

THE PRINCIPLE OF UTILITY AND MILL'S MINIMIZING UTILITARIANISM *

REM B. EDWARDS

Department of Philosophy, The University of Tennessee, Knoxville, TN 37996

In contemporary moral philosophy, there is considerable confusion not only about what John Stuart Mill meant by the Principle of Utility but also about the position which the Principle occupies in his moral philosophy. Many interpreters regard Mill as an act utilitarian whose Principle of Utility was identical with a qualitatively hedonistic¹ version of the first principle of act utilitarianism which affirms that we are morally obligated to perform that relevant individual act which is most likely to have the best consequences for all persons or sentient beings affected by the act.² Others regard him as a qualitatively hedonistic rule utilitarian and take his Principle of Utility to say that we are morally obligated to perform that relevant act which falls under a general rule, universal obedience to which would have the best consequences for all persons or sentient beings affected.³ As a qualitative hedonist, Mill equated intrinsically good consequences with happiness, defined as "an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality."⁴ We are thus repeatedly informed that Mill's ultimate moral principle, the Principle of Utility itself, is that we are morally bound both to maximize happiness and minimize unhappiness either through each individual act that we perform or through the societal adoption and enforcement of general rules or behavior which would maximize happiness and minimize unhappiness for the greatest possible numbers if everyone acted on the rules. I hope to show that Mill offers us a third form of utilitarianism which I shall call minimizing utilitarianism.

There are many things wrong with attempts to construe Mill as being either an act or a rule utilitarian. Both positions are maximizing utilitarianisms which maintain that we are morally obligated to maximize goodness, but Mill's utilitarianism was actually a minimizing utilitarianism which claims only that we are morally obligated to abstain from inflicting harm, to actively prevent harm, to actively provide for all persons or sentient beings certain *minimal* essentials of any sort of positive well being whatsoever, such as life, liberty, security, individuality and self-determination, food and shelter, basic education, equal opportunity to pursue

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happiness, etc., and beyond that to exercise a decent minimum of charity. This minimizing utilitarianism is far superior in many ways to what often passes for “the utilitarian position” in much of the literature. Mill did not formulate or advocate a maximizing utilitarianism at all. The assumption that he did has been based upon a careless or incomplete reading of what Mill had to say about the Principle of Utility, both with respect to its formulation and its position in his general theory of value and morality.

1. The meaning of the Principle of Utility

What did Mill mean by the Principle of Utility? Due to Mill’s own carelessness about the matter, there is no simple answer and thus no simple identification of his ultimate normative position with act or rule utilitarianism. Mill often suggested that he accepted Jeremy Bentham’s Principle of Utility.⁵ If so, he may have been committed to the following formulation which Bentham presented in his *An Introduction to the Principles of Morals and Legislation*: “By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question.”⁶ Bentham then explained immediately that the “party” could be either a particular individual or the community in general.⁷ Bentham’s Principle of Utility contained *both* a distinction between correct and incorrect acts and a theory of the end or the good consequent upon acts — approved acts are those which promote the end of happiness, disapproved acts are those which diminish happiness.

When we examine Mill’s own characterizations of the Principle of Utility, which he frequently calls “the greatest happiness principle,” it is by no means clear what he means by this. Definition I below, perhaps the most influential of Mill’s formulations, seems to be very close to Bentham’s containing both a reference to correct versus incorrect acts and a reference to the intrinsic good of happiness, but Definitions II through IV below have been interpreted to equate the Principle of Utility strictly with the ideal that happiness is the only thing desirable as an end in itself.

