LIBERTY, THE HIGHER PLEASURES, AND MILL'S MISSING SCIENCE OF ETHNIC JOKES*

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I. Introduction

The intended contribution to his moral theory of John Stuart Mill's famous distinction between higher and lower pleasures has occasioned long-standing puzzlement on the part of his more alert interpreters. I am going to explain how the distinction was meant, among other things, to allow Mill to demonstrate that liberty really is required by the Principle of Utility, but I will also suggest that the argument made possible by the notion of higher pleasures was not the one that Mill in the end wanted. My objective here is to distinguish two problems which—viewed at a suitable level of abstraction—we share with Mill: one is that of determining whether a society hoping to promote the happiness of its members should allow them liberty, and the other, that of accounting for the importance, both for happiness and for liberty, of genuinely original personalities. The general drift of my discussion will be that the former problem is relatively tractable, and Mill's understanding of the higher and lower pleasures contains the resources for a straightforward solution to his version of it; the latter problem, however, is a great deal more difficult, both for him and for us.

I will begin by discussing what the distinction between higher and lower pleasures is meant to do. I will remark on a number of architectural features of Mill's philosophical system which seem to me to have received insufficient attention, most centrally, Mill's generally unnoticed account of the psychological implementation of higher pleasures. With that in mind, I will explain how they can perform the mission Mill had first assigned them, and I will briefly consider a biographical question: What might have predisposed Mill to give the higher pleasures the pivotal theoretical role they have in his work?

Then I will turn to considerations having to do with individuality and originality. Although Mill gave these a great deal of emphasis, they are absent from the argument that I will by this point have reconstructed; by

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way of explaining why they prove so difficult to accommodate, I will suggest a reason Mill might have abandoned his projected sciences of character. I will take my leave by asking what we can learn from Mill's failure to turn his implementation analysis of the higher pleasures into an argument expressing the importance of individuality and originality.

II. The Higher Pleasures

Mill introduces higher pleasures as those which experienced judges lexically prefer. A lexical ranking—contemporary terminology, not Mill's—is one that resembles alphabetization in the following respect: Letters in the second position only make a difference to the alphabetical ordering of two words if the letters in the first position are the same; if the first letter of one word is "j," and the first letter of another word is "k," the former word will precede the latter word, no matter what their remaining letters are. Analogously, if one kind of pleasure is lexically ranked over another, then varying amounts of the latter, outranked pleasure will make a difference to the overall assessment of two options only if both options deliver the same in the way of the former kind of pleasure.[1]

The standard and almost correct formulation of Mill's distinction between higher and lower pleasures is that if all (or anyway most) of those who have experienced both *A* and *B* prefer any amount, however small, of *A*, to any amount, however large, of *B*, then *A* is the higher pleasure.[2] This is sometimes called the "decided preference criterion."

Even a cursory acquaintance with Mill's moral and political philosophy will suggest that this distinction must be doing a great deal of work for him. First, Mill was a utilitarian, and utilitarians opt for the greatest good for the greatest number; they interpret that to mean the most happiness, and, in Mill's time, identified happiness with pleasure. Aldous Huxley was not alone in taking utilitarians to be committed to a Brave New World: wouldn't a totalitarian regime administering euphoria-inducing

[1] For a standard introduction to the concept, see Eric Weisstein, "Lexicographic Order," in *MathWorld* (Wolfram Research, 1999, http://mathworld.wolfram.com/LexicographicOrder.html).

[2] John Stuart Mill, *Utilitarianism*, chap. 2, paragraphs 5, 8, and 10 [X:211, 213f.]. In all citations of Mill's works, bracketed references indicate volume and page numbers in John Stuart Mill, *Collected Works* (Toronto/London: University of Toronto Press/Routledge and Kegan Paul, 1967–1989). Being a higher pleasure is, on Mill's definition, a relational property: a pleasure is higher with respect to a specific contrasting pleasure; that latter pleasure is lower with respect to the former. This means that, in principle, a pleasure could be higher with respect to another pleasure, while being lower with respect to a third. Mill, however, typically wrote as though pleasures fell into two *classes*, the higher and the lower (that is, he wrote as though "higher" and "lower" were monadic predicates). I will in due course consider both why he might have allowed himself this way of putting things, and what further issues might turn on it. Following up on my description of the standard version of the decided-preference criterion as "almost correct," I will also explain why talk of *amounts* of a higher pleasure is importantly misleading.

drugs and elaborate but shallow pastimes be the surest and most efficient path to a maximum of pleasures?[3] But we know that Mill thought otherwise, and insisted that liberty outweighs any amount whatsoever of the goods that might be gained by sacrificing it. The only device in his bag of tricks that allows a good to be ranked over other goods in this way is the distinction between higher and lower pleasures. So we should expect Mill's argument for a liberal political order to invoke this distinction.

Second, the distinction between higher and lower pleasures is introduced in chapter 2 of *Utilitarianism*, where Mill also introduces what was widely felt to be a pressing objection to the view:

> Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with Principle.
>
> We are told that an utilitarian will be apt to make his own particular case an exception to the moral rules, and, when under temptation, will see an utility in the breach of a rule, greater than he will see in its observance.[4]

In Mill's time, and for a long time after, popular authors would depict utilitarian cost-benefit analysis as issuing in judgments like this one: Murdering a wealthy recluse for her money is not just morally permissible, but positively required, provided that the money will subsequently be devoted to charity. (As one of Dostoyevsky's bit characters vividly puts it, "One death, and a hundred lives in exchange—it's simple arithmetic!")[5]

[3] Aldous Huxley, *Brave New World* (New York: HarperPerennial, 1932/1998); similar complaints can be found in James Gunn, *The Joy Makers* (New York: Bantam, 1961). For a representative acknowledgment of the problem by an academic, here writing for a popular audience, see John Skorupski, *Why Read Mill Today?* (New York: Routledge, 2006), 61, 76.

[4] Mill, *Utilitarianism*, chap. 2, paragraphs 23, 25 [X:223, 225].

[5] Fyodor Dostoyevsky, *Crime and Punishment*, trans. Constance Garnett (New York: Bantam Books, 1962), 58f. During the twentieth century, the device most used to address this problem was rule-utilitarianism, the idea being that what got your moral theory into trouble was testing the particular action for its effects on utility, rather than testing the rule the action is subsumed by. (The *rule* "Kill miserly old women for their money" wouldn't look nearly as good, even to Dostoyevsky's student.) Act-utilitarians and rule-utilitarians argued for decades, among other things over which view to attribute to Mill. That debate was, in my view, a mistake: both interpretations are unhelpful anachronisms.

In Mill's scheme of things, whether a choice promotes utility depends on the preferences of experienced judges. Now, as a matter of psychological fact, the objects of preference are sometimes more and sometimes less particular. Around election time, for example, voters develop preferences over particular candidates; they also often have much more general preferences, exhibited in choices of rules about how to vote (e.g., straight ticket). Thus, the judgments derived from the preferences of the experienced will sometimes look more like act-utilitarian guidelines, and sometimes more like rule-utilitarian guidelines. (That is not to say that we will not sometimes find the contrast between "acting on general rules" and "measuring the consequences of each act"; these phrases are quoted from a letter Mill wrote to George Grote [*Collected Works*, XV:762].)

Mill provides a parrying response to the objection over the remainder of the paragraph last quoted, but saves his principled treatment (which I will reconstruct in Section V) for the final chapter of the book, where he argues that utilitarianism makes a lexical priority of security. And that must mean arguing that security (or "justice") is a higher pleasure (or perhaps a necessary precondition for higher pleasures).

Evidently, we ought not to think that we understand Mill's moral and political views, or his arguments for them, until we understand what a higher pleasure *is*. And conversely, I take it that the more difficult puzzle of the two I have just now mentioned—that of how Mill was able to think of his Principle of Liberty as compatible with his Principle of Utility—is a touchstone for having successfully reconstructed the distinction between higher and lower pleasures.[6]

Some of Mill's readers have taken his sorting of particular pleasures into higher and lower—sex and eating are lower, great literature and poetry are higher—to be no more than expressions of Victorian middle-class snobbery and prudishness. Perhaps a secondary check on whether we do understand his distinction is being able to give a more sympathetic explanation of how such pleasures were classified.

III. The Associationist Implementation of a Higher Pleasure

The official and formal definition of a higher pleasure does nothing to explain to us *why* the particular pleasures Mill claimed to be the higher ones *are*. But Mill was a British Empiricist as well as a utilitarian, and British Empiricism was a research program built around a distinctive psychological theory. If Mill's arguments turn on the claim that experienced judges, as a matter of psychological fact, lexically rank some plea-

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Here's why the debate was *unhelpfully* anachronistic. The twentieth-century debate came to a close with David Lyons, *The Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1965), which argued that, as rules get more contoured, rule-utilitarianism collapses back into act-utilitarianism. That argument works because there are no limits to the complexity of a rule, and that presupposition was allowable because twentieth-century ethics had taken the same antipsychologistic turn as twentieth-century logic. Because Mill's experienced judges will not form preferences over arbitrarily complex rules, the collapse of rule-utilitarianism into act-utilitarianism is preempted. That is, when you insist on framing your treatment of Mill in these anachronistic terms, you bypass the very material that allows Mill to do better than the parties to the twentieth-century debate did.

