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India House Utilitarianism: A First Look

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Among the most thoroughly debated interpretive questions about the moral philosophy of John Stuart Mill is whether he assesses the rightness and wrongness of acts directly by their consequences or, instead, by their conformity to rules that are, in turn, ideal from a consequentialist point of view. The assumption that Mill must subscribe to either act utilitarianism or "ideal code" rule utilitarianism is widespread; for most interpreters, the only question is which of these to attribute to Mill. In our view, however, a fresh look at the textual evidence suggests attributing to Mill a novel form of rule utilitarianism that we call 'India House utilitarianism'. In what follows, after briefly discussing some of the difficulties that face the familiar act- and rule-utilitarian interpretations of Mill, we offer our proposed alternative.

Several interpreters have claimed that Mill is an act utilitarian.¹ But complications arise as soon as we consider a couple of claims that are definitive of that view. First, act utilitarians believe that people are morally obligated, in every situation, to perform the act, of those open to them, that will produce the most happiness. But Mill denies this, for he sees the concept of moral obligation applying only in situations that meet a certain threshold of importance. In the last chapter of *Utilitarianism*, Mill specifies the domain of moral obligation in the following way:

We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point between morality and simple expediency. It is a part of the notion of Duty in every one of its forms, that a person may rightfully be compelled to fulfil it. Duty is a thing which may be *exacted* from a person, as one exacts a debt. Unless we think that it might be exacted from him, we do not call it his duty. . . . There are other things, on the contrary, which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do; it is not a case of moral obligation. (*Util.* p. 246; V.14)²

Additional evidence for attributing this view to Mill comes from his essay

Auguste Comte and Positivism, where he maintains that "There is a standard of altruism to which all should be required to come up, and a degree beyond it which is not obligatory, but meritorious."³

Thus, people are morally obligated only to perform acts of a certain level of seriousness: only those acts the performance of which is sufficiently important for it to be desirable for a person to experience some punishment, whether formal or informal, upon the neglect of any of them. In other cases, other evaluative standards might apply, but these criteria are not moral ones: not every factor or aspect that might influence our assessment of an act is one that can give rise to a moral obligation, or even has any moral relevance at all. In cases that fall outside of the realm of morality, then, agents are under no obligation to produce as much happiness as possible.⁴ So, cases can arise in which failing to produce as much happiness as possible does not amount to the violation of a moral obligation.

That people are always morally obligated to produce as much happiness as possible is not the only act-utilitarian claim that Mill denies. A weaker claim that Mill also rejects is that people are always morally *permitted* to produce as much happiness as possible. In reflecting on certain situations in which agents might think themselves justified in violating the usual rules of morality (such as the rule requiring that one abstain from lying except in special circumstances), Mill writes the following:

In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. (*Util.* p. 220; II.19)

It is important to note that Mill characterizes the case at hand as one in which breaking the usual rule would have beneficial consequences, and yet concludes that the rule must be followed nonetheless. So, for Mill, it is sometimes impermissible for an agent to produce as much happiness as possible.

Clearly Mill makes some assertions that seriously complicate the act-utilitarian interpretation. To be sure, proponents of this interpretation address these and other challenges, and we do not purport to refute their accounts conclusively in this limited space. Here we only seek to show some of the complications attendant upon reading Mill in this way, to establish some motivation for our alternative reading.

Given the difficulties of interpreting Mill as an act utilitarian, it is natural

to wonder whether he is, instead, an ideal-code rule utilitarian, as has been frequently claimed.⁵ Consider the view that an act is right if and only if it is not forbidden by the code of rules whose general acceptance would produce the most happiness. This is the essence of ideal-code rule utilitarianism, and the views of Mill discussed above are highly compatible with it.

But there are two strands in Mill's discussions of morality that, in our view, cannot be woven into the fabric of ideal-code rule utilitarianism. The first begins with Mill's allusions to the way in which moral rules can improve over time. For example, drawing on the idea that moral rules can be seen as corollaries of the principle of utility, Mill writes the following:

The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of morality as improvable is one thing; to pass over the intermediate generalizations entirely and endeavor to test each individual action directly by the first principle is another. (*Util.* p. 224; II.24)

This passage is often read as supporting the ideal-code rule-utilitarian interpretation of Mill. But in our view, this interpretation is precluded by Mill's belief, which we see evinced in this passage, that there are moral rules that generate genuine moral obligations but are also improvable. Ideal-code rule utilitarians deny this: they say that moral obligations are dictated by ideal rules only. Ideal-code rule utilitarians allow that non-ideal rules may require much of the same conduct as that required by ideal rules, but they insist that non-ideal rules do not generate genuine moral obligations—only ideal rules do that.⁶ And since a rule must be non-ideal in order to be improvable, Mill's acknowledgement of non-ideal yet obligation-generating rules cannot be accommodated within ideal-code rule utilitarianism.

