, we need to take the action's type consequences into account, because the action's tendency comprises the union or sum of its type consequences and what might be described as the action's own "specific" consequences. That acts' specific consequences do matter is the point of the first sentence of the paragraph that we have quoted from the letter, in which Mill says that "the right way of testing actions by their consequences, is to test them by the natural consequences of the particular action, and not by those which would follow if every one did the same." Read in isolation, this sentence seems to be asserting that only actions' specific consequences matter. It may seem forced to read it as instead saying merely that actions' specific consequences have to be weighed together with their type consequences. When this sentence is read in context, though, it becomes clear that this gloss is not a stretch. In the paragraph prior to the one we have quoted, Mill is correcting Venn's reading of the Categorical Imperative. Mill's understanding of this moral principle is sure to put Kantians' teeth on edge (although Venn's is undoubtedly worse still). According to Mill, the Categorical Imperative *does* simply tell us to judge individual actions strictly on the basis of the consequences of everyone's doing the same. At least this is what Mill takes the principle to come to in practice, based on Kant's examples.⁷ In emphasizing the need to take actions' specific consequences into account, Mill is simply repudiating this view. Specific consequences matter, "but for the most part" we have to know an action's type consequences in order to know whether its tendency is good or bad on the whole, because it is rare that an individual action's specific consequences will be so strongly positive or negative that we are safe in judging that its type consequences could not possibly overbalance them.⁸

A similar reading works, indeed with fewer complications, for the earlier part of the Whewell essay. There, too, as we saw, Mill proposes a method for ascertaining the "tendencies" of individual actions. And we can read Mill as proposing that the general practice of the action-type needs to be taken into account in ascertaining an individual action's tendency. Again,

this is not in order to ascertain the actual consequences of the individual action, but in order to ascertain what consequences to credit or debit the act with producing—even if we know that, in actuality, the act did not or will not result in those consequences. Mill is in fact quite explicit here that the “tendencies” of an action have different components, that one “portion” of these tendencies belongs to it “individually,” and that another portion is made up of its type consequences—such as its type consequences considered as a violation of a social rule, part of whose utility stems from people’s confidence that others will obey it. The continuity of thought between the two passages in the Whewell essay should be stressed. Mill interposes nothing between them that would indicate that the latter expresses a distinct thought from the former.

We can use the term “tendency utilitarianism” to describe the view which says that the best act for an agent to perform is the one with the best overall tendency, where actions’ tendencies are understood as the union of their specific consequences and their type consequences. If we equate the “best action” with the “right action,” then tendency utilitarianism becomes a moral theory. It may look like another version of act utilitarianism, which could sit alongside that theory’s objective and subjective varieties, but this appearance is deceiving. Once we include an action’s type consequences in our estimation of it, alongside the action’s own actual or expected consequences, we have left act utilitarianism behind us. A moral theory which said that the moral standing of actions depended entirely upon their type consequences, like the one that Mill ascribes to Kant, could be viewed as a crude form of rule utilitarianism. This would make tendency utilitarianism, when it is understood as a moral theory, a hybrid of act and rule utilitarianism.

It would be a mistake to think that Mill holds tendency utilitarianism as a moral theory, however. We know from his discussion of the Art of Life in his *System of Logic* that moral evaluation is just one species of utilitarian assessment of actions, alongside aesthetic and (impartialist) prudential evaluation.⁹ And from reading the last chapter of *Utilitarianism* (in conjunction with a variety of other sources), we know that he thinks the moral standing of actions depends on what “coercive social rules,” rules backed by punishments, it would be expedient to institute and maintain.¹⁰ It is being contrary to an expedient coercive social rule that is constitutive of an action’s being wrong, in Mill’s view. He is therefore a rule utilitarian. While John Austin does seem to embrace tendency utilitarianism as a moral theory, in Mill’s case it fills the role of a theory of prudence instead.¹¹

Tendency utilitarianism does have an indirect connection to Mill’s

rule utilitarianism, of course. He takes the fact that an action has a negative tendency to be a *prima facie* reason for thinking that it is wrong. A negative tendency will frequently be explained by an action’s having bad type consequences, and the worse the consequences of practicing an action-type generally, the more likely it is that a coercive social rule forbidding it would contribute to the promotion of aggregate happiness. The worse we know an action’s tendency to be, therefore, the stronger our justification for suspecting that it is wrong. This accounts for Mill’s well-known assertion that the utilitarian creed “holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.”¹² Mill is not advocating a scalar utilitarianism here, according to which rightness and wrongness are matters of degree.¹³ He is saying that utilitarians’ confidence that their knowledge of an action’s tendency tells them its moral standing is proportionate to the tendency’s magnitude, whether positive or negative.

Tendency utilitarianism may not be a very successful theory of either morality or prudence. It embodies a way of thinking akin to what Derek Parfit calls the “share of the total” mistake in moral mathematics.¹⁴ Any faults it contains, though, are less obvious and more interesting than those of magnification by multiplication, so charity and textual fidelity both favor the reading advanced here.

Notes

¹ J. O. Urmson argues for the rule-utilitarian reading in “The Interpretation of the Moral Philosophy of J. S. Mill” (*The Philosophical Quarterly* vol. 3, no. 10 [January 1953], pp. 33–39). J. D. Mabbott defends the act-utilitarian interpretation in his response to Urmson, “Interpretations of Mill’s ‘Utilitarianism’” (*The Philosophical Quarterly* vol. 6, no. 23 [April 1956], pp. 115–20).