[6] Here is an indication of just how difficult the puzzle has seemed. As thoughtful a reader as Gertrude Himmelfarb (*On Liberty and Liberalism: The Case of John Stuart Mill* [San Francisco: Institute for Contemporary Studies Press, 1990]) was driven to the view that *On Liberty* and *Utilitarianism* are irreconcilable, and that their incompatibility is to be explained by attributing the two books to different authors: the team consisting of Mill and Harriet Taylor in the one case, and Mill on his own in the other. Since the two volumes were in the works at about the same time in Mill's life, since *On Liberty* explicitly acknowledges "utility as the ultimate appeal on all ethical questions" (chap. 1, par. 11 [XVIII:224]), and since the last chapter of *Utilitarianism* takes the first steps toward protecting individuals from the kind of oppressive measures that might seem to follow from the Principle of Utility, and thus is naturally regarded as a segue to *On Liberty*, this is an exegetical last resort.

sures over others, we should expect there to be a psychological explanation for lexical rankings generally. More narrowly, we should expect Mill to have had in mind psychological arguments designed to show that the particular pleasures which he took to be higher would indeed be lexically preferred to competing pleasures.

In fact, Mill is methodologically committed to producing such explanations. Mill's moral and political arguments require that what he takes to be the higher pleasures remain so even in novel social environments, in particular, in the improved social arrangements which utilitarians hoped to bring about; he is not trying to show that justice (or security) and liberty are goods only in our imperfect political world, but that someday we will no longer need them. Now, if the claim that, say, autonomy, or highly complex activity, or personal security are higher pleasures were merely an observation (perhaps of the choice behavior of suitably experienced judges), it would count as what Mill called an empirical law.[7] But

[7] And that is the way reconstructions of Mill's arguments have, by and large, treated such claims. For the past few decades, the gaps have been filled in by appeal to what John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 426f., called the Aristotelian Principle: the idea that, "other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity." Rawls claims that "Mill comes very close to stating [the Aristotelian Principle] in *Utilitarianism,* ch. II, pars. 4–8," and Rawls further describes it as "a principle of motivation . . . [which] expresses a psychological law governing changes in the pattern of our desires." But the claim that humans prefer more complex activities is supported neither by argument for the Aristotelian Principle of the sort that would make it compelling to a present-day audience, nor by reconstructed Millian argumentation that would justify attributing it to Mill. Rather, it is introduced by Rawls as a platitude.

In a very similar vein, John Gray, "Mill's Conception of Happiness and the Theory of Individuality," in John Gray and G. W. Smith, eds., *J. S. Mill's On Liberty in Focus* (London: Routledge, 1991), 200, 209, treats as obvious the claim that the "actualisation of [his unique range of] potentialities is indispensible for any man's greatest well-being," allows that a similar claim regarding autonomy might, for all we know, be found false in the future, and states that autonomy and authenticity are required for a happy life—but without providing anything like a tight Millian argument for these claims (compare also John Gray, *Mill on Liberty: A Defense,* 2d ed. [New York: Routledge, 1996], chap. 4).

Representative recent discussion of the distinction between higher and lower pleasures includes: Jonathan Riley, "Is Qualitative Hedonism Incoherent?" *Utilitas* 11, no. 3 (1999); Riley, "Interpreting Mill's Qualitative Hedonism," *Philosophical Quarterly* 53, no. 212 (2003); Riley, "On Quantities and Qualities of Pleasure," *Utilitas* 5, no. 2 (1993); Gustaf Arrhenius and Wlodek Rabinowicz, "Millian Superiorities," *Utilitas* 17, no. 2 (2005); Christoph Schmidt-Petri, "Mill on Quality and Quantity," *Philosophical Quarterly* 53, no. 210 (2003); John Skorupski, "Quality of Well-Being: Quality of Being," in Roger Crisp and Brad Hooker, eds., *Well-Being and Morality* (Oxford: Oxford University Press, 2000), 244f. I am unhappy with these treatments (to the extent that they frame themselves as reconstructions or explications of Mill—which, to be sure, not all do). Their focus tends to be on what the right mathematical model for Millian higher pleasures is: for example, whether higher pleasures are infinitely more valuable than lower ones. But, first, Mill did not himself think about these problems by trying to find mathematical models for them; rather, he explored psychological implementation issues. The complaint is not just that much of the current discussion is anachronistic, but that some of the disagreement in it is merely apparent. Since Mill did not think in these terms himself, any model that reproduces the right outputs, in this case lexical preferences, is as good as any other. Second, although

"until an uniformity can . . . be taken out of the class of empirical laws, and brought either into that of laws of causation or the demonstrated results of laws of causation, it cannot with an assurance be pronounced true beyond the local and other limits within which it has been found so by actual observation."[8] In other words, unless his claims about the higher pleasures can be underwritten by his psychology, Mill cannot use them as he does in his political arguments. So we must assume that he thought they could be.

Now in the earlier Empiricists, the psychological theory had two distinct components: a resemblance-based theory of content (the so-called Theory of Ideas, on which thoughts were something on the order of mental pictures) and associationism. Mill, sensitive both to the tensions between the components, and to the insuperable difficulties of an account of content that was based on pictorial resemblance, took pains to replace the Theory of Ideas with an improved and associationist account of content.[9] That left associationist psychological theory as the engine of the Empiricist research program. So the arguments we are looking for will deploy the theoretical machinery of associationism.

Associationism was an intellectual ancestor of mid-twentieth-century behaviorism and of contemporary connectionism; it differed from behaviorism in studying conditioning effects within the mind, and not merely between external stimuli and behavioral responses; it differed from connectionism in that representation was not understood as distributed.[10] In Mill's version of associationism, ideas (the mental states that are not themselves sensations or feelings) are linked by associative connections, and pleasure and pain traverse those connections. If you find thinking of *x* pleasant, and you associate *x* with *y*, then after a while, thinking of *y* will

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Mill does occasionally appeal to infinities (especially in his treatment of natural kinds in *A System of Logic,* book I, chap. vii, sec. 4, in Mill, *Collected Works,* VII:122–26), our comfort level with the concept of infinity, and our willingness to treat it as a reliable mathematical tool, is a side effect of that set theory class we all took in college. Before Cantor, infinity was felt to be a philosophical and mathematical *problem,* not a resource. So appealing to its infinitely greater value to explain why an object of preference is lexically higher-ranked than another is perhaps useful shorthand for us, but unlikely to be following Mill's own train of thought. However, I will have occasion to discuss one of the themes of this literature below, namely, whether Mill's distinction is, as the parties to the dispute tend to put it, qualitative or merely quantitative.

[8] Mill, *A System of Logic,* book III, chap. xvii, sec. 1 [VII:525].

[9] Mill, *A System of Logic,* book I, chap. v, secs. 4–7 [VII:97–108]. The replacement was not thorough, and I will return to the distinction between impressions and ideas in Section VII below.

[10] Paul Thagard's quasi-connectionist networks, in which each node represents a proposition or goal, are very close in spirit to Mill's associationist models of cognition. (In full-fledged connectionist networks, contents are not located at single nodes.) See Paul Thagard, "Explanatory Coherence," *Behavioral and Brain Sciences* 12 (1989): 435–67; and Thagard, "How to Make Decisions," in *Varieties of Practical Reasoning,* ed. Elijah Millgram (Cambridge, MA: MIT Press, 2001).

be pleasant, too. To desire something is to find the idea of it pleasant.[11] If you had a happy childhood in some neighborhood, you may find yourself liking the *place* (which you associate with the happy events), coming back to it after you've moved away, and thinking about it nostalgically. If you survive a plane crash (even just one: according to Mill, pain makes stronger associations form faster), you may no longer be able to make yourself get on a plane. Now, according to associationist psychological theory, how could something come to function as a higher pleasure in somebody's life?

Mill was a prolific writer, willing and able to write his way through just about any topic for which he had a theoretical use. His collected works fill some thirty-three hefty volumes. If psychological theory was as central to his views as I am claiming, where is Mill's book on the subject? As it happens, John Stuart Mill's father, James Mill, had written a textbook treatment of associationism, the *Analysis of the Phenomena of the Human Mind.* (To help keep them straight: a standalone "Mill" will always refer to John Stuart Mill.) Janice Carlisle points out that the very young Mill served as an "unacknowledged research assistant" on his father's project, writing out chapter-by-chapter abstracts of earlier work in the tradition of Empiricist psychology and reading draft chapters.[12] If John Stuart Mill never wrote up his own exposition of the science of psychology, it was because he thought the job had already been done for him (and where he thought it had not been done right, his second edition of his father's book added lengthy footnotes in which he corrected the author on the points where they disagreed). So we can treat the *Analysis* as giving us both the Mills' psychological views.

And, indeed, the treatment of the phenomenon we are examining appears in the *Analysis,* perhaps disconcertingly, as Mill's explanation of how one becomes a miser. A miser is someone who values money over anything he could buy with it; that's why he hangs on to the money. So a miser acts as though money is a higher pleasure. James Mill writes:

[11] More carefully, a desire consists in the idea of pleasure associated with the idea of the object of the desire. Mill took this definition over from his father, and noticed that it wouldn't do as it was. (James Mill, *Analysis of the Phenomena of the Human Mind* [London: Longmans, 1869], vol. 2, 191f.; I will refer to this work below as the *Analysis.* See p. 258 for a similar definition of "motive.") Even if you specify that the object of the desire lies in the future, what you get looks like hope or wish or even just expectation, rather than desire. However, Mill never adjusted the account of desire he had inherited to handle the objection.