Definition I: 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 produce 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.⁸

Definition II: For instance, the principle of utility, — the doctrine that all things are good or evil, by virtue solely of the pleasure or the pain which they produce, — is as broadly stated, and as emphatically maintained against Protagoras by Socrates, in the dialogue, as it ever was by Epicurus or Bentham.⁹

Definition III: The utilitarian doctrine is that happiness is desirable, and the only thing desirable as an end; all other things being only desirable as a means to that end.¹⁰

Definition IV: It (the Principle of Utility) may be more correctly described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or different persons. This, however, is not a *pre-supposition*, not a premise needful to support 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?¹¹

Definition V: I merely declare my conviction, that the general principle to which all rules of practice ought to conform, and the test by which they should be tried, is that of conduciveness to the happiness of mankind, or rather, of all sentient beings: in other words, that the promotion of happiness is the ultimate principle of Teleology.¹²

Two of Mill’s most astute recent interpreters, D.G. Brown and David Lyons, have insisted that Mill’s Principle of Utility is merely a theory of the good and not a theory of desirable action or obligation at all. Brown found at least fifteen different wordings of the Principle of Utility in Mill’s writings which Mill apparently regarded as equivalent.¹³ He insisted that they all reduce to the idea that “Happiness is the only thing desirable as an end.”¹⁴ Similarly, David Lyons, who relies too uncritically I think on Brown’s work, has recently advanced the view that Mill’s “Principle of Utility says that happiness is the ultimate good, and thus it represents a theory of value — not of obligation.”¹⁵ Elsewhere, Lyons admitted that the Principle could at least be used to rank actions with respect to desirability,¹⁶ but he sees this ranking function as extraneous to the meaning of the Principle itself. It is tempting to agree with the Brown/Lyons thesis that the Principle of Utility as such did not incorporate a distinction between correct versus incorrect action at all, for if they are right it is at once apparent that neither a maximizing act or rule utilitarianism is identical with Mill’s Principle of Utility since both involve normative theories of moral action. I am convinced, however, by the following reasons that the Principle did contain some sort of prescriptive element in its very conception, despite what Brown and Lyons have to say.

In the first place, as in Definition I, Mill frequently referred to the Principle of Utility as the “greatest happiness principle.” Mill got it from Bentham, who got it from Helvetius and/or Hume,¹⁷ who got it from older thinkers in the Moral Sense tradition of Scottish moral philosophy. As this principle was introduced into modern ethical theory by Francis Hutcheson, it clearly contained an action-guiding element: “...that Action is best, which procures the greatest Happiness for the greatest Numbers: and that, worst, which, in like manner, occasions Misery,”¹⁸ The Principle had changed little by the time it got to Bentham. In a later footnote to his own definition of the Principle of Utility quoted above, Bentham himself defined the greatest happiness principle as follows:

This for shortness, instead of saying at length *that principle* which states the greatest happiness of all those whose interest is in question, as being the right and proper, and only right and proper and universally desirable, end of hu-

man action: of human action in every situation, and in particular in that of a functionary or set of functionaries exercising the powers of government:¹⁹

Thus, the utilitarian tradition to which Mill belonged clearly meant more by the greatest happiness principle than that happiness is the sole intrinsic good. It meant also that desirable actions are those which promote happiness and that undesirable actions are those which reduce happiness or permit or produce unhappiness.

More decisively, however, Mill's Definitions II and III above both contain references to the *means* of happiness, and Mill repeatedly insisted that certain kinds of human actions are effective means to that end. What cannot be ignored in these two definitions is that Mill defined the Principle of Utility in such a way that it included both a reference to the good and to the means to the good. *Both references are essential parts of the definitions* and cannot be ignored without distorting Mill's position. When D.G. Brown made his case for construing the Principle as being merely a theory of the good, he quoted only the first part of Definition III and ignored the phrase "all other things being desirable as a means to that end."²⁰ Definition II has *means* rather than end as its very subject, good things being those which *produce* pleasure and evil things those which *produce* pain. Thus, the Principle of Utility seems to incorporate both a theory of intrinsic good and evil and of instrumental good and evil as essential features of itself. Since actions are instrumental goods and ills, they are *not* excluded from Definitions II and III as the Brown/Lyons thesis requires.

