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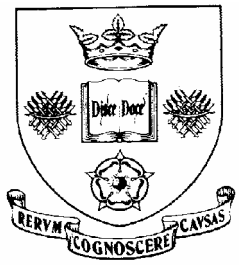

Iona Tarrant

Did John Stuart Mill Reconcile Commitment to Liberty with Admittance of a Single Value Utility?

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Department of Economics
University of Sheffield
9 Mappin Street
Sheffield
S1 4DT
United Kingdom
www.shef.ac.uk/economics

"....the only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which concerns himself, his independence (of choice) is, of right, absolute.....I forgo any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. *I regard utility as the ultimate appeal on all ethical questions; but it must utility in the largest sense, grounded on the interests of man as a progressive being...*" (John Stuart Mill, *On Liberty*)

Abstract

Numerous interpretations of John Stuart Mill's utilitarianism have been proposed (in response to the above question) to date. The interpretation presented in this paper is distinctive in that it draws heavily upon multiple utility frameworks, a recent development in microeconomic theory. It is argued that such an analytical framework would enable Mill to advocate an absolute right to liberty, without betraying utilitarianism. This conclusion is at variance with Amartya Sen's key Paretian liberal paradox, which establishes *conflict* between some minimal commitment to individual liberty and a social welfare function based upon Paretian value judgements. Generally, one would expect the social objective of utility maximisation to be consistent with the objective of maximisation of a Paretian social welfare function. However, the apparent contradiction is explained here by the fact that the approach to social welfare implied by Mill's utilitarianism differs fundamentally from the conventional Paretian social welfare function. The analysis is also used to suggest a novel route out of the Sen paradox.

I Introduction

The idea that there might be conflict between social welfare considerations and commitment to individual liberty was first *formalised* by Amartya Sen in 1970. However, prior to Sen's result, political philosophers such as John Stuart Mill advocated commitment to liberty *and* the social good. The passage quoted at the start of the paper summarises Mill's position: Individuals have an absolute right to liberty in matters which do not harm others, but it is not liberty which is the fundamental value judgement, but *utility*. Mill's problem, therefore, is to argue for such an absolute right to liberty whilst adhering to the view "that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end."[1] There is a link here with the Paretian liberal paradox in that Sen has presented us with the result that it is impossible to construct a social welfare function which incorporates two conditions (value judgements), one reflecting the objective of aggregate utility maximisation (where utility is synonymous with preference satisfaction), and another reflecting concern for individual liberty (Condition L). Therefore, as a utilitarian advocating an absolute right to liberty, Mill would also have had to deal with this logical problem. Writers within the social choice literature referring to Mill have tended to focus exclusively on his views on liberty, specifically, on the issue of whether Sen's Condition L adequately captures what Mill meant by a right to liberty, and whether a way out of the paradox can be found by considering Mill's notion of liberty and reformulating condition L^2. In this paper, however, I am interested in Mill's thought to try to shed light on the generic conflict between liberty and social welfare, to try to identify how Mill dealt with the problem. The paper shows how Mill reconciles an absolute

[1] Mill (1993a), p36.

right to liberty in private matters with the idea that there is only one fundamental value judgement, utility, by analysing Mill's notion of utility as a hierarchical utility framework[3]. It argues that it is his hierarchical notion of *utility*, distinct from the idea of utility as the satisfaction of existing preferences, which is crucial in reconciling utility with liberty.

The rest of the paper is structured as follows: Sen's Paretian liberal paradox is discussed in section two. Section three provides an overview of some recent interpretations of Mill's utilitarianism and outlines the multiple utility idea. Section four sets out the analysis of Mill as a multiple utility framework, and discusses the importance of individual liberty within this framework. In the light of this interpretation, we return to the Paretian liberal paradox in section five to assess the limited ways out of the conflict. In the concluding section, we return to the question posed in the title to this paper, to critically comment on whether Mill was successful or not.

Section II: Amartya Sen's Paretian Liberal Paradox

The Paretian liberal paradox is the result, established by Sen, that it may be impossible to construct a social welfare function based upon both Paretian and liberal value judgements. A social welfare function is any function that can be used to rank different social states. Any social welfare function must represent the beliefs

[2] Riley, J. (1989 & 1990), Sugden (1993), Barry (1986).