[12] Janice Carlisle, *John Stuart Mill and the Writing of Character* (Athens: University of Georgia Press, 1991), 18f.; Mill, *Autobiography,* chap. 3, par. 5, in Mill, *Collected Works,* I:71, 73. A reading group in which Mill participated subsequently worked its way through the *Analysis* (Mill, *Autobiography,* chap. 4, par. 20 [I:127]). In a eulogizing passage in the *Autobiography,* Mill praises his father for "what he achieved in . . . analytic psychology. . . . [H]e will be known to posterity as one of the greatest names in that most important branch of speculation" (ibid., chap. 6, par. 11 [I:213]).

> Wealth . . . afford[s] perhaps the most remarkable of all examples of that extraordinary case of association, where the means to an end, means valuable to us solely on account of their end, not only engross more of our attention than the end itself, but actually supplant it in our affections.[13]

Here is the explanation of the phenomenon given by Mill *fils:*

> [W]hen a grand cause of pleasures has been associated with a great many pleasures, and a great many times, the association acquires a peculiar character and strength. The idea of the cause, as cause, is so lost among the innumerable ideas of the pleasures combined with it, that it seems to become the idea of pleasure itself. . . . Many are the instances in which the association of pleasures with money constitutes so vehement an affection that it is an overmatch for all others.[14]

[13] Mill, *Analysis,* vol. 2, 215, which also adduces power and dignity as examples; John Stuart Mill endorses them as "almost perfect" (233n.). See also ibid., vol. 2, 188 (on "money . . . hugged as a good in itself"), and 233n. on how "persons, things, and positions become in themselves pleasant to us by association; and, through the multitude and variety of the pleasurable ideas associated with them, become pleasures of greater constancy and even intensity, and altogether more valuable to us, than any of the primitive pleasures of our constitution . . . as the love of wealth. . . ." (The point of the extra documentation here and below is to demonstrate that the account of miserliness is not just a throwaway; it turns up again and again, and it was evidently important in the younger Mill's thinking.)

[14] Ibid., vol. 2, 266. Mill notes the qualitative difference in the resulting feeling at 321. (Because John Stuart Mill's notes are quite long—sometimes as long as twenty pages—in cases like these I will give the page rather than the number of the note.) Here is his father's version of the explanation: "Money, for example, instrumental in procuring the causes of almost all our pleasures, and removing the causes of a large proportion of our pains, is associated with the ideas of most of the pleasurable states of our nature. The idea of an object associated with a hundred times as many pleasures as another, is of course a hundred times more interesting" (ibid., vol. 2, 206f., endorsed yet again by the son at 236n.).

Discussion of the psychological phenomenon in question is not confined to the *Analysis.* In his *Principles of Political Economy,* John Stuart Mill gives a related explanation for the once-popular economic doctrine of mercantilism: "As it is always by means of money that people provide for their different necessities, there grows up in their minds a powerful association leading them to regard money as wealth in a more peculiar sense than any other article; and even those who pass their lives in the production of the most useful objects, acquire the habit of regarding those objects as chiefly important by their capacity of being exchanged for money. A person who parts with money to obtain commodities, unless he intends to sell them, appears to the imagination to be making a worse bargain than a person who parts with commodities to get money; the one seems to be spending his means, the other adding to them. Illusions which, though now in some measure dispelled, were long powerful enough to overmaster the mind of every politician, both speculative and practical, in Europe" (Mill, *Collected Works,* III:505f.).

Here is further discussion in *An Examination of Sir William Hamilton's Philosophy:* "[A]ssociation can generate new mental affections. Let us take, as one of the obvious examples, the love of money. Does any one think that money has intrinsically, by its own nature, any more value to us than the first shining pebbles we pick up, except for the things it will purchase? Yet its association with these things not only makes it desired for itself, but creates in many minds a passionate love of it, far surpassing the desire they feel for any of the uses to which it can be put" (Mill, *Collected Works,* IX:284n.).

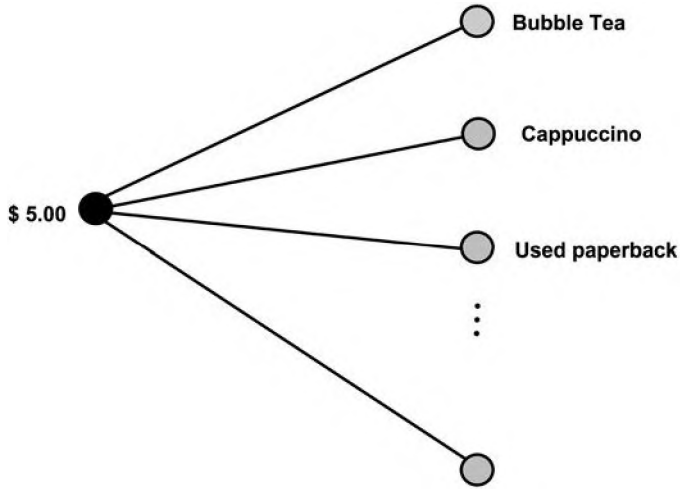

FIGURE 1. *The Associationist Implementation of a Lexical Preference*

The miser constructs associative links between his idea of, say, five dollars and his ideas of each of the many things he could buy with five dollars: a bubble tea, a cappuccino, a used paperback, and so on. Since each of those items is a pleasure (that is, the idea of it is pleasant), the feeling of pleasure traverses those associative links and attaches itself to the idea of the five dollars. (See figure 1.) Consequently, that idea becomes pleasant also, which is to say that the miser now desires his five dollars. But because the idea of the money is accumulating feelings of pleasure transmitted over *each* of the links, it ends up being a *more* pleasant idea than the ideas of any of the goods one could purchase with five dollars. That is just to say that the miser desires the money more than anything he could buy with it; when offered a choice between money and what it can buy, he will prefer the money.[15]

Finally, in a letter to Theodor Gomperz, Mill recommends "arguing questions [in economics] at first on the supposition of barter, in order to adjourn the difficulties which arise from the wrong and confused associations which cling to the idea of money" (Mill, *Collected Works,* XV:859).

[15] Is this enough to account for a miser's *generally* preferring money to what money can buy? After all, no one has had the opportunity to build up associative links of the sort we have just described around the ideas of *each* sum of money. I expect that we are to think of the miser either as having performed something like an induction (each amount of money that I have considered is more valuable than what it will buy, so all amounts are), or as entertaining a more indefinite idea of money (rather than one or another sum in particular). By Mill's lights, each of these options involves the miser in a further cognitive error—I mean, over and above the one I am about to describe.

Mill may be overlooking the supplemental reinforcement we are given for riches, power and reputation. Being wealthy has many social rewards, over and above the actual pur-

The love of wealth over all else is a *mistake,* "an effect," James Mill tells us, "of misguided association, which requires the greatest attention in Education, and Morals," and the opinion was seconded by his son, who wrote that the "true value . . . [of] riches . . . [is] the worth, for comfort or pleasure, of the things which they will buy."[16] Money is not actually a higher pleasure. The formal criterion, recall, is that money would count only if a majority of suitably experienced people were misers. Just about everybody who lives in a money economy is suitably experienced, having, on some occasions, traded his money for commodities, and, on others, hung onto it. But misers are a vastly outnumbered minority, and the reason is that the associative links from the idea of the money to the ideas of purchasable goods represent an exclusive or (an XOR): if you buy one item with your money, you have used it up, and you cannot buy anything else with the money you have spent. The miser is behaving as though the links represented an AND: as though the money could be exchanged for *all* of the purchasable goods together.[17]

Because a given amount of money can only be exchanged for one item priced at that amount, it is not worth more than one such item. While the idea of money may have been, at some stage of each person's education, associated with the myriad commodities that money can buy, sooner or later most of us learn that you get only what you pay for: the five dollars ends up buying us what are only five dollars worth of goods. After this lesson has been repeated sufficiently many times, the idea of five dollars ends up associated with the pleasure of a single five-dollar purchase; misers are rare because the relevant patterns of means-end association follow causal connections, and when the misapprehension[18] of the causal structure that gives rise to the very highly positively connected idea of money is corrected, the pleasure ceases to be connected enough to be lexically preferred: "Analytic habits . . . strengthen the associations between causes and effects, means and ends, but tend altogether to weaken those which are, to speak familiarly, a *mere* matter of feeling."[19]

Now that we understand how higher pleasures are implemented psychologically, we can say what a higher pleasure is going to come out

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chases it enables one to make, and these additional rewards ought, on the Mills' shared psychology, to have a further conditioning effect.

[16] Mill, *Analysis,* vol. 2, 215; Mill, *Collected Works,* III:810.

[17] If Mill were right about the psychological machinery, the mistake would be hard to avoid: the miser is falling afoul of the awkwardness with which connectionist networks generally handle trade-offs of this kind.

[18] Albeit not quite the *misunderstanding:* the miser doesn't actually *believe* that he can buy more than his money is worth.

ATMs disburse one's cash, again and again and again, but we don't ever, as far as I know, find ATM-misers, people who would give up the money the ATM provides for ATM access privileges. On Mill's account, there should be at least some such people. The moral: Don't forget that this is the *history* of psychology, not necessarily a plausible psychology for us.