It is Definition IV which most clearly supports the Brown/Lyons thesis that the Principle of Utility is merely a theory of the good, not a normative theory of action. I do not claim that all of Mill's references to the Principle are perfectly consistent, but Definition IV is unquestionably *atypical* in omitting *all* reference to *action* and the *means* to happiness, for all the remaining definitions contain such a reference. As a final consideration, such references are required by Mill's classifying the Principle of Utility in Book VI of his *Logic* as the first principle of the Art of Life or Teleology, and in his defining art as being "in the imperative mood."²¹ Definition V, taken from the *Logic*, does not say merely that happiness is the ultimate principle of Teleology but that the *promotion* of happiness is that principle, this being tacitly understood as "in the imperative mood." In a parallel discussion in *Utilitarianism*, Mill again emphasized promotion as well as happiness, writing that according to the principle "happiness is the sole end of Human action, and the promotion of it the test by which to judge all human conduct; from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole."²² Here the promotion of happiness is not a mere implication, application or corollary of the Principle, but an integral part of its very meaning.

I conclude that what Mill meant usually by the Principle of Utility would be best paraphrased as follows: Actions, virtues, rules and other instrumental goods are desirable (and in that sense correct or right) to the extent that they tend to promote the intrinsic good of the happiness of the greatest number of persons or sentient beings; and they are undesirable to the extent that they tend to permit or

promote the reverse of happiness. A more generalized form of the Principle that would make a place for pluralistic or non-hedonistic intrinsic goods could simply substitute “well-being” for “happiness.” This formula still bears a striking resemblance to the first principle of act utilitarianism; and since Mill called his principle the “foundation,” “test,” “source,” and the “criterion” of morality, it is very understandable that so many have thought him to be an act utilitarian. There are still many important but subtle differences, however. Even as thus formulated, the Principle of Utility did not commit Mill to any sort of maximizing moral philosophy, primarily because in his view the Principle was not as such a moral principle at all. Also “desirable” in this formula cannot be equated with “morally obligatory,” because special conceptual and empirical considerations about the very nature of moral obligation must be introduced to distinguish moral from non-moral norms.

2. The contrast between utility and morality

When Mill called the Principle of Utility the “foundation” or “criterion” of morals, what did he mean? Traditional interpretations of Mill as an act or rule utilitarian construe these phrases to mean the same thing as “first principle of morality.” In other words, these views assume that the Principle was Mill’s most basic *moral* principle, but this misconstrues the position which the Principle actually occupies in his moral philosophy. Brown and Lyons are on much firmer ground when they point out that the Principle was not as such a moral principle at all. Rather it was what we today might call the axiom of Mill’s general theory of value or his general axiology. Mill was willing to call it the first principle of “Teleology, or the Doctrine of Ends,” though he preferred the expression “the Art of Life”²³ or “the theory of life.”²⁴ This Art of Life has “three departments, Morality, Prudence or policy, and Aesthetics; the Right, the Expedient, and the Beautiful.”²⁵

Mill did little to fill out the details of his general axiology, but he did elaborate considerably on his understanding of the “province”²⁶ of morality especially in his *On Liberty* and in Chapter V on “The Connection between Utility and Justice” in his *Utilitarianism*. Mill held that moral right and wrong, moral rules, moral obligation, and moral virtue are identifiable by reference to “the promotion of happiness,”²⁷ *but the reference is clearly not one of simple identity*. Supplemental considerations are required to mark out the province of the moral and distinguish it from the provinces of prudence, aesthetic taste, politics, etc., all of which also have the Principle of Utility as their proper “foundation” or “criterion.” None of them have it without qualifications as their inherent first principle, however. Additional conceptual features must be introduced to differentiate the first principle of general axiology from the first principles of the particular provinces thereof.

