HISTORY OF PHILOSOPHY QUARTERLY
Volume 14, Number 2, April 1997

DESIRES AND HUMAN NATURE IN J. S. MILL

Joyce L. Jenkins

John Stuart Mill tempts one to argue that he has an "objective list" view of value[1]. It has recently been argued that one should interpret Mill in this way both because of his views in *Utilitarianism* about the higher pleasures, and in order to make consistent his endorsement of both utilitarianism and rights.[2] There are, however, a number of claims made about the nature of happiness in *Utilitarianism* which make an objective list reading very difficult to sustain. Mill says that by "happiness" he means pleasure and the absence of pain (U, p. 210).[3] He says that competent judges prefer the exercise of their higher faculties because of the pleasure derived from them (U, p. 213). Such statements lend credence to a hedonist reading of Mill. It is argued here that the best way to reconcile these different strands in Mill's theory of value is to construe him as a desire-satisfaction theorist. The largest difficulty for a desire-satisfaction reading is the implausibility of equating happiness and pleasure with desire-satisfaction. A desire which does not have a mental state for its object does not appear to be a desire for pleasure. However, it shall be argued below that Mill should be construed as speaking very loosely when he says that the end of human conduct is pleasure. He thinks that feelings of pleasure play a role in forming desires, but he does not think that feelings of pleasure are the object of all desires. And, interpreting Mill as a desire-satisfaction utilitarian who heavily emphasizes the role of human nature in determining our considered preferences has many advantages.[4] It is textually supported. It turns at least the first part of the "proof" into an argument more "capable of determining the intellect" (U, p. 208).[5] It helps to reconcile Mill's utilitarianism with his liberalism. In addition, it can meet the objection that utilitarianism has repugnant consequences, because it can handle the intuition that desires for things such as the oppression of others should not be satisfied.

I. The Preferences

Consider Mill's familiar test for determining higher pleasures:

> If one of the two [pleasures] is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and 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. (U, p. 211)

One discovers the higher pleasure by checking the preferences of those who have a wide range of experiences. Higher pleasures must satisfy two conditions to be counted as higher.

1) They must be preferred even in the face of discontent, and

2) they are preferred such that they would not be abandoned for any quantity of some other pleasure.

Now, there are two obvious ways to read the place of the preferences of the judges in determining higher pleasures. Their preferences can be taken as evidence that some pleasures are higher, in which case the judges prefer those pleasures because they are higher. On this reading, the higher pleasures have objective value independently of a person's desires. Both the hedonist reading of Mill and the objective value reading construe the preferences of the experienced judges as evidential. Alternatively, the judges' preferences can be taken as constitutive of value, in which case the higher pleasures are higher because they are preferred in ways that satisfy the two necessary conditions stated above. This second reading makes Mill's conception of value a desire-satisfaction model.

David Brink proposes several reasons for rejecting the desire-satisfaction interpretation.[6] The first objection hinges on Mill's description of the way in which competent judges prefer the higher over the lower pleasures.

> The objective . . . reading of the relation between the preferences of competent judges and the comparatively greater value of the objects of their preferences helps explain a feature of Mill's higher pleasures doctrine that the subjective . . . reading does not. Higher pleasures . . . are those things . . . that a competent judge would prefer, even if they produced less pleasure *in her* than the lower "pleasures" would. . . . But *why* should competent judges prefer activities that *they* often find less pleasurable unless they believe that these activities are more valuable?[7]

The second focuses on Mill's description of some activities as desirable for their own sakes.