[19] John Stuart Mill, *Autobiography,* chap. 5, par. 4, in Mill, *Collected Works,* I:143.

being: it will work like money to the miser, only, unlike a miser's attachment to money, it will not be a mistake.[20]

IV. A Bit of Biography

Let's pause to speculate as to where John Stuart Mill would have encountered preferences that were lexically ranked in the way he took the higher pleasures to be, and why he would have been so impressed as to rely on them for theoretical heavy lifting in *On Liberty* and elsewhere. Many readers will have already heard of his unusual upbringing, but I am going to rehearse the story in order to make the picture of his home schooling as vivid as possible. His father, James Mill, is working at home, writing his *History of India.* At the other end of the table is his son, John Stuart, doing his Greek homework. Little John Stuart never plays with other children (he reached his teens before being told that other children didn't have an education like his), never plays games, and never learns (his whole life long) to tie his shoes. He reads Plato, Gibbon's *Decline and Fall of the Roman Empire,* and William Robertson's *History of Scotland.* He does his exercises. Alexander Pope's translation of the *Iliad,* he later wrote,

> became [at age eight] one of the books in which for many years I most delighted: I think I must have read it from twenty to thirty times through. I should not have thought it worth while to mention a taste apparently so natural to boyhood, if I had not . . . observed that the keen enjoyment of this brilliant specimen of narrative and versification is not so universal with boys. . . .[21]

That in itself tells us a great deal about Mill's childhood: you have to have a pretty dry reading list (and not much to engage your attention,

[20] How can someone who wants to use preferences as the bottom line, and who gives this sort of account of how they are shaped, be in a position to regard some of them as mistaken? Mill is in an awkward position, one which may or may not be sustainable. Since our concern here is whether the awkwardness is a reason to think we are misreading him, notice that it is a variant of a position standardly adopted by informed-desire theorists. Such informed-desire or informed-preference theorists take desires or preferences to be the bottom line: something is good for you because you desire it, and not, e.g., because it is objectively valuable. Typically, such theorists insist that practical reasoning consists exclusively in means-end reasoning, but they are unwilling to insist that your desires and preferences never need correcting. So they take the benchmark to be the desires you would have if, say, you knew more. Mill is executing the same maneuver, using the preferences of other, more experienced people as his way of allowing for a preference to turn out to be mistaken. Mill's reasons for doing it his way, rather than taking the currently more popular counterfactual-based approach, are reconstructed in Elijah Millgram, *Ethics Done Right: Practical Reasoning as a Foundation for Moral Theory* (Cambridge: Cambridge University Press, 2005), 82f., at n. 27.

[21] Mill, *Autobiography,* chap. 1, par. 7 [I:13–15].

other than your reading list) for Pope (or Homer) to look this good to you, as an eight-year-old.

John Stuart Mill's father was dour (someone who, his son tells us, although a utilitarian, didn't really believe in pleasure), and a strict disciplinarian. Adults by and large have it left up to them how they run (at any rate) the details of their lives. Schoolchildren live inside a rather controlling institution, but they tend to get lost in the crowd. The young Mill, by contrast, had a full-time personal supervisor: he was hardly ever out of James Mill's sight, and his father-cum-babysitter was continually making him do one thing after another: conjugate Greek verbs, solve mathematics problems with inadequate explanation, summarize chapters in history books, and much more of the same. As a child, John Stuart Mill was practically never allowed to do anything because he wanted to, or chose to, or felt like it. He did everything because he was required to, and that is worth bearing in mind as a motivation for the arguments Mill constructed later on in life, for the freedom to do anything you want that doesn't actually harm anyone else.

Let's fill in the dramatized picture of Mill's early education a little more. Each time little John Stuart fails at a task, or is frustrated at it, his father sternly and abruptly corrects him, and (recall how close his father's psychological theory was to behaviorism) other rewards and punishments are presumably administered on the basis of praise and blame.[22] *Blame* is being associatively connected with all those brief unhappy moments. So the feeling of pain will traverse those many links, and after a while, blame (or maybe *his father's* blame) is going to be—extending the terminology we have been given—a "higher pain": something Mill would do anything to avoid. As his father put it, discussing the "association [that] constitutes . . . the feeling . . . of Praiseworthiness, and Blameworthiness . . . : In some men it exists in so great a degree of strength, that . . . every other feeling of their nature, is subdued by it."[23] While praise might have been turned into a higher pleasure in the same way, we are told that Mill's "recollection of such matters is almost wholly of failures, hardly ever of success":[24] James Mill must have rarely praised his child.

That is a guess, on my part, as to how John Stuart Mill first learned about the higher pleasures, about how lexically ranked preferences were formed, and about how effective they could be. It would have been the drawn out and painful lesson of his childhood that there are experiences which, once lived through, prevent one from trading off competing options.

[22] The younger Mill quotes his father on the role of praise and blame in parental pedagogy in the *Analysis,* vol. 2, 314, and remarks, in a tone that conveys the deep impression it made on him, on "the desire [James Mill] made [the minds he came in contact with] feel for his approbation, the shame at his disapproval" (Mill, *Autobiography,* chap. 4, par. 7 [I:105]). Compare also ibid., chap. 5, par. 4 [I:141], on his teachers' overreliance on "the old familiar instruments, praise and blame, reward and punishment."

[23] Mill, *Analysis,* vol. 2, 298f.

[24] Mill, *Autobiography,* chap. 1, par. 22 [I:35].

(After enough of such training, you would do *anything* rather than expose yourself to even a little bit of this kind of correction.) The turn to psychologically entrenched lexically ordered preferences, and Mill's conviction that they could make a dependable armature for a utilitarian but liberal social order, was most likely an echo of his own formative years.

V. Higher Pleasures as Nondepletable Goods

Miserliness involves a cognitive error, but psychological structures of this general shape do not always amount to a mistake. While money gets used up, what I am going to claim were the higher pleasures theoretically most important to Mill do not.

Recall that justice was to be protected from utilitarian cost-benefit calculations by being made a lexical priority. Justice consists in honoring rights, rights being those expectations which society ought to defend, come what may. Now, all nonmomentary goods depend on the possession of rights: "nothing but the gratification of the instant could be of any worth to us, if we could be deprived of everything the next instant by whoever was momentarily stronger than ourselves." This dependence makes us feel very strongly about the abrogation of rights, and not just of our own rights: we feel "a thirst for retaliation" whenever "the machinery for providing [the rights] . . . is [not] kept unintermittedly in active play." The feelings are "so much more intense than those concerned in any of the more common cases of utility, that the difference in degree . . . becomes a real difference in kind . . . assum[ing] [a] character of absoluteness." Thus, the possession of such rights is a higher pleasure. And thus, justice will be preferred to any of the other common cases of utility; it is always the preferred option, from the utilitarian point of view.[25]

Justice (security in our expectations, in knowing that the rules are fixed, even when it is inconvenient to others) is a means to all other nontrivial pleasures, and so the feeling of pleasure traverses the many associative links representing those means-end connections. It accumulates at the idea of justice, eventually becoming more intense than the pleasure associated with any of the ideas at the other ends of those links; justice, accordingly, turns out to be preferred to any of the particular goods for

[25] The quotes in this stretch of argument are from Mill, *Utilitarianism*, chap. 5, par. 24 [X:250f]. As the gesture at informed-desire theory in note 20 may remind us, the appeal to what, as a matter of psychological fact, people prefer is meant to sidestep question-begging appeals to what they *should* prefer. Nonetheless, some such circularity may remain in these arguments. Presumably, there are conceivable environments in which justice and liberty would not turn out to be higher pleasures: perhaps those in which justice and liberty are consistently associated with electric shocks. (Think of the dogs in learned helplessness experiments; see Christopher Peterson, Steven Maier, and Martin Seligman, *Learned Helplessness* [Oxford: Oxford University Press, 1993].) Why do we disregard those environments when we are considering which pleasures count as higher, especially since those classifications are being deployed in an argument about what social environments are to be brought about?

which it is a necessary precondition. The psychological structures thus resemble those of the miser. Notice, however, that unlike any finite amount of money, justice is a nondepletable good: when justice has secured one further pleasure for you, you have (as Locke once put it, albeit in a rather different connection) "enough, and as good, left." The mistake the miser is making is, in this case, no mistake at all.

The phenomenon of a general-purpose means correctly coming to seem more important than any of the ends which it might be used to attain is pervasive. Another striking example is material objects, which Mill understood as "Permanent Possibilities of Sensation." Mill's phenomenalist analysis is very close to that of C. I. Lewis's now more familiar view: a piece of paper's being on the table, for instance, is a matter of the sensations I would have if I went back into the room and looked—and many other counterfactual conditionals of the same ilk.[26] Mill does not himself put the upshot as I am about to: that one can treat a material object, such as a piece of paper, as a tool for producing the sensations to be found in the consequents of the counterfactuals that constitute it. But that is what it amounts to, on the phenomenalist view, and because any material object is constituted by (for at least all practical purposes) infinitely many conditionals of this kind, "[t]hese various possibilities"—that is, the material objects—"are the important thing to me in the world. My present sensations are generally of little importance. . . ."[27] Material objects become associated with the variegated sensations they do and might produce; they normally end up mattering far more than the sensations, and rightly so, because material objects are (like security, but unlike a fixed amount of money) not exhausted by the momentary pleasures they deliver.[28]

Mill did seem to think of great literature as a higher pleasure, and we can now say why that was not unreasonable. It is the distinguishing mark of great literature that you can always find something new in it; in associationist terms, there are always more associations to be built to further ideas. Unlike our previous examples, the associations need not depend on causal connections; but like our previous examples, the further ideas are often enough pleasurable in their own right. An alert and experienced reader will correctly come to regard a work of great literature as an inexhaustible source of literary pleasure, and, eventually, value it more

[26] Mill, *An Examination of Sir William Hamilton's Philosophy* [IX:183, 197]. The antecedents of these counterfactuals—in this example, going back into the room—are naturally to be understood as bearing phenomenalist analyses also. See Clarence Irving Lewis, *Mind and the World Order* (New York: Dover, 1956), 135f., for a brief statement of that more recent reformulation of Mill's view.