[3] The only writer to suggest the possibility of such a preference hierarchy in relation to Mill to my knowledge, is Brennan (1989). The hierarchical framework which I develop here, however, differs from Brennan's in that liberty is the necessary condition for preference development. In the framework presented here, individuals *choose* to develop their preferences and thus make themselves better off. Brennan's analysis suggests that the preference hierarchy follows from the idea that there is a difference in quality between certain types of pleasure which is somewhat *un*utilitarian. I discuss his comments later (in section four).

of some individual or group. The acceptability of the social welfare function as a device to be used for evaluating alternative economic policies obviously rests on the acceptability of such ethical belief(s). To be operational as a device used to make actual decisions for society, one would want such a function to be based on value judgements (or ethical beliefs) generally accepted by the individuals who make up society.

Sen focused specifically on the value judgements underlying a social welfare function. Sen was interested in the possibility of whether the value judgements upon which a social welfare function is based could conflict with one another. In other words, he was considering the possibility that a social welfare function might not exist for a particular set of value judgements. The analytical framework used by Sen is as follows: Letters are used to denote social states, where a social state is a complete description of society and everyone's position in it. The social welfare function, in this context, specifies a complete ordering of all possible social states, R, for any given set of individual orderings, R_i, where the latter represent the preferences of individuals. Each R_i denotes a ranking of alternatives for a given individual. The social welfare function can be written as follows:

$$R = R\ (R_1,\ R_2,.....,R_n)$$

Value judgements come into the analysis at two levels: in the individual rankings themselves, the R_is, and in the way that they are aggregated to derive a social ranking, R. Further, implicit in the construction of a social welfare function, is the idea that social welfare depends only on the welfare of individuals (an individualistic approach to social welfare). Sen was interested in the value judgements involved in

the process of *aggregating* individual preferences, in that he was concerned with establishing the existence or otherwise of a social welfare function.[4]

Paretian value judgements can be summarised as (i) Individualism: the welfare of society must depend solely on the welfare of individuals who make up that society. Further, non-paternalism, that (ii) the individual is the best judge of his own welfare. Thus if a social state, x, were unanimously preferred to another, y, then someone who accepted Paretian value judgements would judge x to be socially better than y. Thus this is the condition which is generally imposed on the social welfare function to reflect Paretian value judgements: if $x P_i y$ for all i, then $x P y$ (Condition P).
Sen accepts the idea of a Paretian social welfare function (one which satisfies condition P above). In other words, all regard Paretian value judgements as an acceptable ethical basis for the social welfare function, because of their acceptance of an individualistic approach to social welfare. Sen also imposes condition U on the social welfare function which represents the idea that no set of individual preferences should be excluded from the domain of the function. In other words, the social welfare function should be defined for *any* possible set of individual preferences. Condition U seems to follow from an acceptance of Paretian value judgements: the idea that certain sets of preferences should be excluded from the domain of the social welfare function would seem to be inconsistent with the idea that the individual is the best judge of his own welfare.

Sen was asking the question as to how liberty might fit into the social welfare function, together with Paretianism. He was concerned that we would want our

[4] Strictly speaking Sen was concerned with establishing the existence of a social *decision* function.

social judgements to reflect a commitment to individual liberty as well as Paretianism. More specifically, he was concerned that the social welfare function reflect the idea that it is better that individuals be allowed to decide certain private matters for themselves irrespective of the views of others. He therefore imposed a further condition on it, condition L, to reflect the value judgement, liberalism. In this case, liberalism can be interpreted as the value judgement that there are certain private matters which individuals ought to be free to decide for themselves, irrespective of the views held by others. Sen defines condition L as follows:

"There are at least two individuals such that for each of them there is at least one pair of alternatives over which he is decisive, that is, there is a pair of x,y such that if he prefers x (respectively y) to y (respectively x), then society should prefer x (respectively y) to y (respectively x)".

The impossibility result is formally stated as,

"Theorem II. *There is no social decision function that can simultaneously satisfy Conditions U, P, and L*."*[5]

Thus, if utility is synonymous with preference satisfaction, condition P is consistent with the utilitarian objective of aggregate utility maximisation. Condition L is motivated by concern for individual liberty. Thus Sen has presented us with the result that it may be impossible to construct a utilitarian social welfare function

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See note 5.