> If higher activities are intrinsic goods, they must be good in themselves. If so, they must be necessarily good. . . . While these conditions are met for higher activities on the objective interpretation, they are not on the subjective interpretation. For on the subjective interpretation, it must be a contingent psychological fact . . . that suitably informed people would prefer activities that exercise their deliberative capacities. . . . This implies that on the subjective interpretation higher activities cannot be necessarily valuable, and this implies that they cannot be intrinsic goods.[8]

Now, the first objection rests on a slide. Mill says that the higher pleasures are preferred even though accompanied by more *discontent* than content. Discontent and content are not synonymous with pain and pleasure for Mill. Mill equates happiness with pleasure, and says that one should not confound "the two very different ideas of happiness and content" (U, p. 212). Content is plausibly synonymous with pleasure only if one assumes that pleasure is a simple mental state. The desire-satisfaction model does not hold that pleasure is necessarily a mental state. Thus one can consistently hold both that the higher pleasures are accompanied by more discontent than content, and that pleasure is the same as desire-satisfaction.

The second objection also rests on a slide. Usually, intrinsic goods are thought of as goods that are desired and desirable for their own sakes, not instrumentally. That does not have to imply that they are *necessarily* desired for their own sakes. And in fact, Mill describes moral ends, which he thinks can be desired for their own sakes, as first instrumental, and only later desired for themselves. If one *assumes* an objective list account of value, it follows that the intrinsic goods are non-contingently goods, but that begs the question against the desire-satisfaction model.

Commentators, such as Brink, who think that Mill has an Aristotelian conception of value, take as a major point in their favour Mill's description of virtuous or intellectual activities as intrinsically good, as desired for their own sakes (U, p. 236).[9] This is because Mill does *not* say that the mental state caused by the activity is intrinsically good. So, it must be that the activities themselves are valuable apart from any mental state they may cause.

One might try to defend the preference hedonism reading. The objective list contention is that if Mill is a preference-hedonist, then activities such as virtuous activity would be desired for their resulting mental states, making them instrumentally desired, rather

than desired for their own sakes. This represents an artificial separation between an activity and the mental state it produces. Presumably, if one is engaged in an activity, and not in zombie-mode, one has an accompanying mental state. In fact, when one engages in an activity it is usually the mental state that matters to the agent, not the actual movement of the limbs, if there is any movement. Thus, when Mill says we desire certain activities for their own sakes, he could mean that we desire the mental states that largely constitute the activities for their own sakes.

One might object that this works for activities that are desired for their own sakes, but not for *results* that are desired for their own sakes. Mill talks about ends as well as activities being desired for their own sakes, such as the end of accumulating money, or the end of benefiting someone. If the end one desires is another's benefit, once the end is achieved it does not have an accompanying mental state. A preference hedonist cannot make sense of the claim that an end is desired for its own sake in this case unless such a claim is elliptical for "the mental state resulting from the end is desired for its own sake." Indeed, Henry Sidgwick concludes that Mill's language must be loose here unless we are to conclude that Mill is a desire-satisfaction theorist similar to Green.

> Green . . . says, 'it is the realisation of those objects in which we are mainly interested, *not the succession of enjoyments which we shall experience in realising them,* that forms the definite content of our idea of happiness' . . . It is more remarkable to find J. S. Mill . . . declaring that 'money' no less than 'power' or 'fame' comes by association of ideas to be a 'part of happiness.' . . . But this seems to be a mere looseness of phraseology . . . [s]ince Mill has expressly said that by 'happiness is intended pleasure and the absence of pain.[10]

Sidgwick's move would save preference hedonism as an interpretation of Mill. Mill meant to say that the resulting mental state is desired for its own sake. However, since Mill's language is avowedly loose when he describes happiness as 'pleasure and the absence of pain' ('much more requires to be said' [U, p. 210]), what is loose is the passage on which Sidgwick rests his rejection of Mill as a desire-satisfaction utilitarian. In addition, preference hedonism would commit Mill, though not Sidgwick, to the position that the object of all of our desires is pleasure, and since Mill expressly criticises Bentham for that view (RB, p. 12), Mill should not be read as a preference hedonist.[11]

Now, although preference hedonism cannot account for Mill's contention that certain non-mental ends are desired for their own

sakes, a desire-satisfaction interpretation can. According to this brand of utilitarianism, one does not necessarily aim at a mental state. One is aiming at some state of affairs occurring in the world. One's aim could involve one's own mental states, but it need not. To desire some virtuous, or non-virtuous, end for its own sake is just to want that state of affairs to occur, not necessarily to want some mental state which results from that state of affairs to occur.