To say that the promotion of happiness is *desirable* is not to say that it is *morally obligatory*. If we use “the first principle of morality” to refer to Mill’s most

basic principle of *moral* obligation, this will not be identical with the Principle of Utility. Mill introduced at least two additional conceptual elements to differentiate the moral domain from that of prudence, taste, politics, etc. These are not mere *empirical* considerations, for Mill *conceived* of the province of the moral as involving them. First of all, Mill held that a kind of action should count as moral if and only if it is of such great social importance that society would be justified in requiring and enforcing an obligation to perform it by negative sanctions or motivators such as adverse public opinion, legal coercion, and guilty conscience. In discussing the topic of "moral obligation in general," Mill explained in some detail that there are many things that it might be desirable for people to do but which they are not morally bound to do. He insisted that:

We do not call anything wrong unless we mean to imply that a person ought to be punished in some way or other for doing it — if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. It is a part of the notion of duty in every one of its forms that a person may rightfully be compelled to fulfill it. Duty is a thing which may be *exacted* from a person, as one exacts a debt. Unless we think that it may be exacted from him, we do not call it his duty.²⁸

Next, Mill insisted that the domain of moral obligation always involves action-guiding rules which identify and publicize those duties which society is justified in enforcing. These action-guiding rules must be much more specific than the Principle of Utility itself. Mill asserted that "Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it,"²⁹ and that "There is no case of moral obligation in which some secondary principle is not involved."³⁰ In determining which rules and which acts falling under them are to count as morally obligatory, the cost of teaching and learning the rules as well as the cost of enforcing them by negative sanctions must be considered. Rules count as moral when the evil they prevent or the benefits they provide would clearly exceed the evil they cost. They are thus grounded in but not identical with the Principle of Utility. Unlike the rules of prudence, moral rules are those which it is "for the good of mankind that (we) be held accountable."³¹ Yet, none of these moral or socially enforceable rules aim at the *maximization of good* for mankind. For Mill, moral rules are for the most part those which would *minimize harm* for mankind if everyone acted in accord with them.

Mill clearly delineated non-moral domains of value and behavior, grounded in the Principle of Utility, but distinct from morality. Prudence, for example, requires that as individuals we should act to promote our own happiness or well being. However, we have no such *moral* duty to ourselves, Mill thought, mainly because the price of moralizing the whole of life would be too high. Others may positively encourage us to promote our own good, but societal coercion through the sanctions of law, public opinion, or bad conscience would be too costly. Liber-

ty is always the best rule in matters of self-interest, Mill believed, (though I am not sure that I agree with him about this). As Mill explained in *On Liberty*,

In each person's own concerns, his individual spontaneity is entitled to free exercise. Considerations to aid his judgment, exhortations to strengthen his will, may be offered to him, even obtruded on him, by others; but he, himself, is the final judge. All errors which he is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good.³²

Again, Mill refused to classify exceptionally virtuous saintly and heroic acts as morally obligatory even though they make their obvious contribution to the greatest happiness of the greatest number. Rather, he classified them as what we today would call supererogatory, not as morally obligatory. Acts which go far beyond the requirements of moral duty are desirable in light of the Principle of Utility, but not all desirable actions are worth the price of enforcement by moral sanctions. Mill recognized no moral duty of general benevolence. He castigated Auguste Comte as "a morality-intoxicated man" because Comte wanted to make morally obligatory *all* acts that would promote human well-being. His own position, Mill explained, is that

As a rule of conduct, to be enforced by moral sanctions, we think no more should be attempted than to prevent people from doing harm to others, or omitting to do such good as they have undertaken...But above this standard there is an unlimited range of moral worth, up to the most exalted heroism, which should be fostered by every positive encouragement, though not converted into an obligation.³³

If they do not conflict with moral requirements, desirable prudential, artistic, saintly and heroic acts may be positively promoted by education, commendation and encouragement, but they may not be socially required and enforced by negative sanctions. The price of coercing some desirable acts is too high, and they fall into the domain of the nonmoral. We thus have only minimal moral obligations to one another. Mill did not recognize a *moral* obligation to maximize happiness, either for oneself or for others, and for this reason both maximizing utilitarian and rule utilitarian interpretations of Mill have all been mistaken. Mill's was not a maximizing utilitarianism at all, for it takes the Principle of Utility only as the first principle of axiology or the "Art of Life" but not as the first principle of the province of morality proper.