[5] Sen, A.K. (1970b) p154. The difference between a social decision function and social welfare function is purely technical: a social welfare function imposes the requirement that the ranking of alternative social states be transitive, whereas a social decision function imposes the weaker requirement that it be acyclical. Thus the result also applies to a social welfare function. I prefer to adopt the term 'welfare function' because of the reference to welfare.

(where utility is preference satisfaction), which incorporates a commitment to individual liberty. Note that it is the attempt to construct a social welfare function (the attempt to aggregate individual preferences to identify the socially best outcome), which precipitates the result. This is crucially important. The conflict is not between Paretian and liberal value judgements in isolation, but between liberal value judgements and the use of a Paretian social welfare function to determine the best outcome. With this result in mind, we return to the work of Mill.

III Recent Interpretations of Mill's Utilitarianism and the Multiple Utility Idea

This section provides an overview of some of the recent interpretations of Mill's notion of utility that have been proposed. It also outlines key features of the generic multiple utility idea, and highlights the distinctiveness of the interpretation of Mill proposed here.

Generally, writers try to reconcile Mill's admittance of utility as the sole value with his reference to higher and lower pleasures. The problem is that, if there is an intrinsic difference between higher and lower pleasures, i.e. a difference independent of utility considerations, then Mill has introduced some value other than utility and thus betrays the utilitarian ethic. However, if higher pleasures merely embody a greater quantity of pleasure than lower pleasures, then there would be no need for the qualitative distinction between the two types of pleasure. The utilitarian argument for liberty presents a similar problem: Referring to the quote at the opening of this paper, Mill advocates an *absolute* right to liberty in matters which are private, which suggests that liberty is of intrinsic value. Yet he also states that the "ultimate appeal on all ethical questions must be utility". The latter implies that

the right to liberty is not absolute, but dependent on utility considerations, hence the apparent contradiction.

Riley (1988, 1992 and 1999) focuses on the pleasures themselves. His interpretation of Mill's utilitarianism is as a hierarchy of pleasures, but one where "a difference of quality is an infinite difference of quantity" (page 294, 1992). The basis for the hierarchy is that an individual prefers a pleasure of higher quality to any number of units of a pleasure of lower quality. Long (1992) shifts the focus from particular acitivities to an individual's character, or "entire mode of life". He argues that Mill's utilitarianism is best understood as entailing a hierarchy of *characters*. Long argues that choice of a higher (lower) pleasure is tantamount to choice of a noble (base) character. The higher pleasure is chosen because the individual gets more pleasure out of being the type of person that chooses higher pleasures all the time as opposed to being one who often chooses lower pleasures: "We choose to be a certain kind of person, namely, one who chooses the higher pleasures". Thus on this view, it is the hierarchy of characters that is of primary importance.

Mainstream microeconomic theory assumes that individuals can rank alternative actions in a *single* ordering, from most preferred to least preferred action. The generic multiple utility idea is that two or more rankings of alternatives are needed to analyse an individual's choices[6]. This might be because the individual has conflicting motivations, e.g. moral versus pleasure considerations, or the public good versus own private good. It has been argued that the two distinct motives of e.g. moral considerations and selfish pleasure considerations implies that "choices do not

[6] A range of multiple utility frameworks are summarised and critically assessed in Brennan (1989).

reflect simple, one-dimensional, preferences but are multifaceted" [7] In other words, these distinct motivations on the part of an individual mean that an analytical framework where more than one ranking of alternative actions is attributed to the individual is necessary, or at least better, to analyse individual choice compared to a framework where individuals are assumed to be able to rank all actions in a single ordering[8].

Although the term 'multiple utility' usually refers to the number of utility functions attributed to an individual *at a given point in time*, in this paper it is used to analyse the transformation of an individual's utility function *over time*. It is *not* that different rankings of alternatives are assigned to individuals in accordance with different motivations. The exercise of independent choice enables an individual to transform her existing set of preferences into preferences, which she ultimately regards as better. Developed preferences are better than undeveloped ones, thus there is a hierarchy of utility functions (or sets of preferences) implicit in Mill's notion of utility. Traditionally, interpretations of Mill focus on his pleasure hierarchy. The distinctiveness of this approach lies in the focus on a hierarchy of sets of preferences, and it is this shift of focus which facilitates the reconciliation of liberty with admittance of utility as the sole value.