So, if Mill is a desire-satisfaction utilitarian his claims about certain activities and ends being desired for themselves make perfect sense. Those activities/ends are intrinsically good because they are desired in a certain way, i.e., non-instrumentally. The claims about certain ends becoming a part of one's happiness also make sense. If happiness is desire-satisfaction, and I desire certain activities and events non-instrumentally, then the achievement of those ends is a part of my happiness.

The *Utilitarianism* discussions of the nature of pleasure, then, lend themselves to a desire-satisfaction reading. There Mill even claims that "desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable or, rather, two parts of the same phenomenon – in strictness of language two different modes of naming the same psychological fact; that to think of an object as desirable and to think of it as pleasant are one and the same thing" (U, pp. 237-238). According to Mill, pleasure and desire are aspects of the same phenomenon, or are the same phenomenon. Since there is reason to reject the view that Mill is a preference-hedonist, he cannot have only a desire for a mental state in mind. He should be read as a desire-satisfaction utilitarian. The following discussion of the "proof" will support this conclusion.

II. The Proof

Construing Mill as a desire-satisfaction utilitarian helps to make the "proof" respectable. One standard charge against Mill is that he confuses the normative and the descriptive in his use of the term "desirable." He supposedly commits this blunder when he moves from the claim that "the only proof capable of being given that something is visible is that people actually see it" to the claim that "the sole evidence it is possible to produce that anything is desirable is that people do actually desire it" (U, p. 234). The purported error occurs again in the later summary of the proof.

> If the opinion which I have now stated is psychologically true – if human nature is so constituted as to desire nothing which is not

> either a part of happiness or a means of happiness – we can have no other proof, and we require no other, that these are the only things desirable. (U, p. 237).

There are two slippery terms here: "desirable" and "happiness." Take "desirable" first. In the context of the proof, "desirable" might mean two things. By "desirable" Mill might mean "worthy of being desired," or he might mean "capable of being desired." If desirable is analogous to "visible" and "audible" and means "capable of being desired," Mill appears to be in trouble, because a human capacity to desire something does not show that it ought to be desired. If, on the other hand, Mill's claim is that people desiring something is evidence that it ought to be desired, it is open for others to object that the case has not been made out that happiness is the only thing that ought to be desired.

Now, as Maurice Mandelbaum and others have argued, at this latter stage of the proof, the slide, if Mill commits it, does not seem offensive.[12] That is because Mill has argued that happiness is the *only* thing that people are capable of pursuing. "Since we cannot desire any end but happiness, no other end is capable of fulfilling what is a necessary condition of desirability. Thus – by default – what is desired turns out in Mill's system to be both a necessary *and* a sufficient condition of desirability."[13] If Mill is right that happiness is the only thing we are capable of pursuing, then unless we either violate "ought implies can" or conclude that people ought to pursue nothing, we must agree that happiness is what ought to be pursued.[14]

Accepting Mandelbaum's point leaves Mill committing no horrific fallacy, but it leaves one wondering why he drew the analogy between visibility, audibility, and desirability, since the analogy seems quite misleading. However, the analogy is not misleading if Mill actually uses "desirable" in two different senses.[15] The initial occurrence of the word "desirable" in Ch. IV is meant to be "capable of being desired." Consider it in context. "I apprehend that the sole evidence it is possible to produce that anything is desirable is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice acknowledged to be an end, nothing could ever convince any person that it was so" (U p. 234). Mill takes himself to be pointing out that people do actually seek certain ends, i.e., that they are capable of being desired. If the end were an end we were incapable of pursuing, such as jumping over the moon, the suggestion that we are capable of pursuing it would never convince anyone that it was so. Mill's claim would be false if "desirable" meant, in

this context, "worthy of being desired" because he would then be claiming that no ends which are not already thought of as worthy of being desired are ends that people can be convinced are worthy of being desired. The reconstruction of the proof then reads as follows:

1. Ought implies can.
2. If humans can desire only happiness, then happiness is the only thing desirable, i.e., that ought to be desired.
3. Happiness is the only thing desirable, i.e., capable of being desired.
4. Humans ought to pursue some end.
5. Humans ought to pursue happiness, and only happiness.