3. Mill's basic moral principle

Can we identify and formulate the first principle of morality as such, even though Mill himself never seems to have made it quite explicit? Whatever it is, it cannot be identical with the Principle of Utility. Too many of Mill's interpreters have ignored

the sentence which he wrote just after formulating the version of the Principle that appears in Chapter II of *Utilitarianism*, i.e. "to give a clear view of the moral standard set up by the theory, much more requires to be said."³⁴ We must remember the conceptual restraints we have found. Action guiding rules count as moral if and only if they would be worth the price of negative social enforcement. We must also note that an empirical element enters into the determination that *any particular rule* satisfies these conceptual restraints. To determine that any given rule would provide more benefits or prevent more harms than the evil it costs, it must be established (a) that disobedience to the rule would in fact have predictable harmful or non-beneficial effects, (b) that enforcing the rule with sanctions would in fact have predictable harmful effects, and (c) that the harmful or non-beneficial effects of disobedience are greater than the harmful effects of enforcement. Factual, causal knowledge enters into the determination of (a) and (b). Of course, there is room for disagreement with Mill at every one of these points.

After taking all these conceptual and empirical constraints into account, Mill seemed to assume throughout his whole moral corpus the following first principle of moral obligation: We are morally obligated only to abstain from inflicting harm, to actively prevent harm, to actively provide for any other persons or sentient beings who are affected by what we do certain minimum essentials of any sort of well being whatsoever, and to make occasional contributions to nonspecific charities that are not too costly to us. Only this rule and its corresponding duties are worth the price of social enforcement. Any other more concrete secondary rules and obligations in our working morality such as those of veracity and promise-keeping must be derivable from this first principle of moral obligation. Even our theory of human rights must be derivable from it. Mill thought that rights, i.e., obligatory societal provision or protection for everyone of those things fundamental to our well being, correlate with such minimal essential goods as life, liberty, security, individuality and self-development, food and shelter, basic education, equality of opportunity, the pursuit of happiness, etc.³⁵ If he had lived in an age of effective medicine, I think he would have regarded basic health care as an essential good which society ought to provide for all, but that too is another story.

To summarize my argument thus far, I have claimed that there is an action guiding element as well as a theory of intrinsic good in Mill's Principle of Utility and that the Brown/Lyons thesis which treats it merely as a theory of the good ignores too many texts in Mill's writings that also emphasize conduct. I have attempted to formulate and distinguish between the Principle of Utility as the first principle of Mill's general axiology and his implicit but derivative first principle of morality, pointing out that the province of the moral by definition involves only those action-guiding rules that are worth the price of social enforcement. I have shown that Mill recognized many types of desirable actions which are non-moral because not worth the price of negative constraint. I have concluded from this that Mill recognized only minimal moral obligations and was neither a maximizing act nor rule utilitarian.

4. Minimizing versus negative utilitarianism

I suggest that the most appropriate label for Mill's version of utilitarianism is "minimizing utilitarianism," not only to distinguish his position from maximizing act and rule utilitarianism but also to distinguish it from any merely negative utilitarianism. A negative utilitarianism affirms that we are morally obligated directly or indirectly only to prevent intrinsic evil but not to promote intrinsic good or positive well being. A negative utilitarian doctrine of rights would affirm that all rights are negative rights, i.e. rights which require only that we abstain from harming; but there are no positive rights, i.e. rights to which there correspond obligations to promote positive well being or the essential means to such. Since the means for avoiding evil usually coincide extensionally with the means for promoting minimal well being, a negative utilitarianism might go so far as to affirm that we are obligated only to protect those negative rights which are already established or recognized in a given society but not to lobby for the recognition of any new rights to minimal essential goods. In formulating what I take to be Mill's fundamental *moral* principle, I have included four forms of duty. The third and fourth of these have been included expressly to forestall interpreting Mill as a merely negative utilitarian. We are morally obligated only (a) to abstain from inflicting harm, (b) to actively prevent harm, (c) to actively provide and protect certain minimal essentials of any sort of well being whatsoever to those other persons or sentient beings who are affected by what we do, and (d) to make occasional limited and nonspecific contributions to charity which still fall far short of maximizing anyone's well being. Usually there is no way to fulfill obligation (b) without also fulfilling obligation (c) over the long run.