[27] Mill, *An Examination of Sir William Hamilton's Philosophy* [IX:179f.].

[28] They do not *always* matter more: we often trade in a material object for the sensations, as when one consumes a piece of cake. So material objects and sensations do not quite or always stand in the higher pleasure/lower pleasure relationship. But here there is a straightforward explanation: once the piece of cake has delivered the sensations and pleasures of taste, it is *gone*.

than the pleasure of any one good read. (You would not trade in *Vanity Fair* for any number of airport-bookstore thrillers.) Mill seems to have ranked food and sex as lower pleasures, and that may display epicurean ineptness on his part, but he was not simply being a Victorian prude: presumably, he failed to see how they too can be idea- and opinion-laden—how they, like great works of literature, can thereby become highly-connected elements of one's psychology, and eventually become recognized as the nondepletable sources of ever more lower-order pleasures.[29]

I earlier remarked that the standard formulation of the decided preference criterion does not quite get Mill right, and we can now see why. There is an old joke about a drunk in a bar to whom a genie grants three wishes. His first wish is for a bottomless pint of Guinness, and the drunk is so pleased with the outcome that he asks for two more of the same. If higher pleasures are, paradigmatically, nondepletable resources that are seen to serve indefinitely many further ends, then one has a higher pleasure or one does not, but one does not exactly have *more* or *less* of it. Mill introduces the notion of higher pleasures in the following passage:

> If one of the two [pleasures] is, by those who are competently acquainted with both, placed so far above the other that they ... would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.[30]

Notice Mill's careful choice of wording: the lower pleasure comes in quantities, but there is no mention of any quantity, great or small, of the preferred (and therefore higher) pleasure. It is a mistake to think of higher pleasures as coming in *amounts*.[31]

[29] In Proust's more exotic variation on this theme, even something on the order of the memory of a baked good can, if sufficiently connected to other hedonically charged ideas, be made into the focus of a personality and a higher pleasure. More familiarly, gourmets enjoy their food as they do because of the discriminations they are able to make; they read *Bon Appetit* the way other people go window-shopping; it is common enough in some circles to find oneself at dinner with people whose culinary enjoyment is inseparable from the conversation they are having about the food they are eating, the food they have eaten on other occasions, and the food they mean to eat in the future. For the importance of the ability to construct new associative links to an idea, see Elijah Millgram, "On Being Bored Out of Your Mind," *Proceedings of the Aristotelian Society* 104, no. 2 (2004): 163–84, secs. 2–3.

[30] Mill, *Utilitarianism*, chap. 2, par. 5 [X:211].

[31] This is perhaps the reason that Mill is willing to treat the higher pleasures as a class: since they do not come in amounts, Mill may be concluding that they do not trade off against each other. If this *is* what Mill was thinking, however, I am not happy with it: different higher pleasures do trade off against one another, and instances of the very same higher pleasure can trade off against each other (as when you have the option of sacrificing some people's liberty to allow liberty to many others). Many people surely have preferences over such trade-offs, and Mill discusses one such trade-off himself, in *On Liberty*, chap. 3, par. 9 [XVIII:266].

Finally, liberty is a precondition for many more immediate pleasures. It is nondepletable; once we have used our liberty to obtain one or another good, it remains unexhausted, to be used once again. A reasonably alert agent will come to realize this; that is, he will come to exhibit the pattern of associations characteristic of the higher pleasures. So he will come to prefer liberty to any of the alternatives for which he might trade it in. And that, by Mill's official definition, makes liberty a higher pleasure: something not to be exchanged for any amount of lower forms of utility.

VI. The Argument from Progressive Effects

There must be more to this last argument—after all, why aren't pleasures predictable enough to be supplied by Huxley's administrators, and if they are, why bother with liberty?—and to fill it in, we need to introduce two bits of Millian terminology. First, character is the cumulative effect of your experiential history on the pattern of associations that constitute your mind. (In this sense of "character," call it the generic sense, everybody has one; there is a further sense, which we will take up later in our discussion, on which having a character is an exceptional achievement.) Second, *On Liberty* tells us it is going to appeal to utilitarian considerations, but insists that an understanding of human beings' interests take account of the fact that they are "progressive beings."[32] Commentators have not noticed that this is also one of Mill's technical terms, and have largely assumed that the turn of phrase is merely another expression of the nineteenth-century faith in Progress. But Mill tells us that "the words Progress and Progressive are not here to be understood as synonymous with improvement and tendency to improvement."[33] A progres-

I hope to discuss this subject further on another occasion. For now, notice that one sort of standard objection is evidently miscast: the objection that no one is always going to give up eating for Mozart. Mozart isn't normally a generic means to eating, and so Mozart and eating don't stand to each other in the relation we have been examining.

[32] Mill, *On Liberty,* chap. 1, par. 11, in Mill, *Collected Works,* XVIII:224.

[33] To be fair, however, "here" is the *System of Logic* (book VI, chap. X, secs. 2–3 [VIII:912ff.]). Mill does go on to affirm his "belief . . . that the general tendency is, and will continue to be, . . . one of improvement. . . . This, however," he insists, "is not a question of the method of the social science, but a theorem of the science itself." The concept is introduced in the chapter of the *System of Logic* titled "Of Progressive Effects; and of the Continued Action of Causes" (book III, chap. xv [VII:509–15]). Compare also ibid., book V, chap. v, sec. 4 [VIII:790f.], where we are told that history shows "Man and Society" to be "actually undergoing a progressive change"; Mill uses the point as a premise in an argument against overreliance on empirical laws. In *On Liberty,* chap. 3, par. 17 [XVIII:272f.], Mill tells us that "the progressive principle . . . in either shape, whether as the love of liberty or of improvement, is antagonistic to . . . Custom." Although he uses "progress" and "progressive" in their ordinary senses later in the paragraph ("we flatter ourselves that we are the most progressive people who ever lived"), the point is that "the despotism of Custom," by imposing stasis on a society, may make it no longer subject to forms of development characteristically produced by progressive causes. Compare the related use of the term in *Utilitarianism,* chap. 2, par. 24 [X:224], where the fact that the human mind is "in a progressive state" explains improvement in our practical arts; it is not identical to the improvement.

sive effect is one produced by the continuous and ongoing action of a cause on its object: initially, for instance, the force of gravitation acts on an object at rest; at the next instant, it acts once again on the same object, which is already moving; at the next instant, on the same object, now moving faster than before, and so on. Likewise, "the progressiveness of man and society" is principally caused by "the extensive and constant reaction of the effects on the causes. The circumstances in which mankind are placed, operating according to their own laws and to the laws of human nature, form the characters of human beings; but the human beings, in their turn, mould and shape the circumstances for themselves and for those who come after them." Man is a "progressive being" in that his character is the result of stimuli applied to a character already shaped by stimuli. Unlike the Newtonian treatment of gravitation, we do not have available an elegant and precise mathematical derivation of the cumulative effects, because the stimuli themselves are so irregular. "Such [mathematical] principles are manifestly inapplicable . . . where the causes themselves are in a state of perpetual fluctuation; as in . . . the social science."[34]

By way of illustration (now of the shaping of an individual's character, rather than that of society): When life begins, one is equipped with a handful of hardwired pleasures, such as satisfying hunger; so imagine a psychology with only such pleasures as the initial state on which a stimulus operates. When you are an infant, you become hungry, and your mother feeds you. This happens repeatedly, and an associative link gets created between the idea of being fed, and the idea of your mother. Pleasure traverses the link, and becomes associated with the idea of your mother. So now you like your mother: you enjoy her presence, and not merely as a means to satisfying your hunger; her presence has become part of what counts, for you, as happiness. Now imagine that your mother wears straw hats; it happens repeatedly that when you see her, you see her wearing a straw hat; an associative link comes to be built between the idea of your mother and the idea of straw hats; pleasure traverses the link; now you like straw hats; they, too, have become part of what counts, for you, as happiness. Now imagine that when your mother parks you in front of the television, there happens to be an advertising campaign in which someone wearing a straw hat drinks a particular brand of beverage. Ads screen repeatedly, and so an associative connection is formed between the idea of straw hats and that particular soft drink. Once again, pleasure travels down the link, and now you have acquired brand awareness: Coca-Cola, perhaps, has also become part of what, for you, counts as happiness.

[34] Mill, *System of Logic*, book III, chap. xxiv, sec. 9 [VII:620]; compare ibid., book III, chap. xxiii, sec. 3 [VII:593f.]: "To enable us to affirm any thing universally concerning the actions of classes of human being, the classification must be grounded on the circumstances of their mental culture and habits, which in an individual case are seldom exactly known. . . ."