However, we are still left with the suspicion that although there is no fallacy, Mill is simply unconvincing if he is a hedonist. His claim is, then, that pleasure is the only thing humans are capable of pursuing. If that were true, we might conclude that pleasure is what we ought to pursue in the absence of any other possible pursuit. There are, however, too many plausible counterexamples which are explained away only by the most unconvincing mental gymnastics.

Now, if, for Mill, happiness is not pleasure, the mental state, but rather desire-satisfaction, then the proof seems more convincing. It will now read as follows substituting "desire-satisfaction" for "happiness":

1. Ought implies can.
2. If humans can desire only desire-satisfaction, then desire-satisfaction is the only thing desirable.
3. Humans can desire only desire-satisfaction.
4. Humans ought to pursue something.
5. Humans ought to pursue desire-satisfaction and only desire-satisfaction.

The worry now, of course, is that although at least this part of the proof is convincing (if premises 1 and 4 are accepted), the proof is now vacuous. What one should pursue is what one is capable of desiring to pursue and that could be anything. No modern desire-satisfaction utilitarian will be annoyed with this conclusion, since they think that happiness is vacuous in this sense. On their view, desires are what make values, so of course anything can go in the pot. However, Mill does try to show that happiness is the only

thing humans can desire, and he states that whether or not this is true is a "question of fact and experience" (U, p. 237). The worry is that Mill's empirical observations would be pointless given a desire-satisfaction reading, since, on the desire-satisfaction reading, Mill turns out to be claiming that the only thing we desire is whatever we can desire.[16] But a desire-satisfaction reading makes Mill's discussion futile only if one assumes the modern conception of desire. For modern philosophers "desire" is a place-holder for "whatever motivates one." But Mill has a specific causal picture of what desires entail.

In *Utilitarianism*, Mill describes the desire for virtue as arising out of "the consciousness of it [as] a pleasure, or because the consciousness of being without it is a pain" (U, p. 237). On Mill's view, then, when something is desired, the attraction or aversion is caused by pleasure or pain at the thought of the thing, although it may be that neither pleasure nor pain is the object of the desire. One of Bentham's major errors, according to Mill, is his view that "all our acts are determined by pains and pleasures *in prospect*, pains and pleasures to which we look forward as the *consequences* of our acts" (RB, p. 12). So, desiring desire-satisfaction means, for Mill, pursuing objects that have a feeling of pleasure as the cause of the pursuit, though pleasure may not be the object. This causal story may be wrong, but making the case that we desire things only in Mill's way is not empty.

At the end of the proof chapter, Mill is, again, concerned to show that his particular picture of what is involved in desire-satisfaction is the right one. In response to a Kantian type who claims that virtue is simply pursued for its own sake, not because of any pleasure we feel when contemplating virtue, Mill clings to his picture of what desires look like, and how they relate to our pursuits.

> How can the will to be virtuous, where it does not exist in sufficient force, be implanted or awakened? Only by making the person desire virtue – by making him think of it in a pleasurable light, or of its absence in a painful one. It is only by associating the doing right with pleasure, or the wrong with pain, or by eliciting and impressing and bringing home to the person's experience the pleasure naturally involved in the one or the pain in the other, that it is possible to call forth that will to be virtuous which, when confirmed, acts without any thought of either pleasure or pain (U, p. 239).

Mill's view is that someone who acts for the sake of duty even in the absence of any desire to do so, is acting in a fashion that is ultimately comprehensible only given his account of desires. Mill

concludes that his views about the nature of desire are correct, and thus his attempt to show that happiness is the only thing desired is not futile if we ascribe a desire-satisfaction model to him. His vision of desire satisfaction is idiosyncratic, but that is why he has to show that things are only pursued in that way.

