



# Mill's “Competent Judges”

Self-selection and higher pleasures

Utilitarianism as a moral philosophy has faced many challenges over the centuries. Among those challenges are that the hedonism component of utilitarianism reduces humanity to be no better than the animals in pursuit of physical pleasure. John Stuart Mill was a defender of utilitarianism, and strove to provide philosophical support for pursuing “higher pleasures” under this rubric. However, his account has some flaws that will be addressed here in part.

In his essay *Utilitarianism*, Mill outlines his arguments in support of the philosophy of the same name. In doing so, he attempts to address several common arguments that have been leveled against utilitarianism over the centuries, in particular, that utilitarianism reduces to humanity searching for only “base” pleasures, and abandoning the more difficult and delayed pleasures of intellectual pursuits (Mill, 2001); indeed, some formulations of utilitarian theory, relying as it does on hedonism, might even consider intellectual “pleasures” to be in some sense lesser pleasures, in part because they are more difficult to obtain, coming as they do only after delaying gratification while experiencing the “pain” of developing the intellectual skills needed to pursue them (Driver, 2009). Mill argues that these “higher” pleasures are not only just as valuable as physical pleasures, but indeed, more so, arguing that when someone has experienced both the physical and a “higher” pleasure, they will (for the most part) choose the “higher” pleasure over the lower one. Into this category of “higher” pleasures, Mill includes intellectual pleasure. (Mill, 2001) Thus, he is able to add a third component to the utility calculation: duration, intensity and *quality or type*. Mill argues that these “higher” pleasures also rank as quantitatively *better* in our utility calculation than physical pleasures.

In order to determine which pleasures are indeed better on the utility scale than another pleasure, Mill proposes a kind of experimental test, the “competent judge” test, whereby he argues that the only people capable of determining if one pleasure is better than another is someone who has experienced *both* pleasures. If the majority of these “competent judges” prefer one pleasure to another, then like some kind of happiness democracy, that pleasure ranks higher in utility and is to be

preferred (Mill, 2001). Mill seems to believe that most of those who prefer physical pleasures to intellectual ones have not really experienced intellectual pleasure, and so are not competent to judge if one is better than another. By this means he thinks that he can save the intellectual pleasures for hedonism and justify their higher standing in the hierarchy of things to be sought after. However, that this is the case is not as clear as Mill would like to think.

A significant problem for Mill's theory is whether intellectual pleasures really would be preferred over physical pleasures. To stand in for the physical pleasures in the examples below, I will use "eating chocolate" as something generally free of moral and emotional complications. I will ignore the consequences of eating too much chocolate (just as I will ignore the consequences of pursuing too many intellectual pleasures: being seen as nerdy or a know-it-all).

According to Mill, I might count as a "competent judge" of the two pleasures *eating chocolate* and *mathematics*. I have done them both, indeed, I teach math so I generally enjoy the topic—and I love chocolate—and as Mill would expect, I would in fact choose to do mathematics for the rest of my life over eating chocolate, if indeed, it was an all or nothing choice. Indeed, I've even put in my living will that if I were brain-damaged to the point that I could no longer do algebra, I would prefer to die rather than live like that—not so much because I would miss *math* so much, but as a symptom of all the other intellectual things I could not do anymore if that were so. But a number of things are not clear about this example. Would the majority of those who have both done higher math and eaten chocolate really make the same choice? For Mill to be correct, a competent judge should choose a similar outcome more than half the time. If there was a referendum on abolishing mathematics or abolishing chocolate, does anyone really think that more than 10% of college graduates would choose math over chocolate, never mind 50%, *for its own sake*, and not because of the possible devastating consequences to technology?

In Mill's day, it was extremely uncommon for most people to get more than a rudimentary education, beyond basic reading and simple arithmetic. It was more typical among the working classes, who made up the majority of the population, to drop out of school at 10 or 12 in order to start working and help support the family. (Coakley, 1970) Only the upper classes went to school beyond that, and even fewer to college. So we can imagine Mill doing a kind of thought experiment. Suppose that more people experienced these "higher" pleasures. We the upper classes experience them and largely prefer them, presumably because we genuinely enjoy them and not because it is expected that we pursue them. Wouldn't the lower classes if they got a chance?