IV Mill's Notion of Utility Analysed as a Multiple Utility Framework, and the Importance of Individual Liberty

[7] Etzioni, p177.

[8] Other writers who have argued for such a framework are as follows: Harsanyi(1977) suggested the idea of an individual having preferences based on social considerations and those relating to what he actually prefers. More recently, Howard Margolis (1981 and 1982) formulated a model of rational choice in which the individual was conceived of as having two different "selves" reflecting two distinct motivations: public good and private, or selfish, good. Etzioni and Lutz defend the idea of the multiple utility framework whilst Brennan is opposed, taking the view that any motive can be captured by a single utility framework.

Central to the interpretation presented here is that Mill's notion of utility is *not* merely preference satisfaction, but Mill does make reference to what can loosely be regarded as a set of individual preferences or utility function ('faculties' in the passage below). Further, the individual's happiness is clearly dependent on these 'faculties' which is analogous to the modern notion of utility and the individual utility function:

"*human beings have faculties* more elevated than the animal appetites, and when once made conscious of them, *do not regard anything as happiness which does not include their gratification*"[9]

To put the above quote in context, Mill was responding to the charge that utilitarianism was a "doctrine worthy only of swine"[10]. His defence, interpreted in terms of the preference model, was that human beings and swine have different utility functions and therefore that from which they derive utility differs. At this point in 'Utilitarianism', Mill goes no further than that. This is the essential similarity between the single preference model paradigm of economic theory and Mill's notion of utility. The difference lies in Mill's refusal to accept preferences as brute facts *making the notion of utility broader than satisfaction of existing preferences*. The passage above is discussed further at the end of this section after developing a preference model to represent Mill's notion of utility.

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[9] Mill, J.S (1993a), p8.
[10] Mill (1993a) p7.

Mill's model of utility is dynamic in that preferences are not static. Individual liberty provides the individual with the opportunity to transform his preferences such that he ultimately regards himself as better off. Mill is able to incorporate such an idea within a utilitarian framework by arguing that the *individual* who has developed his preferences *prefers* his situation post-preference development to his situation prior to it. In other words, although utility is no longer synonymous with preference *satisfaction*, the test of utility is still the individual:

"It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. *And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question."*[11]

The distinction between happiness and 'content' is of fundamental importance to Mill's model of utility. In terms of a preference model of utility, 'content' is *the extent to which one's individual utility function, or set of preferences, is satisfied.* The notion of utility (happiness), however, is broader than this as the above quote illustrates: The fool, or the pig, has a very simple utility function (set of preferences). He is not a critical thinker (for he is a fool), he merely requires sufficient income to enable him to afford the material means to satisfy his simple wants such as food, drink and sensual pleasure. Socrates' utility function is far more complex than the fool's because he is more intelligent, he thinks critically. He is thus less likely to be satisfied, but he still considers himself better off (more utility). Socrates has increased his utility by actually changing his utility function into one which he ultimately prefers to the one he had initially, prior to exercising his

[11] Mill, J.S (1993a), p10.

autonomy, *despite the fact that he is now less content*. Since he prefers the transformed utility function, he must derive more utility from it. Socrates has experience of *both* utility functions and prefers his utility function post-education. If the fool should claim to prefer being a fool to being Socrates, this can be ignored because the fool has no experience of what it is to have the preferences of 'Socrates' (he 'only knows his own side of the question').

Thus the individual is still sovereign, but his preferences are not. Another way of analysing this would be to say that *the individual is implicitly expressing a preference over two sets of preferences, and he prefers his developed ones:*

"no intelligent being would consent to be a fool, no instructed person an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that *the fool is better satisfied* with their lot than they are with theirs. They would not resign what they possess for the most complete satisfaction of all the desires which they have in common with theirs."[12]

The fool is more satisfied because he is an unquestioning fool and it is thus easier to satisfy him. But, once the individual has been able to change his utility function (through the exercise of choice, making mistakes) such that he thinks critically and questions, he is less likely to be satisfied since his wants are more complex, but *he prefers this situation* to the one previously where he was uneducated. The educated individual is expressing a preference for a utility function (set of preferences). There is nothing perverse in this idea of the educated individual being better off, i.e. having

[12] Mill, J.S (1993a), p9.

more utility, than he had prior to education provided one lets go of a narrow idea of utility as contentment or some Benthamite pleasure index. The individual is still sovereign, but we now have a broader framework which allows for preference development over time and means that the goodness or otherwise of social states is not solely evaluated in terms of existing preferences.