III. The Politics

One obvious objection to the interpretation of Mill as a desire-satisfaction utilitarian is that his discussion of human well-being in *On Liberty* rules it out. There he might be construed as a hedonist relying on his concept of higher pleasures, or as a non-hedonist with a more Aristotelian concept of human well-being, but not, one might think, as a desire-satisfaction utilitarian. This is because of his emphasis on the importance of self-development, his repeated references to humans' higher or progressive nature, and his view that it is permissible to interfere with individuals who are not, on his view civilized, or who propose to sell themselves into slavery.

Mill is leery of claims about human nature, but he nevertheless makes them. He is leery because of what he sees as the tendency of humans to call whatever is customary natural, but he thinks such claims can be made if they are the result of careful deliberation, and not based merely on one's instincts or feelings. On Mill's view, there are certain faculties that are distinctively human that all humans ought to develop. So, for example, the problem with conformity is that "it does not educate or develope . . . any of the qualities which are the distinctive endowment of a human being" (OL, p. 262). The utilitarianism on which rights to liberty should be based according to Mill is "utility in the largest sense, grounded on the permanent interests of man as a progressive being" (OL, p. 224). Man as a progressive being develops his moral and intellectual nature.

None of this sounds much like a desire-satisfaction utilitarian. After all, such a utilitarian should say that if people prefer to conform to custom, if they prefer to be pigs satisfied, if they prefer indolence over self-development, those things are valuable for them and should be promoted insofar as that is consistent with promoting the general happiness. And since it is all too common that people prefer not to tolerate those who violate their customs, intolerance too should be morally acceptable if that is what people prefer.

It is contended here that Mill did not think we really prefer to be pigs satisfied. He is implicitly relying on a distinction between

actual and considered preferences.[17] The non-intellectual might say that she prefers to be a pig satisfied, but if she has proper information about the intellectual and moral alternatives she would prefer them. Just as I would revise my preferences in case I desire to drink a glass of liquid which I later discover is gasoline, so too, Mill thinks that with the proper information about a life of free self-development I will revise my preference for the life of a pig satisfied. This is not because free self-development is more valuable and so would be preferred. Free self-development is more valuable because it is preferred in the presence of full information about different life styles.

And Mill can provide an explanation of why the higher pleasures are preferred. They are preferred he thinks because of human nature. "Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develope itself on all sides, according to the tendency of the inward forces which make it a living thing" (OL, p. 263). For Mill "liberty consists in doing what one desires" (OL, p. 294), and what one really desires to do is to develop the distinctive aspects of one's human and individual nature.

It turns out that, on Mill's view, the tendency of the tree of human nature is to grow in the direction of free development. He claims, for example, that apart from survival freedom is the most important ingredient in human well-being, and it is important because it is a part of our nature to want freedom.

> After the primary necessities of food and raiment, freedom is the first and strongest want of human nature. While mankind are lawless, their desire is for lawless freedom. When they have learnt to understand the meaning of duty and the value of reason, they incline more and more to be guided and restrained by these in the exercise of their freedom; but they do not therefore desire freedom less. (SBJ, p. 336)

Mill says that it is our nature that makes us desire freedom. So, on Mill's view the directions in which our nature push us clearly have something to do with what is valuable for us. The nature of that relationship needs to be examined. Is freedom valuable because it conforms to our nature, or is it valuable because we desire it given our nature?

The passage from *The Subjection* and references in *On Liberty* to humans' higher nature (OL, p. 270), to their nature as progressive beings (OL, p. 224), seem to imply that activities such as free rational deliberation are to be pursued because they are in conformity with humans' higher nature. On that reading, such

things are valuable because they are aspects of our higher nature. This cannot be right. Mill castigates the natural law theorists for thinking that any moral conclusions can be derived from facts about conformity to human nature; "conformity to nature, has no connection whatever with right and wrong" (N, p. 400). If Mill's consistent view is that conformity to nature has no connection with right and wrong, one must conclude that our desire for freedom is valuable because we desire it. Of course the cause of our desiring it is our nature, but its conformity with nature is not the source of its value.