The second strand in Mill's discussions of morality that we want to highlight is his apparent view that not all agents' moral obligations are generated by the same set of moral rules. Consider, for example, the following passage, which immediately precedes the passage on improvability just quoted:

mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better. (*Util.* p. 224; II.24)

Implicit in this passage is a thought that Mill makes more explicit elsewhere,⁷ which is that humanity's beliefs about the effects of actions upon happiness

have always exerted a considerable influence, albeit an unacknowledged one, on the development of popular or conventional morality. So *prima facie*, at least, individuals are justified in believing that the rules of ordinary morality are the rules whose general acceptance would produce the most happiness. What Mill seems to be suggesting in this passage is that the average person is morally obligated to obey popular morality, just because he or she is more justified in believing the conventional code of rules to be the one whose general acceptance would produce the most happiness than he or she would be in believing something analogous about any other code of rules. Most of the time, therefore, even people who never give a moment's thought to evaluating competing codes of rules in terms of their effects upon happiness manage to live up to their moral obligations just by complying with the dictates of conventional morality.

The rules of popular morality will typically fall short, though, of the utilitarian ideal. This will be true for two reasons. First, the development of popular morality has rarely been guided by truly equal concern for everyone's happiness. Second, the beliefs that people have acquired about how to promote happiness have never been, and presumably never will be, entirely accurate. Mill appears to be saying that when one has found that the currently accepted code could be improved by some specific change, then one is morally obligated to act in accordance with the code that would result from that change, rather than by the code currently widely accepted. And this means that not all agents' moral obligations are generated by the same set of moral rules: different agents may be bound by different rules, based on their differing epistemic circumstances.

These aspects of Mill's discussions of morality imply his rejection of the assumptions, inherent in ideal-code rule utilitarianism, that only ideal rules generate moral obligations, and that the same rules generate the moral obligations of all agents. Instead, we suggest that Mill subscribes to the following non-ideal rule-utilitarian standard for assessing the rightness and wrongness of actions, which we call 'India House utilitarianism':

An act is right if and only if it is not forbidden by the code of rules the agent is justified in believing to be the one, of those she can reasonably be expected to be aware of, whose general acceptance would produce the most happiness.

Mill's contrast between "philosophers" and "the multitude" suggests that he sees the moral obligations of the vast majority of people as determined by the prevailing popular morality, with a vanguard of elites being bound by a somewhat different code. They will be bound by whatever code the

general acceptance of which they would be most justified in believing to produce the most happiness. From a utilitarian perspective it will normally be desirable for these elites to make the multitude aware of these superior rules and to encourage them to obey them. Indeed, it seems likely that this would turn out to be a moral duty on their part.

It is worth considering here three points about how this sort of moral relativism fits into the larger fabric of Mill's thought. First, despite his phrase 'rules of morality for the multitude', Mill may not hold that the obligations of the multitude can be read off, without exception, from the rules of popular morality. Some respects in which popular morality is defective, from a utilitarian point of view, may be so glaring that virtually everyone should be able to spot them. The treatment of women is one area where Mill may well think that the rules of popular morality are so obviously suboptimal that no one is really justified in regarding them as optimal. The treatment of animals is another.

Second, while moral progress might be slowed by the inability of intellectuals to reach a consensus on the moral rules that would produce the most happiness (or, indeed, to reach a consensus on the importance of this question in the first place), this fact points to no flaw in India House utilitarianism. For any given individual, there will be some code of rules whose general acceptance he or she is, in fact, most justified in believing would produce the most happiness, and this code will determine his or her moral obligations. This holds true regardless of whether particular individuals actually believe what they are most justified in believing, are justified in believing different things than one another, or are indifferent to the amounts of happiness produced by different codes of rules. Mill, as it happens, is optimistic about the prospect of intellectuals eventually reaching a general consensus on moral questions.⁸ Whether such a consensus can reasonably be expected or not, the prescriptions of India House utilitarianism do not depend upon it.