² John Stuart Mill, letter to John Venn (in John Stuart Mill, *The Later Letters of John Stuart Mill 1849–1873*, ed. by Francis E. Mineka and Dwight N. Lindley [Toronto: University of Toronto Press, 1972] [vol. 14–17 of the *Collected Works of John Stuart Mill*], pp. 1881–1882 [in vol. 17]). So decisively does D. G. Brown take this passage to establish that Mill is an act utilitarian that he describes it as a “more direct and unequivocal statement from Mill than anyone yet has been able to find” and says that he hopes that it may have the power to close “the whole controversy” over whether Mill is an act utilitarian (“Mill’s Act-Utilitarianism” [*The Philosophical Quarterly* vol. 24, no. 94 (January 1974), pp. 67–68]).

³ One example of an interpreter who ascribes a method like magnification by multiplication to Mill, although not by that name, is Fred Berger (*Happiness, Justice, and Freedom* [Berkeley, Cal.: University of California Press, 1984], pp.

91–95).

⁴ John Stuart Mill, “Whewell on Moral Philosophy” (in John Stuart Mill, *Essays on Ethics, Religion and Society*, ed. by John M. Robson [Toronto: University of Toronto Press, 1969] [vol. 10 of the *Collected Works of John Stuart Mill*], pp. 165–201), p. 181.

⁵ C. D. Broad effectively criticizes this method, to which he gives the name “the moral microscope,” on grounds similar to those presented here (“On the Function of False Hypotheses in Ethics,” *International Journal of Ethics* vol. 26, no. 3 [April 1916], pp. 382–384). David Lyons offers an even more thoroughgoing critique along these lines (*Forms and Limits of Utilitarianism* [Oxford: Clarendon Press, 1965], pp. 62–118).

⁶ “Whewell on Moral Philosophy” (*op. cit.*), p. 182.

⁷ See Mill’s discussion of Kant in *Utilitarianism*:

This remarkable man, whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does . . . lay down a universal first principle as the origin and ground of moral obligation; it is this: “So act, that the rule on which thou actest would admit of being adopted as a law by all rational beings.” But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such as no one would choose to incur. (John Stuart Mill, “Utilitarianism” [in John Stuart Mill, *Essays on Ethics, Religion and Society* (*op. cit.*), pp. 203–260], p. 207)

⁸ Urmson argues that Mill must be talking about action-types rather than token actions when he refers to actions’ tendencies, because an individual token action either produces a result or it does not; it makes no sense to say that a single token action *tends* to have a certain outcome (“The Interpretation of the Moral Philosophy of J. S. Mill” [*op. cit.*], p. 37). We take Mill to use “tendency” as a term of art, however, and to give it a sense that does allow for individual actions to have tendencies, even though one must determine what type consequences an action has in order to know what its tendency is. Berger agrees with us that Mill thinks individual acts can have tendencies. Berger has a quite different view from ours about what Mill means when he refers to the tendencies of acts, however. According to Berger, “we can say that for Mill, to say that an act *A* has a tendency to produce an effect *X* means that *A* possesses some property *y* such that, in virtue of *y*, *A* will produce *x* unless some event takes place to counteract that result” (*Happiness, Justice, and Freedom* (*op. cit.*), pp. 88–89). Berger bases this on Mill’s use of “tendency” in his account of causal laws. Brian Cupples reads Mill in much the same way (“A Defence of the Received Interpretation of J. S. Mill,” *Australasian Journal of Philosophy* vol. 50, no. 2 [August 1972], pp. 131–137). It is not clear that Mill’s use of “tendency” in these related but distinct contexts is the same, however. If we assume that they are the same, then his well-known assertion that the utilitarian creed “holds that actions are right in proportion as they tend to promote

happiness, wrong as they tend to produce the reverse of happiness” expresses a rather strange view. Why should we evaluate an action on the basis of the effects that it would have if its causal powers were not counteracted, if we know full well that in a particular case they *will* be counteracted? We offer our own gloss on this assertion in our penultimate paragraph.

⁹ John Stuart Mill, *A System of Logic Ratiocinative and Inductive: Being a Connected View of the Principles of Evidence and the Methods of Scientific Investigation*, ed. by J. M. Robson (Toronto: University of Toronto Press, 1974) (vol. 7–8 of the *Collected Works of John Stuart Mill*), p. 949 (in vol. 8).

¹⁰ The relevant stretch of text in chapter V appears at p. 246 in the *Collected Works* edition (*op. cit.*). Our interpretation of Mill’s utilitarianism roughly follows those of Lyons, from whom we take the term “coercive social rule,” and Alan Fuchs. See Lyons, “Mill’s Theory of Morality” (*Noûs* vol. 10, no. 2 [May 1976], pp. 101–20), and Fuchs, “Mill’s Theory of Morally Correct Action” (in Henry R. West [ed.], *The Blackwell Guide to Mill’s Utilitarianism* [Oxford: Blackwell Publishing, 2006], pp. 174–83). We develop some of the details of our own reading in our “India House Utilitarianism: A First Look” (*Southwest Philosophy Review* vol. 23, no. 1 [January 2007], pp. 39–47).

¹¹ John Austin, *The Province of Jurisprudence Determined* (Amherst, N.Y.: Prometheus Books, 2000), pp. 33–58.

¹² Mill, “Utilitarianism” (*op. cit.*), p. 210.

¹³ For more on scalar utilitarianism, see Alastair Norcross, “The Scalar Approach to Utilitarianism” (in Henry R. West [ed.], *The Blackwell Guide to Mill’s Utilitarianism* [*op. cit.*], pp. 217–232).

¹⁴ Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), pp. 67–70.