Objective list interpretations of Mill either have to contradict Mill by arguing that the list-things are valuable because they conform to our higher nature, or they can provide no explanation of the place of human nature in Mill's account of value. As we have seen, Mill does think that our nature pushes us in certain directions to desire certain things. That is certainly a reasonable position supposing that we have a nature. However, it is unclear why that should matter to Mill if he has an objective list theory of value, unless he wants to equate the valuable with some subset of the natural impulses, which he clearly does not. An objective list theorist can say that Mill calls certain parts of our nature higher because those parts embody the objectively valuable such that their naturalness is irrelevant to their being higher. But if their naturalness is irrelevant to their being higher, Mill's talk about the importance of not shaping the natural tree into a Victorian garden ornament would be pointless.

On this reading certain things are part of our higher nature because they are preferred. They are not higher because they conform to nature. Thus, we can explain why Mill calls some activities higher, without denying his emphatic assertion that things are not right or wrong on the ground that they are in conformity with nature. They are higher because "when once made conscious of them [their higher faculties], [humans] do not regard anything as happiness which does not include their gratification" (U, pp. 210-211). The higher pleasures are not higher because they are in conformity with human nature; they are higher because they are a primary want of human nature.

This combination of desire-satisfaction utilitarianism with certain views about the tendencies of human nature allows Mill to be consistently both a utilitarian and a liberal. If people prefer a life of free self-development when given the opportunity for it, then a society which denies that preference fails on utilitarian grounds.

It is important to note here that Mill allows tremendous scope in the range of activities that might excite someone's higher nature.

> Such are the differences among human beings in their sources of pleasure, their susceptibilities of pain, and the operation on them of different physical and moral agencies, that unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness, nor grow up to the mental, moral, and aesthetic stature of which their nature is capable. (OL, p. 270)

So the objection of our students to Mill's advocacy of the higher pleasures loses its force. They prefer football to opera (some of them), but Mill can respond that in some cases it is football rather than opera that excites their higher capacities.

The view also gives Mill a response to some modern liberal critics of desire-satisfaction utilitarianism. Ronald Dworkin has popularized the view that there is a basic injustice attached to desire-satisfaction utilitarianism because people's external preferences are counted in a utilitarian calculus.[18] An external preference is a preference about someone else's preferences. If Ann prefers that Andy not live a Bohemian lifestyle, and if enough other people prefer that Andy not live a Bohemian lifestyle, then Andy's right to live his life as he sees fit should be denied, given the external preferences of others. But given Mill's brand of desire-satisfaction utilitarianism such preferences should not be counted, because people do not really prefer a society in which individuals must all live by the dictates of the majority.

Now, one might object that Mill himself was quite well aware of the tendency of human beings to want freedom for themselves and not for everyone else. He even goes so far as to label it another natural tendency of human nature (OL, p. 222). So, if intolerance is another tendency of human nature, and the desire for conformity is strong, one might wonder how Mill can advocate a liberal state at all, if he is a desire-satisfaction utilitarian.

However, Mill thinks that the result of enforcing conformity to custom is that people reach a state where they have no real desires of their own.

> In our times . . . everyone lives as under the eye of a hostile and dreaded censorship. Not only in what concerns others, but in what concerns only themselves, the individual or the family do not ask themselves — what do I prefer? . . . They ask themselves, what is suitable to my position? What is usually done by persons of my station and pecuniary circumstances? . . . I do not mean that they choose what is customary, in preference to what suits their own inclination. It does not occur to them to have any inclination,

> except for what is customary. Thus the mind itself is bowed to the yoke . . . until by dint of not following their own nature, they have no nature to follow: their human capacities are withered and starved: they become incapable of any strong wishes or native pleasures, and are generally without either opinions or feelings of home growth, or properly their own. (*OL*, pp. 264-265)