Finally, in proposing that Mill believes that elites have an obligation to improve the moral views of the multitude, we are not suggesting that he believes that elites are normally justified in exercising coercion against the multitude. The liberty principle clearly precludes their using such means to instill moral rules pertaining to the self-regarding sphere of action, at least in societies that have progressed beyond their "nonage." The liberty principle does not rule out the use of coercion in order to disseminate moral rules that govern other-regarding conduct, and it might well appear that Mill believes that elites are in a position to use it for this purpose. After all, he builds devices into his ideal scheme of democracy that are explicitly intended to

gain political influence for the “instructed minority.”⁹ This is true of the Hare Plan of proportional representation, and even more of “plural voting.”¹⁰ In fact, however, Mill clearly states that these schemes are not meant to give intellectual elites decisive power over the rest of society. Rather, they are just meant to give some elites access to the “bully pulpit,” and, at most, to put them in a position to cast deciding votes when representatives who are responding to the class interests of different socio-economic groups are divided. This is not to say that he believes that elites are always prohibited in principle from using coercion against the multitude in order to get a particular moral rule accepted, but the circumstances in which he believes that this would be justified in an advanced society are surely very unusual.¹¹

We call the view that we attribute to Mill ‘India House utilitarianism’ for three reasons. First, Mill did spend thirty five years working in East India House. Second, the name ‘India House utilitarianism’ is meant to evoke, for purposes of contrast, the outlook of Government House utilitarianism formulated by Bernard Williams.¹² The latter view, which Williams tried to link with the two-level utilitarianism of R. M. Hare, envisions an educated elite subscribing to one code of rules, but trying to teach the masses another (presumably simpler) one, resulting in a more or less permanent divide between the manipulators and the manipulated. In contrast, as we just noted, it was Mill’s hope that the “instructed minority” would disseminate its insights widely, in order to contribute to the gradual moral enlightenment of humanity. The instructed minority may always be one step ahead of the multitude, but both should be moving forward, so that the multitude of one generation might be more enlightened than the instructed minority of the previous one. Third, it is plausible to suppose that Mill considered some of the British East India Company’s interventions in India, such as its (belated) attempts to end the practice of *sati*,¹³ as examples of an instructed minority disseminating rules that are superior from a utilitarian point of view. As this project develops, we intend to pursue this conjecture through a more thorough examination of Mill’s writings on India.

It is essential to note one further feature of India House utilitarianism, which is that it is a *subjective* form of rule utilitarianism. It says that agents are obligated to obey the rules they are *justified* in believing would produce the most happiness, not the rules that would *actually* produce the most happiness. Some may see this as a virtue of the theory. Objective act utilitarianism, which says that agents are obligated to perform actions that *actually* maximize happiness, has been criticized on the grounds that, if such a view were right, then only an omniscient being could know what morality requires from us.¹⁴ The epistemic demands of objective forms of

rule utilitarianism (which say that agents are obligated to obey the rules that would actually produce the most happiness) may not be quite as stringent, but similar objections might still have force against them. India House utilitarianism, however, is not vulnerable to such objections. Nevertheless, while it is a subjective form of rule utilitarianism, India House utilitarianism is not so subjective as to base an agent’s moral obligations on his or her actual beliefs about which rules would produce the most happiness. Such a theory would be too permissive to be plausible.

Obviously there is much more to say about India House utilitarianism and its connections to various aspects of Mill’s thought. For example, what moral codes a person can reasonably be expected to be aware of needs to be specified, and answers need to be provided to questions about coordination problems and other complications that can arise when an agent deviates from an accepted moral code in order to follow one that would be better if everyone were to accept it, but that might lead to chaos if practiced by her alone. Nevertheless, we do hope here to have shown the need for an interpretation of Mill’s moral philosophy that differs from the currently prominent ones, and to have introduced and begun to make the case for our proposed alternative.

Notes

¹ See, for example, Brian Cupples, “A Defence of the Received Interpretation of J.S. Mill” (*Australasian Journal of Philosophy* vol. 50, no. 2 [August 1972], pp. 131–137), p. 137; D. G. Brown, “Mill’s Act-Utilitarianism” (*The Philosophical Quarterly* vol. 24, no. 94 [January 1974], pp. 67–68); Roger Crisp, *Routledge Philosophy Guidebook to Utilitarianism* (London: Routledge, 1997), p. 102 and p. 113; and William H. Shaw, *Contemporary Ethics: Taking Account of Utilitarianism* (Oxford: Blackwell Publishers, 1999), p. 165.

² John Stuart Mill, *Utilitarianism* (in John Stuart Mill, *Essays on Ethics, Religion and Society*, ed. by J. M. Robson [Toronto: University of Toronto Press, 1969] [vol. 10 of the *Collected Works of John Stuart Mill*], pp. 203–259).