A negative utilitarianism which tells us that we are morally obligated directly or indirectly to prevent intrinsic evil but not to promote intrinsic good is extremely unattractive, mainly because the most obvious way to do this is to kill all sentient beings quickly and painlessly, assuming as Mill did that pain and suffering are the only relevant forms of intrinsic evil. Non-existence is presumably painless. Extinct entities cannot suffer or experience any other form of intrinsic evil. Physicians might readily fulfill this negative obligation by administering a lethal dose of medication to perfectly happy and healthy persons during sleep and without any warning that might cause anxiety. Quite apart from its adverse side effects on others, such an act is directly wrong for some reason. Yet, a purely negative utilitarianism cannot give the reason. Mill was clearly not a negative utilitarian in this sense. Why not?

The main reason why Mill was not a purely negative utilitarian is that his notion of "inflicting harm" is much broader than the notions of causing or not preventing intrinsic *evils* such as pain and suffering. Indeed, it is so broad that a failure to provide the minimal essential conditions for intrinsic *well being* counts as harming. Mill's notion of "inflicting harm" clearly extends beyond "inflicting suffering" when he explains that:

The most marked cases of injustice, and those which give the tone to the feeling of repugnance which characterizes the sentiment, are acts of wrongful aggression or wrongful exercise of power over someone; the next are those which consist in wrongfully withholding from him something which is his due — in both cases inflicting on him a positive hurt, either in the form of direct suffering or the privation of some good which he had reasonable ground either of a physical or of a social kind, for counting upon.³⁶

Clearly, the notion of harming here extends to the inflicting of suffering and to both withholding from and depriving of those essential positive goods which one is due, i.e. to which one has a right. Now, withholding a good means more than just taking away a good already possessed; it involves failing to provide an essential good not already possessed as well. Here it becomes most obvious that Mill's theory of moral obligation has only a very loose relationship with his qualitative hedonism. Just what counts as "harm" and "well being" could be interpreted in either hedonistic or ideal utilitarian terms. His moral theory is consequentialist without necessarily being hedonistic, but this should make his minimizing utilitarianism even more attractive to those who might think that some of Mill's essential goods are also intrinsic goods and entitled to promotion and protection for their own sake.

Mill defined "rights" as things which are so essential to well being that society should "protect" and "defend" them. In his formal definitions of the concept of a "right" he did not use the word "provide."³⁷ Yet, his examples expressly take "providing" into account, for he says that the right to security is like the right to physical nutriment in that it "cannot be had unless the machinery for providing it is kept unintermittently in active play."³⁸ Mill did in fact recognize societal obligations to provide as well as to protect at least some minimal essentials of well being such as liberty, security, nutriment, basic education, etc. Furthermore, as a social, political and philosophical reformer, Mill clearly made a place for the active promotion of both negative and positive rights for the oppressed, for slaves, for child laborers, for women, etc. even where these have not yet been recognized by society. Despite his emphasis on not harming, Mill was not a negative utilitarian. His was a minimizing utilitarianism.