Mill appears to believe that enforcing conformity to custom has the result that people do not even know what they really desire. So, a desire-satisfaction utilitarian of Mill's stripe can consistently claim both that freedom should be maximized because it is a prime want of human nature, and that institutions that enforce conformity to custom should be abhorred even though they also result from desires caused by human nature. The result of satisfying the desire for conformity leads to a general absence of real desires. Mill, then, advocates freedom because it is a primary want of human nature which has to be protected against a second want of human nature – the desire for conformity. We are left with the question of just how stable this right to freedom is.

Now, Brink, for example, notes that a desire-satisfaction interpretation can do as good a job at reconciling Mill's utilitarianism and liberalism as an objective list theory, but he suggests that one advantage of the objective list interpretation is that it makes rights more counterfactually stable than a desire-satisfaction model does.[19] However, it is plausible to suppose that the reading advocated here makes rights as counterfactually stable as one wants them to be. Rights to liberty could be violated if human nature were different, or if people's survival is threatened. Mill thinks that the desires for food and raiment are more important even than the desire for freedom. So, he would say that if people's lives are threatened, rights to things such as freedom of expression and action should be violated. That is probably as much counterfactual stability as one wants. Mill certainly believes that there are times when rights should be violated. He denies that races in their nonage should be granted a right to liberty (*OL*, p. 224). Faced with a choice between grievous harms and the violation of a right Mill's judgement is that "[t]he evil of departing from a well-known rule is indeed one momentous item on that side of the account; but to treat it as equal to infinity, and as necessarily superseding the measurement of any finite quantities of evil on the opposite side, appears to us to be the most fatal of all mistakes in ethical theory" (*TS*, p. 639).

The major weakness of Mill's view is its reliance on claims about progressive human nature. To those who say that humans are by nature lazy and indolent Mill can respond that it is an

empirical matter; but there seems to be some empirical support for both positions. Perhaps a historical study is needed to determine whether people have tended to prefer freedom when given the opportunity to possess it.[20]

University of Manitoba

Received May 7, 1996

NOTES

1. I take the term "objective list" from Derek Parfit. Derek Parfit, Reasons and Person (Oxford: Oxford University Press, 1984), p. 499. Objective list theorists hold that things are valuable independently of whether or not people desire them. I shall use "preference-hedonism" to refer to the view that what is valuable are desired mental states, and "desire-satisfaction" to refer to the view that value consists in the occurrence of states of affairs that best satisfy the particular desires of the agent. Those states of affairs are not necessarily mental states, and the desire-satisfaction view of value that I discuss is not the view that value consists in the satisfaction of a second order desire for the satisfaction of one's first order desires, whatever those desires may be.

2. See, for example, David Brink, "Mill's Deliberative Utilitarianism," *Philosophy and Public Affairs,* 21 (1992): p. 67-103; James Bogen and Daniel M. Farrell, "Freedom and Happiness in Mill's Defence of Liberty," *Philosophical Quarterly,* 28 (1978): pp. 325-338; Robert Hoag, "Mill's Conception of Happiness as an Inclusive End," *Journal of the History of Philosophy,* 25 (1987): pp. 417-431, and Fred Berger, *Happiness, Justice,* and *Freedom* (Berkeley: University of California Press, 1984), ch. 2.

3. All Mill references are to Mill's *Collected Works* (Toronto: University of Toronto Press) as follows: U = "Utilitarianism" (1969), v. X; OL = "On Liberty" (1977), v. XVIII; RB = "Remarks on Bentham" (1969), v. X; N = "Nature" (1969), v. X; SBJ = "The Subjection of Women" (1984), v. XXI; TS = "Taylor's Statesman" (1977), v. XIX.

4. Here, and throughout, I use the terms "desire" and "preference" interchangeably. Mill uses both, and seems to make no distinction between them.