Unfortunately for Mill, we have carried out his experiment and found some rather disturbing results. In the end of the 20<sup>th</sup> and beginning of the 21<sup>st</sup> centuries, we find that the educational norms have substantially changed. Not only are most Americans (for example) completing primary and secondary school, but it is all but *de rigueur* to have a college-level education to pursue any job outside of retail and manual labour—a consequence of the advance of technology. (Boesel & Fredland, 1999) Through secondary education and in at least traditional colleges, students are exposed to a wide range of "higher" pleasures, including art, music, history, great literature, languages, mathematics and science, and the opportunity, at least in college, to try others, including philosophy. And yet, the vast majority of college graduates cheerfully walk away from graduate school, independent research, or even keeping up with their already acquired math abilities once they leave school. My business calculus students are all too eager to escape math and never intend to look at it again if they can avoid it. But Mill is explicit on this point: better pleasures must be selected on the basis of their pleasure alone, and not because the judge is under any obligation to choose one over the other. (Mill, 2001) What is clear is that the majority of those experiencing even calculus would choose chocolate hands down.

If calculus, then, is not enough to support Mill's conclusion about intellectual pleasures being truly better, it seems as though we must go still higher to provide support for Mill's claims: math majors

maybe? But how then are we not admitting that there is a clear selection bias at work? It is not enough that the pleasure be *experienced* to get Mill's desired result, and that the choice between the pleasures be without obligation; but now it appears, to save Mill's "competent judge test", that the choice to experience the "pleasure" must *also* be done without obligation in the first place. In some sense this makes sense because however much we might like sex, forcible sex is better known as rape, and one hopes no one confused rape with pleasure. How likely are you to enjoy skydiving if you are pushed out of a plane against your will?

This is not a mere stipulation as it might at first appear. Instead, we have fundamentally set ourselves up. Mill wishes to support the contention that higher pleasures are somehow better. If forced experience of them is not enough to induce desire for them, then we have limited ourselves to the idea that "competent judges" on this regard are all already budding intellectuals before they begin (or that sky-divers might already be budding daredevils), since who else would self-select intellectual pleasures? By including this requirement we have forced ourselves into a corner, arguing that they are better because they are preferred by *intellectuals*. Would this not require Mill to put intelligence or intellectual curiosity an end in itself? If he does not, Mill is forced into the uncomfortable position of accepting that "competent judges" really do think he is accepting a lesser form of happiness by pursuing mathematics or philosophy when he would be better off just eating chocolate.

It seems likely to me that Mill would not choose the second conclusion, but would instead resort, as he does in this essay with virtue (cite), to find a way to argue that indeed, intellectual pursuits are to be pursued for their own sake, but the details of that argument are beyond the scope of this paper. It is not clear how he can escape a certain circularity to the argument necessary to make this work: intellectuals prefer higher pleasures and so higher pleasures are better; consequently, being an intellectual is to be desired because that's the only way to achieve the better pleasures. And if we are to

treat intellectualism like a virtue, then the question of how virtue is to be treated in Mill's utilitarianism is really central to the question of betterness of pleasures.

This leaves us in an uncomfortable position: we still don't know why intellectual pleasures should be treated as better pleasures, and indeed, why we should not all prefer chocolate to mathematics, or sports to philosophy unless we are incapable of enjoying either chocolate or sports. Does it not leave only those willing to try all types of pleasure on their own as the only way to rank pleasures with respect to each other? Do we really want sadistic, intellectual, adrenaline junkies to decide which of serial murder, mathematics, skydiving and eating chocolate is the best and that they are least willing to give up? In light of this, it seems we are forced to conclude that, at best, Mill's concept of the "competent judge" has problems, and at worst, is not capable of choosing what we would expect him or her to choose. But we leave unanswered here, whether or not it's a good thing. As a scientist at heart, I can only consider it a good thing that a testable condition like this fails, because, after all, we sometimes learn more when our theories fail us in science than when they work.

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