A final reason why Mill's utilitarianism cannot be regarded as purely negative is that he did recognize an "imperfect" duty of charity, which he sometimes called generosity or beneficence. As "imperfect," no rights correlate with such duties, and we are not obligated to practice them with respect to any specific person at any specific time.³⁹ Mill's position here seems to be that charity comes into play only after rights to minimum essentials of well being have been guaranteed, and only if not excessively costly to ourselves. Since some charity is morally obligatory, the sanctions of conscience and public opinion have some bearing but not the strong relevance that they have where rights are concerned. Our conscience *should* hurt us, and our acquaintances *should* condemn us if we are *never* charitable; but conscience and complaining acquaintances should not reproach when we fail to honor most of the innumerable requests for charity with which we are constant-

ly bombarded. Such a limited and nonspecific obligation to “do good” through charity still falls far short of an obligation to “maximize good.” When charity is too costly, it may be encouraged as supererogation, but it cannot be required as duty. As Mill indicated in his critique of Comte, “There is a standard of altruism to which all should be required to come up, and a degree beyond it which is not obligatory, but meritorious.”⁴⁰ Once more, Mill’s was only a minimizing but not a maximizing or a purely negative utilitarianism.

NOTES

1. I have tried to work out the details of Mill’s theory of qualitative hedonism in: Rem B. Edwards, *Pleasures and Pains: A Theory of Qualitative Hedonism* (Ithaca: Cornell University Press, 1979).
2. To cite a few examples, Mill is interpreted as an act utilitarian by the following: J.B. Schneewind, *Mill’s Ethical Writings* (New York: Collier Books, 1965), pp. 7–39, especially pp. 31–34; D.G. Brown, “Mill’s Act-Utilitarianism,” *Philosophical Quarterly* 24 (1974), pp. 67–68; Jan Narveson, *Morality and Utility* (Baltimore: The Johns Hopkins Press, 1967), p. 124, n. 2; Robert M. Veatch, *A Theory of Medical Ethics* (New York: Basic Books, Inc., 1981), pp. 146, 258.
3. Mill is interpreted as a rule utilitarian by: J.O. Urmson, “The Interpretation of the Moral Philosophy of J.S. Mill,” *The Philosophical Quarterly*, Vol. 3 (1953), pp. 33–39; Richard B. Brandt, “Some Merits of One Form of Rule Utilitarianism,” in *University of Colorado Studies Series in Philosophy*, No. 3 (Denver: University of Colorado Press, 1967) especially section XII. More recently, Brandt has construed Mill as “roughly” a rule utilitarian in his “The Real and Alleged Problems of Utilitarianism,” *The Hastings Center Report* 13 (1983), p. 38.
4. J.S. Mill, *Utilitarianism*, Ch. II, par. 10.
5. For example, see: J.S. Mill, “Bentham,” in J.M. Robson (Ed.) (*Collected Works of John Stuart Mill*) X, p. 110.
6. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Ch. I, par. 3.
7. Bentham, Ch. I, pars. 4 & 5.
8. Mill, *Utilitarianism*, Ch. II, par. 2.
9. Mill, 1834 essay on “The Protagoras,” par. 41.
10. Mill, *Utilitarianism*, Ch. IV, par. 2. This was the doctrine to be “proved” in Mill’s discussion “Of What Sort of Proof the Principle of Utility is Susceptible.”
11. Mill, *Utilitarianism*, Ch. V, footnote #4, par. 1.
12. J.S. Mill, *A System of Logic*, Bk. VI, Ch. XII, sect. 7, par. 4.
13. D.G. Brown, “What Is Mill’s Principle of Utility?” *Canadian Journal of Philosophy* 3 (1973), pp. 2–5.
14. Brown, 5. Claiming on p. 157 that the paper “has no room for” the topic, Brown added nothing new on the meaning of the Principle of Utility in his “Mill on Liberty and Morality,” *The Philosophical Review* 81 (1972), pp. 133–158.
15. David Lyons, “Benevolence and Justice in Mill,” in Harlan B. Miller and William H. Williams (Eds.), *The Limits of Utilitarianism* (Minneapolis: University of Minnesota Press, 1982), p. 45.
16. David Lyons, “Mill’s Theory of Morality,” *Nous* 10 (1976), pp. 13–14.
17. In one place, Mill says Bentham got it from Helvetius, *Collected Works of John Stuart Mill* X, p. 86. In the same volume, p. 497, he says Bentham derived it from Hume.
18. Francis Hutcheson, *An Inquiry Concerning Moral Good and Evil*, sect. III, sub-sect. VIII.

19. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, footnote to Ch. I, par. 3.
20. Brown, 4, par. 2.
21. Mill, *A System of Logic*, Bk. VI, Ch. XII, sect. 1.
22. Mill, *Utilitarianism*, Ch. IV, par. 8. Other formulations which emphasize action as well as happiness may be found in Ch. I, par. 4 and Ch. II, pars. 1, 9, 10, 18, 20, 24.
23. Mill, *A System of Logic*, Bk. VI, Ch. XII, sect. 1, par. 2 and sect. 7, par. 4.
24. Mill, *Utilitarianism*, Ch. II, par. 2. Mill does speak of the Principle of Utility as the “fundamental” or “first” principle of morals in *Utilitarianism*, Ch. 1, par. 4 and Ch. V, par. 26. This only means that it is the “foundation” or “source” from which morality derives, however.
25. Mill, *A System of Logic*, Bk. VI, Ch. XII, sect. 6, par. 2.
26. Mill used this term in *Utilitarianism*, Ch. V, par. 15.
27. Mill, *A System of Logic*, Bk. VI, Ch. XII, sect. 7, par. 4.
28. Mill, *Utilitarianism*, Ch. V, par. 14.
29. Mill, *Utilitarianism*, Ch. II, par. 24.
30. Mill, *Utilitarianism*, Ch. II, par. 26.
31. Mill, *On Liberty*, Ch. 4, par. 6.
32. Mill, *On Liberty*, Ch. 4, par. 4. See also Ch. 1, pars. 9, 12, 13 and Ch. 4, pars 4 and 6.
33. J.S. Mill, “The Later Speculations of M. Comte,” par. 9.
34. Mill, *Utilitarianism*, Ch. II, par. 2. I must confess that I ignored this sentence myself and made the mistake of interpreting Mill as a maximizing moral utilitarian in my *Pleasures and Pains, A Theory of Qualitative Hedonism*, pp. 24, 120, 127, 143–144. However, that book deals primarily with Mill’s qualitatively hedonistic theory of intrinsic value and disvalue. It contains only incidental remarks about his theory of moral obligation.
35. Mill would have had no great difficulty in accepting the items in John Rawls’ list of “primary goods” as being essential conditions of any human well being or happiness. An ideal or pluralistic utilitarian might want to classify some of these items as intrinsic goods. Even Mill thought that they have such an intimate connection with happiness, involving many qualities of pleasure, that in effect they become essential parts of happiness itself. If pleasure is an intentional concept, as I have suggested in my *Pleasures and Pains, A Theory of Qualitative Hedonism*, pp. 74–82, 87–92, then this claim may not be as implausible as it appears to be on the surface.
36. Mill, *Utilitarianism*, Ch. V, par. 33.
37. Mill, *Utilitarianism*, Ch. V, pars. 24, 25.
38. Mill, *Utilitarianism*, Ch. V, par. 25.
39. Mill, *Utilitarianism*, Ch. V, par. 15.
40. Mill, “The Later Speculations of M. Comte,” par. 12. The fact that Mill recognized “imperfect” moral duties of charity, benevolence, or altruism is one of the main reasons why D.G. Brown was mistaken in attributing to Mill the view that “Conduct is prima facie morally wrong if and only if it is harmful to others.” See his “Mill on Liberty and Morality,” p. 150. Some failures to promote *positive* well being can be morally wrong on Mill’s view, so Brown’s “only if” is too strong.