5. Here I take the first part of the proof to be the proof that happiness is the only thing that the individual ought to desire and the second part to be the further conclusion that the promotion of the general happiness is the test of morality. I will concern myself only with the first part of the proof, since the controversies surrounding the second part are not relevant to my position that Mill should be read as a desire-satisfaction utilitarian.

6. I focus on Brink's work here, since he has a more extensive discussion of a desire-satisfaction interpretation of Mill's higher pleasures than other commentators.

7. Brink, "Deliberative Utilitarianism," pp. 80-81.

8. *Ibid.*, pp. 81-82.

9. *Ibid.*, p. 73 for a thorough consideration of the argument.

10. Henry Sidgwick, *The Methods of Ethics*, seventh edition (Indianapolis: Hackett, 1981), p. 93n.

11. There are two other major difficulties for a preference hedonist interpretation which should be noted. First, Mill claims in Ch. IV that humans can desire only happiness. If happiness were preferred mental states, that claim would be false. People are able to desire things other than mental states as the Pleasure Machine shows. Second, the preference hedonist reading would commit Mill to the view that humans can desire only their own mental states. This is inconsistent with Mill's view that people can pay regard to the interests of others non-instrumentally (U, P., 232).

12. Many different authors have made versions of this point. So, for example, Seth in his early analysis of the proof says "While we cannot say that what we are able to desire is, as such, what we ought to desire, we must admit that what we ought to desire is what we are able to desire. It follows that if pleasure is the only thing that we can desire, what we ought to desire cannot be anything other than pleasure." James Seth, "The Alleged Fallacies in Mill's 'Utilitarianism,'" *The Philosophical Review,* 17 (1908), p. 476. Everett Hall makes the same point: "[t]he test of psychological realism condemns any ethical theory that would set up as good in themselves ends which no one actually ever seeks. . . . Any acceptable ethical first principle must meet the test of psychological realism." Everett Hall, "The 'Proof' of Utility in Bentham and Mill," in *Mill: A Collection of Critical Essays,* J. B. Schneewind ed. (New York: Anchor Books, 1968), p. 162.

13. Maurice Mandelbaum, "Two Moot Issues in Mill's Utilitarianism" in *Mill,* p. 232.

14. A nihilist might find the conclusion that one ought to pursue nothing palatable, but Mill was not one of those. Mill does not explicitly accept "ought implies can," but the objections he chooses to rebut largely rest on that assumption for their force. The threat that the utilitarian standard is too high, that the calculations are too difficult, that happiness is unattainable all suggest that utilitarianism violates "ought implies can." In all of these cases, Mill tries to show that people *can* do what utilitarianism says they ought to do. In addition, Mill spends an entire chapter ("Of the Ultimate Sanction of the Principle of Utility") making a case for the view that people can be motivated to do as utilitarianism demands. Again, this is evidence of his concern that a decent morality must not make demands that people are incapable of meeting.

15. The view that Mill intentionally uses the term "desirable" in two different senses was suggested to me by Robert Shaver in conversation.

16. John Skorupski raises this objection to a desire-satisfaction interpretation. He asserts that the interpretation would reduce Mill's claim that happiness is the only thing desired to an irrelevant tautology. See John Skorupski, *John Stuart Mill – The Arguments of the Philosophers* (London: Routledge, 1989), p. 291.

17. Whether or not the concept of a considered preference is viable is a topic for another paper. Mill does rely on considered preferences. He does so explicitly, for example, in *The Subjection of Women*. There in response to the claim that women volunteer for their subordinate positions, and are thus different from slaves and serfs, Mill notes that many women are not consenting parties, and "there are abundant tokens of how many *would* cherish them [aspirations for freedom], were they not so strenuously taught to repress them as contrary to the proprieties of their sex." (*SBJ*, p. 271).

18. Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), pp. 234-238, 274-277.

19. Brink, 94fn.

20. I would like to thank Robert Shaver, Gerry Beaulieu, and an anonymous referee from this journal for helpful comments on earlier versions of this paper.