Timothy Brennan cites Mill's notion of utility as an example of a hierarchical preference structure[13], but Brennan's interpretation of the above passage is somewhat confusing. Brennan suggests that the hierarchy applies to the 'pleasures' themselves rather than the preferences:

"An educated person may be no more capable of deriving pleasure from mud wrestling than an uneducated person is from opera. If education precludes deriving pleasure from the activities of the fool, there is no 'revealed preference' for the 'higher preferences'"[14]

The confusion is exacerbated by the fact that Brennan uses the term 'higher preferences' where what he is talking about are actually (higher) *pleasures*. Brennan is taking the utility function of the educated individual as given and considering his choice of 'pleasure'. This is quite different to the question addressed by Mill which is whether an educated individual 'would consent *to be* a fool'. Being a fool means having a fool's utility function, not experiencing a fool's pleasures as an educated individual. The educated individual can express a preference for being educated

[13] Brennan, T.J. (1989) p191-2.
[14] Ibid, Note 2, p191.

since he has experience of both, but the fool cannot since he only has experience of being a fool (he 'only knows his own side of the question').

Thus the utility (preference) framework is hierarchical. This is the feature which distinguishes Mill's notion of utility from the mono-utility paradigm of economic theory. Although each individual only has a single set of preferences at a given point in time, this set of preferences can in some cases be transformed into a set which is *better*. *Individual preferences are not passively accepted as brute facts,* they are not viewed as equally good.

I shall now return to the passage relating to the different ideas of happiness of human beings and animals, noted at the start of this section[15]. I used this passage at the beginning of the section to highlight the fact that Mill does make reference to some kind of individual preferences or utility function. But the passage can also be used to further illustrate the fact that the test of utility is the preference of the autonomous individual. Mill notes that human beings *'when once made conscious'* of their 'more elevated' faculties 'do not regard anything as happiness which does not include their gratification'. This italicised phrase is the key as to why human beings or intelligent individuals are the judge of which set of preferences is 'better' and not the fools.
The fool is not conscious of what it is to have a more complex utility function, this experience is, therefore outside his experience. It is thus impossible for him to express a preference for being a satisfied fool since he is incapable of experiencing being a dissatisfied educated person ('dissatisfied Socrates'). The educated human, however, is 'conscious' of *both* experiences, and thus one can infer from his

[15] Mill (1993a), p8.

preference which of the two sets of preferences gives him more utility (which is better).

The Importance of Individual Liberty

Underlying Mill's whole argument for liberty and why it is consistent with maximisation of utility, is his idea of what it is to be human - that humans are capable of criticising and reasoning and thus have the potential to increase utility via the act of choice. The idea of merely taking a set of existing preferences and maximising satisfaction (content) is far too limiting because it ignores the potential that the exercise of choice has for making us better off. Thus individual utility is not a static concept. Rowley and Peacock support this view of Mill's characterisation of what it is to be human. However, Rowley and Peacock state that liberty is of value in itself:

"*This fundamental notion that the essence of humanity lies in the capacity to choose... ...implies that individuals must be granted the widest possible freedom of choice...if they are to develop their capacities*....The essence of liberalism is freedom, therefore, not as an instrument, or even as a human preference, but as an ethical value in itself...."[16]

The italicised phrase above is illuminating in highlighting the fact that Mill's whole reconciliation of the liberty/utility issue is dependant on his view of humans: to realise utility in the fullest sense, it is necessary that individuals develop their preferences hence the need for liberty. Thus liberty *is instrumental* in securing

[16] Rowley and Peacock (1975) p79.

maximum utility for individuals. There is still only one fundamental value, yet this is lost in the above, despite the illuminating opening phrase.

Further evidence for the importance of liberty for individual well being can be found in the passage below, taken from *On Liberty*:

"*He who lets the world*, or his own portion of it, *choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation*.....It is possible that he might be guided in some good path, and kept out of harm's way. *But what will be his comparative worth as a human being?"*[17]

Thus the exercise of choice is imperative if we are to realise our full potential as human beings. The act of individual choice has a fundamentally important role to play in enabling individuals to develop their preferences and thus make themselves better off.