Human beings are progressive in that the processes that shape their characters are path-dependent, and thus what happiness or utility consists in for them is path-dependent as well. What a person's happiness is depends on what counts as his pleasures. A person's pleasures are determined by the vicissitudes of association-building stimuli. Since the cumulative effects of these stimuli are not normally predictable in particular cases (it was just happenstance that your mother wore straw hats, just happenstance that the commercials featured models wearing them), the only way to accommodate those effects—the only effective way to give as many people as possible the chance to be happy—is to minimize constraints on what individuals may do.[35]

Notice, incidentally, that we seem to be in the neighborhood of a partial solution to another of Mill's problems. Mill had hoped to discover how to form a personality capable of resisting the corrosive effects of analytic introspection; such introspection had, he thought, triggered his early and famous "Mental Crisis." "Analysis" itself was a technical concept for Mill, but the problem it was being invoked to explain was this: recognition that an associative connection was "artificial" rather than "natural" would dissolve it. The distinction between "natural" and "artificial," in turn, was meant to capture the difference between a correctly drawn conclusion, and *mere* association. So, and returning to the illustration, since the link between the beverage and straw hats is merely association, when you stop and think about it, you stop caring about the beverage; pretty soon, and for the same reasons, you also stop caring about straw hats; eventually, you end up hardly caring about anything anymore, except perhaps being fed, and the means to being fed. But now notice that, unlike the miser, the individual who becomes committed to one of Mill's higher pleasures because he understands it to be an all-purpose, inexhaustible means is not making a mistake. So Millian higher pleasures should be expected to stand fast against the probings of an analytical mind.[36]

[35] The implementation account blocks the obvious objection to the conclusion: that if pleasures are unpredictable, then, for all we know, it is constraint rather than liberty that maximizes pleasure. As before, we are bound to have our own doubts about whether a variety of options makes it more likely that people get what they want; it has become an iconic complaint that there are five hundred channels, but nothing to watch. But, as before, we should not forget that associationism is a defunct psychological theory. How realistic should we expect the psychological process we have just sketched to be?

[36] This is not, by any means, a fully satisfactory account even of the partial solution: it is difficult to cash out in terms of Mill's psychological machinery, because we do not have good associationist models for pleasures being linked to indefinitely many other unspecified pleasures. We do not have a model for a higher pleasure persisting because one expects older and fading lower pleasures to be constantly replaced by equally ephemeral pleasures that are still vivid. And we do not have a good explanation for why, once all the lower pleasures have been introspectively sand-blasted away, the generic means to them should persist as a pleasure. That is, we do not have the right psychological gloss on the "permanent" in Mill's famous phrase, "the permanent interests of man as a progressive being" (*On Liberty*, chap. 1, par. 11 [XVIII:224]). For perhaps the best discussion of Mill's attempts on the philosophical puzzles he took the Crisis to have raised, see Candace Vogler, *John Stuart Mill's*

VII. Bugs in the Implementation

Mill's implementation analysis of the higher pleasures and the decided preference criterion is ingenious, but not entirely satisfactory, even to him. It has two major problems that I want to register now, after which I will return to the main line of argument.

First, Mill is attempting to engineer a device that produces lexical rankings. His choice is either to use scalar hardware, in which the intensity of pleasure is a matter of degree and is (something like) additive, or to introduce a special and qualitatively distinct way of marking nodes in the associationist network.[37] But on the first option, the device should be expected to fail, and on the second, it's a mystery why it should work.

On the one hand, consider the feeling of pleasure that accumulates at an idea of something destined to become a higher pleasure. If that feeling is qualitatively identical to the feeling found at the less-highly-connected ideas with which that first idea is associated, then, whatever the intensity of (the idea of) pleasure bound to the idea of one or another generic means, it is hard to see why it could not be trumped by stacking up sufficiently many lower pleasures. Using liberty as our paradigmatic higher pleasure, we can see the difficulty to be not merely theoretical; after all, this is just how populist strongmen build their support base, counting on the public's willingness to let their freedoms go, when sufficiently many material enticements are on offer. Call this the *stacking problem.*

On the other hand, Mill seems to have been bothered by the nagging thought that the scalar device needed fixing, and so he experimented

Deliberative Landscape (New York: Garland, 2001); for another interesting reading of it, see Laurie Paul, "The Worm at the Root of the Passions: Poetry and Sympathy in Mill's Utilitarianism," *Utilitas* 10, no. 1 (1998).

If only the higher and hardwired pleasures persist, why isn't the effect of analytic introspection to produce a sort of scaffolding of a personality, while stripping away the personality itself—that is, to leave in place a concern for large abstractions like liberty, justice, and so on, while removing any concern for the personal and concrete goods (other than eating and the like) one would use one's liberty and security to obtain? That prospect gives Mill a stake in understanding great literature, poetry, art, and so on to be higher pleasures. Doing so gives him an initial answer to the charge that this solution to the problem of analytic introspection leaves only hollow lives. And it gives him an answer to the worry that sticking with the higher pleasures, which are shared by everyone, amounts to an endorsement of conformity: even if everyone loves liberty, and even if everyone loves great literature, they will have different favorite works of great literature.

For the meantime, and in the service of sharpening the remaining difficulties, Mill announces, in the course of introducing the decided preference criterion, that "[i]t is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied" (*Utilitarianism,* chap. 2, par. 6 [X:212]). The human and Socratic faculties are presumably valued in virtue of the processes we are discussing: because they function as generic means to further pleasurable activities and experiences. But the faculties are presumed to be valued even when the pleasurable activities and experiences do not (or no longer) ensue. And that is presumed to be the case even though, as we saw, most people do not become misers, because they come to see that they are not actually going to get most of the goods of which the money makes them think.

[37] This sense of "scalar" is being borrowed from Bernard Williams, "Persons, Character, and Morality," in Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), 6–8.

with reflecting the qualitative difference, as he thought of it, between higher and lower pleasures (i.e., objects of preference that are lexically ordered with respect to one another) in a qualitatively different mental state. We have already seen passages in which that thought comes to the forefront. To repeat a couple of them: "the idea of the cause, as cause, is so lost among the innumerable ideas of the pleasures combined with it, that it seems to become the idea of pleasure itself"; or again, the feelings tied to the realization that one's security is being threatened are "so much more intense than those concerned in any of the more common cases of utility, that the difference in degree . . . becomes a real difference in kind . . . assum[ing] [a] character of absoluteness."[38] An image that might serve us is that of an overloaded meter whose needle gets stuck at the high end of the dial.

The most important reason for thinking that Mill was seriously considering the notion of qualitatively distinctive higher pleasures is the amount of effort he devoted to working out the background theory, and Candace Vogler has done an impressive job of tracing out Mill's deep interest in "chemical" sciences (sciences which study effects that are qualitatively different from their causes). She convincingly ties the theory of chemical sciences to Mill's hopes of getting qualitatively novel mental states to do one or another kind of work in his psychology.[39] Vogler suggests that if there are complex ideas or trains of thought whose ingredients blend to produce qualitatively new states of mind—call these *blended ideas*—they can underwrite the higher pleasures, thus addressing the stacking problem.

However, the qualitative differences introduced by blending do not explain the lexical preference for blended over unblended pleasures—that is, they fail to explain why blended pleasures are *higher* pleasures. Some people prefer blended Scotch whiskey, others prefer single malt; why should it be any different with other pleasures? Mill's clearest example of blended ideas is colors on a spinning wheel blending into white; some people prefer white to other colors, but certainly not everybody; higher pleasures, however, are defined as those preferred by everyone who has experienced them.[40] Briefly, the second way of solving the stack-

[38] Mill claims that it is "practically important to consider whether the feeling itself, of justice and injustice, is *sui generis* like our sensations of colour and taste, or a derivative feeling, formed by a combination of others" (*Utilitarianism*, chap. 5, par. 2 [X:240f.]). Mill's attempt to trace the special qualities of the intense feeling to, especially, a qualitatively distinctive thirst for revenge (ibid., chap. 5, paragraphs 18–22 [X:248–50]; Mill, *Analysis*, vol. 2, 325f.) looks like a throwback to Humean analyses of complex ideas, which claimed to reveal the impressions of reflection embedded in them (see Millgram, *Ethics Done Right*, 222–24, for examples from Hume). For other points at which Mill toyed with the thought that the higher pleasures (i.e., the mental states involved in the enjoyment of higher pleasures) might be qualitatively distinctive, see also note 14 above.

[39] Vogler, *Mill's Deliberative Landscape*, 74–77, 80–82. For a quick overview of Vogler's agenda, see my review of her book in *Ethics* 112, no. 4 (2002): 880–83.

[40] Mill, *Analysis*, vol. 1, 90–91 (James Mill's discussion), and 108–9n. (John Stuart Mill, quoting his own treatment in the *Examination of the Philosophy of Sir William Hamilton*).

ing problem requires that blended pleasures be lexically preferred to unblended ones; we have no explanation at all for why they would be; recall from Section III that Mill is committed to providing such an explanation.

The second major problem with Mill's implementation analysis of higher pleasures is that higher pleasures such as liberty and security are not experienced as sensually overwhelming, except perhaps in very special cases. On the assumption that lexical preferences are effected by associating the idea of very intense pleasure with the idea of the preferred object (that is, putting to one side the blended-ideas alternative), this is a paradox—though not for the reason that perhaps first comes to mind.