³ John Stuart Mill, *Auguste Comte and Positivism* (in John Stuart Mill, *Essays on Ethics, Religion and Society*, ed. by J. M. Robson [Toronto: University of Toronto Press, 1969] [vol. 10 of the *Collected Works of John Stuart Mill*], pp. 261–368), p. 337.

⁴ On the limited scope of morality see also John Stuart Mill, *On Liberty* (in John Stuart Mill, *Essays on Politics and Society*, ed. by J. M. Robson [Toronto: University of Toronto Press, 1977] [vol. 18 of the *Collected Works of John Stuart Mill*], pp. 213–310), pp. 278–279 (chapter IV, paragraphs 5–6).

⁵ See, for example, J. O. Urmson, “The Interpretation of the Moral Philosophy of J. S. Mill” (*The Philosophical Quarterly* vol. 3, no. 10 [January 1953],

pp. 33–39), p. 35; R. B. Brandt, "Some Merits of One Form of Rule-Utilitarianism" (*University of Colorado Studies, Series in Philosophy, no. 3: The Concept of Morality* [Boulder: University of Colorado Press, 1967], pp. 39–65), pp. 57–58; Alan Ryan, "Introduction" (in John Stuart Mill and Jeremy Bentham, *Utilitarianism and Other Essays*, ed. by Alan Ryan [London: Penguin Books, 1987], pp. 7–63), pp. 56–58; Alasdair MacIntyre, *A Short History of Ethics: A History of Moral Philosophy from the Homeric Age to the Twentieth Century*, 2nd ed. (Notre Dame: University of Notre Dame Press, 1998), p. 241; and Alan E. Fuchs, "Mill's Theory of Morally Correct Action" (in Henry R. West [ed.], *The Blackwell Guide to Mill's Utilitarianism* [Oxford: Blackwell Publishing, 2006], pp. 139–158), p. 146.

⁶ This restriction is at least suggested in the seminal rule-utilitarian work of R. F. Harrod, and is explicit in the mature formulation of Richard Brandt. See R. F. Harrod, "Utilitarianism Revised" (*Mind* vol. 45, no. 178 [April 1936], pp. 137–156), pp. 148–149; and Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Oxford University Press, 1979), p. 217, and his *Facts, Values, and Morality* (Cambridge: Cambridge University Press, 1996), pp. 136–137.

⁷ See, for example, *Utilitarianism* (*op. cit.*), p. 207 (chapter I, paragraph 4).

⁸ See, for example, *Auguste Comte on Positivism* (*op. cit.*), p. 314.

⁹ John Stuart Mill, *Considerations on Representative Government* (in John Stuart Mill, *Essays on Politics and Society*, vol. 2, ed. by J. M. Robson [Toronto: University of Toronto Press, 1977] [vol. 19 of the *Collected Works of John Stuart Mill*], pp. 371–577), p. 459.

¹⁰ On these schemes see *Considerations on Representative Government* (*op. cit.*), chapter VII: "Of True and False Democracy; Representation of All, and Representation of the Majority Only" (pp. 448–466). For a more detailed discussion of Mill's views on plural voting and proportional representation, see Dale E. Miller, "John Stuart Mill's Civic Liberalism" (*History of Political Thought* vol. 21, no. 1 [Spring, 2000], pp. 88–113).

¹¹ Our reading of Mill therefore lends no real support to the thesis that he is an antiliberal elitist, a thesis most recently defended by Joseph Hamburger in his *John Stuart Mill on Liberty and Control* (Princeton: Princeton University Press, 1999).

¹² Amartya Sen and Bernard Williams, "Introduction" (in Amartya Sen and Bernard Williams, *Utilitarianism and Beyond* [Cambridge: Cambridge University Press, 1982], pp. 1–21), p. 16; see also Bernard Williams, "A Critique of Utilitarianism" (in J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* [Cambridge: Cambridge University Press, 1973], pp. 75–155), pp. 138–140.

¹³ On this topic see Mill's 1858 paper "Memorandum of the Improvements in the Administration of India During the Last Thirty Years" (in John Stuart Mill, *Writings on India*, ed. by John M. Robson, Martin Moir, and Zawahir Moir [Toronto: University of Toronto Press, 1990] [vol. 30 of the *Collected Works of John Stuart Mill*], pp. 90–160), p. 123.

¹⁴ See, for example, Dale E. Miller, "Actual-Consequence Act Utilitarianism and the Best Possible Humans" (*Ratio* vol. 16, no. 1 [March 2003], pp. 49–62).