The orthodox social welfare function used by Sen involves the construction of a ranking of alternatives, which is representative of the social good. It is a somewhat mechanistic approach to social welfare in that a ranking of alternative social states is derived solely from existing individual preferences. The view of social welfare taken by Mill is utilitarian, however, given the importance that he places on preference development as a means of increasing utility, to think of it as being represented as such a static ranking of alternatives is misleading. Given the importance of preference development to increase individual utility, to represent

[17] Mill, p.126-127. Italics added.

social welfare as a mechanistic aggregation of preferences does not seem consistent with the broader notion of utility argued for here.

Mill's ideas on liberty are almost invariably used to argue for a procedural formulation of rights, e.g. game forms, where, implicitly, the social welfare function is absent. But this leaves unanswered the question, "where does the social welfare function go?". Despite Mill's insistence on the importance of liberty, it is a question that needs to be addressed, given his adherence to utilitarianism. Peacock and Rowley discuss this social welfare issue:

".... liberals in the tradition of Mill are not convinced of the existence of objective immutable truth, but believe that a good society is one that is uncertain of its truths and dedicates itself, not to an ideal, but to an eternal search. For liberals, fallibility and the right to err are viewed as necessary corollaries to the capacity for self-improvement..."[18]

This passage brings out the difference between the approaches to social welfare of Sen and Mill. In the Paretian liberal paradox, we are trying to identify the outcome that is best for society, given the acceptance of Paretianism and liberalism. We have the result that a social welfare function might not exist for some configuration of individual preferences. In other words, it might not be possible to identify a social outcome, which is "best" for society. This is only a problem if we are committed to the idea that, in theory, there must always be some outcome that is best for society (in that case, there must always exist a social welfare function). Rousseau was

[18] Ibid.

committed to this idea, it was his idea of the general will. I would argue that Mill, although a utilitarian, was not. Given the emphasis placed on the process of individual development by Mill, the idea of an "eternal search" for the social good is helpful because it serves to emphasise the fact that the social good for Mill is constantly changing with the changing values of individuals. The idea of a single best outcome, which we have with a social welfare function, is more appropriate when utility is synonymous with preference satisfaction. However, a necessary implication of Mill's adherence to utilitarianism is that there is, in theory, a socially best outcome, which is the outcome that produces the "greatest utility of the greatest number".

Mill links the process of individual development to social welfare in his essay *On Liberty:*

"In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. There is a greater fullness of life about his own existence, *and when there is more life in the units there is more in the mass which is composed of them*"[19]

The italicised phrase above obviously relates to his utilitarian approach to social welfare, that the welfare of society is the sum of the welfares of individuals. Thus maximum social utility requires individual liberty in order that individuals may develop and realise their full potential as human beings. Individual liberty is necessary because Mill is interested in "*utility in the largest sense, grounded on the interests of man as a progressive being"*, as quoted at the start of the paper.

[19] Mill, p.131.

V Limited Ways Out of the Paretian Liberal Paradox

In the Paretian liberal paradox, Sen has presented us with a result which suggests that it is logically inconsistent to be committed to all of the following three ideas:

1. Acceptance of Paretian value judgements (condition P)
2. Some minimal commitment to individual liberty (condition L)
3. Acceptance of a social welfare function as representative of social good.

Point three above constitutes a third value judgement, but this is often overlooked within the social choice literature. This leads inevitably to an interpretation of Sen's result as a conflict between just two value judgements, Paretianism and liberalism per se. Yet, provided one rejects the idea of a social welfare function, there is no necessary conflict between these ideas. It is the attempt to incorporate liberty into a Paretian social welfare function which precipitates the impossibility result. Sen has presented us with a particular view of liberty and social welfare which seems to be logically inconsistent. The paradox thus poses the question:

"What views of liberty and social welfare are logically consistent?"

This section considers how the analysis of John Stuart Mill helps us to find an answer to this question.