The effect (or rather, lack of effect) can, oddly enough, be modeled by Mill's machinery. Although the Theory of Ideas did much less work for Mill than for his British Empiricist predecessors, this much of it remained. Ideas, at any rate simple ones, were understood to be qualitative copies of sensations, but much less forceful or vivid or intense.[41] Now, once again, desires are constituted, on Mill's view, by an idea of the object of desire, and an associated idea of (the sensation of) pleasure. So, what is traveling across the links that connect the idea of a generic means with the ideas of many pleasurable ends—and what is accumulating at the idea of that generic means—is not the *sensation* of pleasure, but rather *ideas* of (or an idea of ever-more-intense) pleasure. The etiolated mental state that, on Mill's account, is part of the structure of a desire explains choice, but cannot give rise to the vivid sensory experience of an intense pleasure. The implementation analysis of higher pleasures thus has a worrisome upshot: it suggests that higher pleasures ought to be experienced as disappointing. But if a higher pleasure is found to be disappointing for long enough, why does one continue to desire it so fervently? Call this the *disappointing higher pleasures problem.*

My take on this cluster of issues is that Mill was aware of the problems, but, despite exploring a number of ways forward, never settled on one of them. Perhaps he was sensitive to the flaws of the solutions he saw; perhaps he was waiting for science to deepen our understanding of the psychological machinery.[42] Mill did his best to be thoroughgoing in his empiricism, so perhaps the most principled response available to him would have been to allow that, like any device, the one we have sketched

[41] Although he still seems to have thought of ideas as fainter or weaker than sensations, Mill thought it necessary to amend Hume's view that impressions and ideas are distinguished only by their degree of vivacity; Mill's official view is that the difference between them (as between beliefs, memories, and other sensations or ideas) has to be treated as a primitive.

[42] In the *Analysis,* vol. 2, 252n., 254n., Mill emphatically recommends volume 2 of John Ruskin's *Modern Painters* (1843–1860; London: George Allen, 1906). That is, Mill was apparently also exploring art criticism for guidance on the higher pleasures, but must not have found the solutions he was seeking. If he had, we would see more of Ruskin's quite startling account worked into Mill's later theorizing.

is only effective in suitable ranges of circumstances. He could have claimed that the pairwise choices he wanted to explain (between a generic means and *one* of the items it is a means to) would be produced by this device, at any rate in suitable social environments. At other points in his psychology where he faced structurally similar problems—distinguishing beliefs from ideas merely entertained, or distinguishing memories from other beliefs—he added the needed functionality as a primitive. Although it would have been a less principled response, he could have done the same here; however, there is no announcement to that effect, and the cost, as we have seen, would have been high. In any case, I am going to leave further exploration of the resources on which Mill could have drawn to another occasion.

VIII. Individuality

The utilitarian argument for liberty I have sketched on Mill's behalf is by no means bug-free, but my sense is that its problems are surmountable. Even the components are still usable: John Rawls read Mill carefully, and adapted Mill's lexical orderings and all-purpose means—the latter in the guise of Rawlsian "primary goods"—to a political theory that expresses much of the spirit of the Millian argument. Nonetheless, the argument we have reconstructed was not one with which Mill was willing to rest content.

The chapter of *On Liberty* in which the central argument is provided bears the title "Of Individuality, as One of the Elements of Well-Being," and, in his *Autobiography,* Mill describes *On Liberty* as a whole as "a kind of philosophic text-book of a single truth . . . : the importance, to man and society, of a large variety in types of character, and of giving full freedom to human nature to expand itself in innumerable and conflicting directions."[43] But while the argument we have just given allows individuality a pivotal role, individuality amounts in it to no more than diversity of character (in, remember, what I called the generic sense). As various commentators have noticed, there is a second and more ambitious technical sense of "character" at work in this chapter and elsewhere, one corresponding to the ordinary usage in which one says of someone that he has a lot of character, or is a real character. For reasons I will get to, I do not want to attempt a precise and general account of character in the ambitious sense, but by way of introducing the notion, we can notice that it is marked by "individual spontaneity"; Mill quotes Wilhelm von Humboldt's characterization of "'the highest and most harmonious development of [man's] powers to a complete and consistent whole.'"[44] "Individuality is the same thing with development," Mill writes, and character

[43] Mill, *Autobiography,* chap. 7, par. 20 [I:259].
[44] Mill, *On Liberty,* chap. 3, par. 2 [XVIII:261].

in the ambitious sense is the precondition of "originality" and "genius."[45] In the argument we have reconstructed, even diversity of generic character does not figure as an element of well-being, but rather as an inevitable and not necessarily desirable phenomenon. That (generic) characters differ explains why liberty comes to be a higher pleasure, but we do not know why or how individuality—"character" in the ambitious sense—matters, much less matters enough to explain the importance of liberty. And I am about to briefly consider a textual objection to the argument as I have just reconstructed it, as a way of showing that Mill's concern for individuality as a great good really is missing from it.

The argument had it that we need liberty because people's preferences and pleasures are formed "progressively." Small coincidences shape the evolution of people's characters in ways that cannot be anticipated by a benevolent despot or social engineer; because people want unpredictably different things, the only way to make sure they get what they want is to allow each person to pursue his own ends. The textual objection is that Mill complains of nineteenth-century British society that people do *not* want unpredictably different things; rather, "they like in crowds"; "it does not occur to them to have any inclination, except for what is customary."[46] But if individuality is not as inevitable as all that, why should awareness of liberty's (not all that frequent) role in satisfying idiosyncratic preferences make liberty a higher pleasure?

A motif of *On Liberty* is that customary preferences are weaker than an individual's "spontaneous" preferences, and satisfying generic desires produces less utility overall. While Mill never spells out the details of the argument for this conclusion, it is predicted by the psychology. Suppose you think you ought to have *A* as your goal, and suppose, as a consequence, you pay attention only or primarily to the causes and effects of *A* (rather than to the causes and effects of the pleasures you actually feel). If you ignore stronger potential associations in favor of weaker ones (or prevent yourself from experiencing them, or just fail to notice them), on average you will be left with only weakly pleasurable ideas—which is to say, with weak desires. Weak desires are less rewarding to satisfy. Individual idiosyncrasy is not quite as pervasive as the first pass over our argument made out, but when it is not, the price is lower average utility.[47]

[45] Ibid., par. 10f. [XVIII:267].

[46] Ibid., par. 6 [XVIII:264f.]; compare John Stuart Mill, *The Subjection of Women*, chap. 3, par. 14, in Mill, *Collected Works*, XXI:312f.

[47] Elements of the argument are scattered through *On Liberty*, chap. 3, paragraphs 6, 14–16 [XVIII:264f., 269–72]. Perhaps this is one reason why Mill fretted over the workings of attention. Vogler, *Mill's Deliberative Landscape*, 94ff., usefully discusses Mill's worries about that subject.

As the previous section suggests, there may be other Millian explanations as well. When you find something pleasurable—not independently, as it were, but merely because you had desired it—the psychological machinery presumably operates as follows. To desire a slice of mince pie, for instance, is to associate an idea of the slice with the idea of pleasure. Now, the

However, notice that in blocking the textual objection we do not find individuality turning up as a part or component of well-being, but, once again, merely as a means to it. Conformism slows down the process of forming strong desires for a utilitarian regime to satisfy, and that may be a good enough reason to tolerate and even encourage diversity. But individuality is nonetheless being tolerated for the sake of a *further* end.

What has somehow gotten lost is a consideration that, not coincidentally, makes only rare and awkward appearances in the discourse of political liberalism today: namely, that the point of political institutions is to make better people. Contemporary liberalism is commodity-oriented, in that it is directed toward giving the people what they want, and takes the people who have those wants as given. The agent is a consumer; the most important mission of a social order is to satisfy preferences, whatever they are; GDP—a measure of how many preference-satisfying commodities are produced—is thus a good rough measure of the success of a social order. Mill's liberalism had its roots in a much older tradition, one that held the most important product of one's endeavors to be, not the commodities one manages to consume, but oneself, and the most important product of a society, the people in it.

If liberalism does not seem to have the resources it needs to meet the increasingly frequent attacks on it, that is because liberalism has forgotten what it was originally about: that "[i]t really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself."[48]

The distinctively liberal spin on this perfectionist thought is that there is no one pattern along which human beings are to be shaped; on the contrary, what matters most is that each person be able to make an individual of himself: each person should be, as the phrase has it, an original. Put aside the worry that Mill's train of thought depends on a psychological theory current in the nineteenth century, but not accepted today.[49] I will in a moment suggest that Mill's problems in casting his concern with

idea of pleasure is not the *sensation* of pleasure that you would have, if you liked the pie on its own. When you taste the pie, some of the vividness or energy of the sensation (of the pie, not of pleasure) is transmitted to the idea of pleasure, and is likely to make it somewhat more strongly felt; but even a more vivid idea is much weaker than a sensation. To desire something because it is what other people want is to have, when such a desire is satisfied, a pleasure of this secondhand sort. So preferences or desires that arise merely from conformist tendencies will eventuate in weak satisfactions.

A caveat: Recall that Mill was aware that his father's analysis of desire was unsatisfactory; it is thus hard to know how much weight can be rested on the workings of the admittedly flawed psychological machinery.

[48] Mill, *On Liberty*, chap. 3, par. 4 [XVIII:263].