Three answers are suggested immediately from inspection of Sen's result itself. One can accept any two of the value judgements, provided one lets go of the third. This implies the following logically consistent positions on liberty and social welfare:

1. Commitment to a Paretian social welfare function, but abandonment of some minimal commitment to individual liberty.
2. Commitment to Paretian value judgements *and* the desirability of individual liberty. But rejection of the concept of social welfare as something which can be represented by a social welfare function.
3. Commitment to the desirability of individual liberty and the concept of a social welfare function. But rejection of Paretian value judgements.

The third position seems untenable (or unreasonable). It is hard to imagine a meaningful concept of social welfare which is *not* a function of the welfares of individuals (either individual private welfare or the individual's view of social welfare). This leaves the viewpoints presented in one and two. Focusing first on point one, we are left with Sugden's vision of the social welfare function as "dictatorial decision-maker"[20], i.e. serious commitment to the idea of a social welfare function rules out any commitment to individual liberty. Mill was committed to some form of social welfare function *and* individual liberty, and seems to have come up against conflict between the two. Perhaps the most interesting point about this is the fact that Mill had a distinctly different view of social welfare, i.e. although a utilitarian, his idea of the social good does not fit with the analytical framework of social choice theory where social good is derived by aggregating individual preferences. This suggests that the conflict between liberty and social welfare identified by Sen is fundamental. Instead of being merely symptomatic of

[20] Sugden (1978)

the particular kind of social welfare function Sen was constructing, the underlying logical problem is caused by the social welfare function *in whatever form*.

According to Mill, liberty provides an individual with the opportunity to transform her utility function into one which she ultimately prefers (thus more utility). Social welfare follows as the sum of the utilities of separate individuals. It is the multiple (or dual) utility idea which pre-empts any conflict between maximum aggregate happiness and individual liberty: Individual liberty is necessary in order that individuals can develop their existing preferences into "higher" (better) ones. Liberty is necessary in order for individuals to bring about a change in themselves. Given Mill's behavioural assumption that individuals will choose to develop their higher (and not their lower) faculties, and will view themselves as better off after such a preference transformation, he has a utilitarian justification for the hierarchy and liberty will increase social welfare. Within the social choice literature there has been a tendency to 'resolve' conflict by choosing between commitment to individual liberty and acceptance of a Paretian social welfare function, (or later abandoning the social welfare function altogether). Thus the adoption of a multiple utility device would appear to be the only way out of position one above (acceptance of a social welfare function).

Section VI: Conclusion: **Did Mill Reconcile Commitment To Liberty With Admittance Of A Single Value – Utility?**

This paper has argued for an interpretation of Mill's utilitarianism as a hierarchy of utility functions (faculties), rather than the conventional interpretation as a hierarchy of pleasures: Individual liberty is a necessary condition for individual well being, or

utility, because it is through the exercise of autonomous choice that individuals develop their existing preferences and transform them. Post preference development, the individual might require more to satisfy her, or to make her content, however, she prefers her enlightened situation to her situation prior to preference development. This is why it is better, on utilitarian grounds, to be "Socrates dissatisfied" as opposed to a "satisfied fool" – it is the individual who prefers to be the former over the latter. Implicit in the argument is a behavioural assumption about human nature, that individuals will view themselves as better off after developing their "higher" faculties.

To summarise the analysis of Mill's utilitarianism:

1. (Mill's assumption about human nature.) An individual will *prefer* his situation after the development of his higher faculties (and thus his preferences), even if he feels less content.
2. The test of utility is the preference of the informed individual (the individual who has experience of both states, of having developed and undeveloped preferences).
3. A hierarchy of preferences follows from points one and two above: The 'instructed person' has more utility than he did when 'an ignoramus', and thus the preferences of the instructed person are better than those of the ignoramus on utility grounds.