[49] We should not forget, as commentators all too often do, that the argument of Mill's *On Liberty* is therefore not an allowable part of the liberal arsenal until the archaic machinery has been satisfactorily replaced.

individuality into a lucidly articulated and compelling argument do not derive from that theory; his problems are our own as well.

IX. Ethology

One of the surprises of the body of work that Mill left us is an empty space where the keystone was supposed to be.

A great many arguments in Mill's moral and political theory turn on character. For instance, just to add examples to those we already have on the table, his *Subjection of Women* argues for feminist reforms on the grounds that they will improve men's characters—a reason not likely to be much invoked today.[50] Mill objected to the secret ballot, because having to stand up for political choices in public would improve voters' characters;[51] he insisted that "the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves."[52] Political and social institutions were to be carefully tailored to suit the collective character of a people at a time, and thus colonial administrations and benevolent despotisms could be justified in those cases where a national character would not support democratic institutions.[53] Mill was fully aware that if these pronouncements were merely pronouncements, they could not do their work in his arguments.[54] So he proposed to inaugurate two new social sciences. The first phase of the research project that was supposed to tie his philosophical system together consisted of *ethology*, the science of character (not to be confused with the program of investigating animal behavior that went by that name during the twentieth century).[55] The follow-on phase was to be *political ethology*, the science of collective or group characters. Mill had spent time in France as a youth, and had been impressed by the differences between (as he thought of it) what the French were like and what the English were like; such observations seem to have served as his paradigm for the subject matter of political ethology.[56] By our lights, Mill was envisioning the startlingly misguided Science of Ethnic Jokes.

[50] Mill, *The Subjection of Women*, chap. 2, paragraphs 4, 12, and chap. 4, paragraphs 4f., 10, 13f. [XXI:288f., 293–95, 324–26, 329, 331–33].

[51] John Stuart Mill, *Considerations on Representative Government*, chap. 10, paragraphs 1–3, in Mill, *Collected Works*, XIX:488; *Collected Works*, XV:558.

[52] Ibid., chap. 2, par. 20 [XIX:390].

[53] See, e.g., Mill, *On Liberty*, chap. 1, par. 10 [XVIII:224]; compare Mill, *Autobiography*, chap. 5, paragraphs 15, 19 [I:169, 177].

[54] And political theorists do get called on such pronouncements. See, e.g., the complaint, in Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton, NJ: Princeton University Press, 1999), 30f., that Judith Sklar's claims about the "salutary effect [of life in a liberal regime] on the characters of citizens" are backed up "with scarcely a shred of empirical evidence."

[55] Nikolaas Tinbergen, *The Study of Instinct* (Oxford: Oxford University Press, 1976).

[56] For the differing national characters of Frenchmen and Englishmen, see, e.g., Mill, *Autobiography*, chap. 2, par. 12 [I:59f.].

The most urgent job Mill's two new sciences were to take on was resolving the tension between the Principle of Utility and the Principle of Liberty. Even without seeing how the details of the argument are supposed to go, it is clear enough that the effects of liberty on character (and the contrasting effects of enforced conformity and repression) are supposed to supply liberty with a utilitarian justification. And our argument to this point has sketched a way of filling in those details which gives us some sense of what sort of content ethology was projected to have.

Mill executed a great deal of preparatory work for the ethological sciences. Much of the *System of Logic* is devoted to working out the correct methodology for social sciences in which reproducible and controlled experiments are hardly ever possible. Mill wrote his way through an economics textbook, partly, I believe, as a proof-of-possibility: if economics, which faces the same methodological obstacles as ethology, has shown itself a viable enterprise, many of the standard objections to the viability of ethology are defused. The methodology worked out in the *System* required a science at its foundations with cleanly stateable and independently verifiable principles, and Mill's associationist psychology had been allocated that role; I take it that this was an important reason for revisiting and updating his father's work in the field. All in all, there was a great deal of effort put into stage-setting for the sciences-to-be of ethology and political ethology.

X. Conclusion

It is thus perhaps surprising that when we run our eyes down the spines of Mill's *Collected Works*, noticeably absent from the list of titles is anything along the lines of *The Principles of Political Ethology*. Perhaps Mill just never got around to it; perhaps he was exhausted by his other labors; perhaps the Science of Ethnic Jokes was destined to remain programmatic because it simply wasn't possible.[57] But Mill seems to have been otherwise indefatigable, and we have seen that he had every reason to think that the research program was promising: his analysis of the higher pleasures is a general theory of the formation of certain types of character, and would have seemed to him to confirm the feasibility of the program. So I want to entertain an alternative explanation for Mill's having abandoned the project: that, for formal reasons, no science could have done what Mill needed.

Sciences produce or consist of generalizations; a science of character would consist of or produce generalizations about types of character. These generalizations would be derived using associationist psychologi-

[57] Mill does say, in a letter to Alexander Bain, that "[e]thology [is] a subject I have long wished to take up, . . . but have never yet felt myself sufficiently prepared" (*Collected Works*, XV:645; the letter is dated 1859).

cal theory, and they would, in turn, be applied to demonstrate the upshots of one or another policy or set of institutions for utility or happiness. Ideally, they would show that liberty gives rise to characters of such and such types, and that, in a free society, people with those types of characters are going to be, as a former U.S. vice president once put it, happy campers.

Mill's problem arises when we add in the thought that the type of character we are really after exhibits "originality" and "individual spontaneity."[58] Deeply original (and thus arbitrarily different) characters do not make up a type that could be the subject of scientific generalization. There is no such thing as the science of surprises, and consequently, the science of personality types will not turn out to include the science of surprising personalities. Consequently, neither ethology nor political ethology will provide the lemmas needed to construct the argument that Mill was after—the argument to the effect that a society containing surprising personalities will be happier than a society that does not, and that liberty is required to produce surprising personalities.[59] I suspect that once Mill realized this, he quietly let ethology lapse.

Mill's problem is our own as well. Public arguments and public commitments, Bernard Williams has perceptively remarked, must be transparent in a way that private deliberations need not (and often should not) be. Public arguments must be available to support a commitment to liberty, if that commitment is not to appear politically frivolous. But, because individuality escapes general-but-concrete characterization, it is hard to construct such an argument that does not somehow sidestep the thought that individuality itself is what is important, and what a liberal society is trying to promote.[60]

[58] Mill, *On Liberty,* chap. 3, paragraphs 1–2 [XVIII:260f.].

[59] There are traces in Mill of a further and spectator-driven train of thought: that original and uncustomary characters will be "noble and beautiful object[s] of contemplation," and that "in proportion to the development of his personality, each person becomes . . . more valuable to others" (*On Liberty,* chap. 3, par. 9 [XVIII:266]). That is, Mill seems to be toying with an argument that experienced judges would find *other* uncustomary individuals to be a pleasure, and perhaps even a higher pleasure. Notice that the ethological sciences would not be in a position to supply the evidence for this argument, either. If you cannot say what original characters are like in general, you cannot demonstrate what the reaction to them will in general be.

There is a half-hearted attempt to show that originality is an all-purpose means, and thus, presumably, a higher pleasure: everything we value now was once an innovation, and so we should value innovators very highly indeed. As Mill noticed (*On Liberty,* chap. 3, par. 12 [XVIII:268]), and as Vogler, *Mill's Deliberative Landscape,* 108, has also pointed out on his behalf, a conformist will not find this a persuasive argument: *future* innovation is a means to what a conformist does *not* want. Think about hip-hop, from the perspective of a music lover of fifty years ago: an offensive vehicle for misogyny and braggadocio, confused about whether a record player is a sound-reproduction device or a musical instrument, it's not (the music lover would have insisted) even *music.* When novelty really *is* unpredictable, it does not, ahead of time, look like a benefit.

[60] Bernard Williams, *In the Beginning Was the Deed,* ed. Geoffrey Hawthorn (Princeton, NJ: Princeton University Press, 2005), 45f. Recent attempts to make the inculcation of virtue an

Mill's investigation of how liberty could be justified took him down two distinct paths. One of these amounts to a fairly tight argument (albeit one which requires a now-defunct psychological theory to make it work); that train of thought seems to miss the point of liberalism so disappointingly that (I am suggesting) Mill eventually gave up on it. Like mainstream contemporary justifications of liberty, it is uninspiring.

The second path faces apparently insuperable difficulties in formulating its central thought in a manner suitable for a public justification, and Mill's missing Science of Ethnic Jokes can serve as an icon for the problem: the transparent claims needed for such a justification must be the deliverances of a science, broadly conceived—or anyhow an intellectual enterprise that functions like a science. Nothing like a science of originality and deeply individual personalities is in the offing. Because we cannot explain what surprising characters have to do with higher pleasures, the importance of what Mill called the spontaneous individual will almost inevitably be confined to the peripheral vision of democratic political discourse.

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object of public policy display what some of these obstacles look like in real-life politics. For some of the discussion by policy-oriented academics, see William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991); Berkowitz, *Virtue and the Making of Modern Liberalism;* and, for an overview, Will Kymlicka, *Contemporary Political Philosophy,* 2d ed. (Oxford: Oxford University Press, 2002), chap. 7.

Notice that the civic virtues actually being promoted are not nearly as hard to describe concretely as those we have been considering. "Autonomy" and "toleration" are cookie-cutter objectives compared to fostering genuinely surprising personalities. Where creativity *is* the announced policy goal, we get phenomena like the National Endowment for the Arts; even the tiny sliver of the federal budget allocated to the NEA is controversial and consequently tenuous.