Thus Mill's utilitarian justification for individual liberty is contingent on individuals *using* that liberty in a particular way (to develop their intellect – it is better to be Socrates than a fool). Mill's utilitarian justification for individual liberty is based on

the existence of a preference hierarchy, where individual liberty is the means to increasing utility by enabling individuals to develop their 'higher faculties'. But the utilitarian argument for individual liberty is dependent on individuals choosing to develop their higher faculties as opposed to what could be thought of as their lower faculties. It is freedom to develop one's higher faculties which is good, not freedom to develop one's lower faculties. If individuals chose some pursuit which instead transformed their preferences in a negative way, then one could use the hierarchical utility argument to justify denying individuals liberty. The argument which was used in the (1961) attempt to ban the book "Lady Chatterley's Lover" can be interpreted in precisely this way. Quoting from the trial itself:

"the charge is that *the tendency of the book is to corrupt and deprave.* The charge is *not that the tendency of the book is either to shock or disgust*."[21]

The defence defined, 'to deprave and corrupt' in the following way:

"to deprave and corrupt obviously involves a *change of character* leading the reader to do something wrong that he would not otherwise have done."[22]

In terms of preference theory, to corrupt and deprave is to transform an individual's preferences, whereas the terms 'shock' and 'disgust' are reactions which are dependant on existing preferences, *but leave the preferences themselves unchanged*. There is clearly a hierarchical utility framework implicit in this argument, but in this case individual liberty (freedom to read the book) enables the individual to transform his preferences such that he becomes *worse off*. Thus in this case, transformation of individual preferences is being used as an argument *against* individual liberty. Mill

[21] Rolph, C.H. (1961), p13.

does not entertain the possibility of liberty facilitating such a negative transformation of preferences, but he does deal with the objection that those who have supposedly developed their higher faculties are sometimes "tempted" to choose the lower pleasures. His response is as follows:

"Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, *not because they deliberately prefer them*, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying."[23]

Having developed one's higher faculties, one needs to exercise them, otherwise one's preferences will degenerate to the lower ones one had before:

"*capacity for the nobler feelings* (higher faculties) is in most natures a very tender plant, *easily killed*, not only by hostile influences, but by mere want of sustenance"[24]

These passages hint at an element of paternalism in Mill's notion of utility. Each individual is free to choose for himself, but if he chooses an 'inferior pleasure', then it is not said to reflect an underlying preference, it merely reflects the fact that he has not nurtured (to adopt the plant metaphor used by Mill) his higher preferences, but allowed them to degenerate. The individual who has previously developed his higher preferences, but then chooses to allow his preferences to transform back to those of a

[22] Ibid., p29.
[23] Mill, J.S. (1993), p11.
[24] Ibid.

fool as he chooses sensual over intellectual gratification is deemed to be 'addicted' to lower pleasures rather than expressing a deliberate preference. By dismissing the individual's own preference as 'addiction', there is a sense in which Mill is imposing his own view of the welfare of individuals. Mill is not prepared to allow for the possibility of some individuals preferring being satisfied fools to dissatisfied Socrates, even after experiencing both states!

However, if one accepts Mill's behavioural assumption about human nature, then the argument for absolute freedom in matters which concern only oneself is entirely consistent with preference development and thus utility maximisation. Further, Mill's ideas highlight the narrowness of a concept of utility as solely simple, unquestioning, preference satisfaction. Mill wanted to emphasise the role of enlightenment, of opening individuals to new ideas/activities (which they might be sceptical of at first) in improving their welfare. The following discussion of the value of originality taken from his essay 'On Liberty' is helpful in understanding why he distinguishes his notion of utility from the satisfaction of a given set of preferences:

"...in its true sense, that of originality in thought and action, though no one says that it is not a thing to be admired, nearly all, at heart, think that they can do very well without it. Unhappily this is too natural to be wondered at. *Originality is the one thing that unoriginal minds cannot feel the use of. They cannot see what it is to do for them: how should they? If they could see what it would do for them, it would not be originality. The first service that originality has to render them, is that of opening their eyes:* which being once fully done, they would have a chance of being

themselves original. Meanwhile....let them be modest enough to believe that there is something still left for it to accomplish, and assure themselves that *they are more in need of originality, the less they are conscious of the want."*[25]

The argument above can be summarised as, individuals prefer having their eyes opened (once opened) but *when their eyes are closed, they have no desire to open them.* This highlights the weakness of viewing existing individual preferences as a benchmark of the goodness or otherwise of outcomes. If utility is nothing more than existing preference satisfaction and this is combined with the utilitarian social objective of maximising the sum of these individual utilities, it could lead to denying individuals the opportunity to develop and transform their preferences (in denying them individual liberty). Without this liberty, they would be content, but would remain with their eyes closed, in blissful ignorance of how much better off they could have been had they been given the liberty to open them.

[25] Mill, J.S., p.133-134.

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