

The Authority of Competence and Quality as Extrinsic<sup>†</sup> - forthcoming in the *British Journal of the History of Philosophy*.

Dale Dorsey

Department of Philosophy  
University of Kansas  
1445 Jayhawk Boulevard  
Wescoe Hall, rm. 3090  
Lawrence, KS 66045  
ddorsey@ku.edu

John Stuart Mill's hedonism is notoriously ambiguous. The most important ambiguity concerns his reliance on an axiologically significant notion of *quality* of pleasure. (Hereafter: "quality".) His resulting "higher pleasures doctrine" has given rise to a number of interpretive disputes concerning, for instance, the nature of quality, the relative value of higher pleasures in comparison to lower pleasures, and, indeed, whether the higher pleasures doctrine is ultimately compatible with his professed hedonism. Furthermore, such interpretive disputes are no small matter. Given the role Mill's hedonism plays in his moral and political philosophy, such disagreement about Mill's theory of welfare does not portend well for a broad understanding of his considered views.

My aim in this paper is not to offer a full account of Mill's axiology. Rather, I seek to explore one corner of the higher pleasures doctrine, in particular, what sort of *property* quality of pleasure is. I argue that the only acceptable interpretation of the higher pleasures doctrine treats quality as a property that is (a) independent of the preferences of competent judges, (b) non-phenomenal, and (c) extrinsic to individual higher quality pleasures. My argument for this reading will focus on an interpretation of Mill's competent judges test: only this interpretation can explain the peculiar trust Mill imparts in these judges when it comes to the nature of human well-being.

The plan of this paper runs as follows. In the first section, I introduce Mill's competent judges and the use to which he puts them, along with two important, but often overlooked, features of their authority. In §§2-4,

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I distinguish three axes along which accounts of quality can be categorized: interpretations that treat quality as *independent of* or *dependent on* the preferences of competent judges, readings that hold that quality is a *phenomenal* or *non-phenomenal* property, and interpretations that treat quality as *intrinsic* or *extrinsic* to individual higher quality pleasures. I argue that only an *independent, non-phenomenal, and extrinsic* property of quality can explain the authority of competence. I discuss objections in §§5-6. §7 concludes.

### 1. *The Philosophy of Swine*

Mill's higher pleasures doctrine is his primary tool by which to respond to a classic argument against hedonism. According to its critics, "to suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and grovelling. . . a doctrine worthy only of swine".<sup>1</sup> This critique of hedonism—call it the "philosophy of swine" objection—goes back at least to Aristotle, who complained that those who seek only pleasure seek "a life of grazing animals".<sup>2</sup>

According to Mill, this objection is a cheap shot. He writes: "there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation," (*U* II.4). Different hedonists, however, will employ different methods by which to avoid this objection. Indeed, Mill seeks to move beyond what he regards as the traditional response: rather than claiming, with "utilitarian writers in general," that the superiority of the "mental" rather than "bodily" pleasures is founded on "the greater permanency, safety, uncostliness, etc., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature," (*U* II.4), Mill holds that this superiority can also be established by "the fact, that some *kinds* of pleasure are more desirable and more valuable than others." Mill insists that non-swine-like pleasures possess a further axiologically relevant feature, viz., quality: "It would be absurd while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on

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<sup>1</sup>John Stuart Mill, *Utilitarianism*, ed. Crisp (Oxford: Oxford University Press, 1998), Chapter 2, para. 3. Subsequent citations of *Utilitarianism* will be made in the text, noting the chapter and paragraph numbers.

<sup>2</sup>Aristotle, *Nicomachean Ethics*, trans. and ed., Irwin (Indianapolis, IN: Hackett Publishing Company, 2nd ed., 1999), 4, 1095b.

quantity alone,” (*U* II.4).

The key concept in Mill’s hedonism, then, becomes pleasurable *quality*. And in explaining this concept, Mill makes his first reference to *competent judges*:

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. (*U* II.5.)

For Mill, the nature of quality appears to be necessarily linked to the choices of competent judges; the “more desirable” pleasure—independent of “its being greater in amount”—appears to be the one that is chosen by “those who are competently acquainted with both.” For Mill, the competent judges test, and with it the higher pleasures doctrine, is not a limiting condition on that which is intrinsically valuable, or “desirable as an end”. Mill nowhere claims that lower quality pleasures are not valuable. Rather, the property of quality is, like intensity and duration, a property by which to determine which pleasurable experiences are better than others. Other things being held equal, higher quality pleasures are better than lower quality ones.<sup>3</sup>

Merely introducing a dimension of quality is insufficient to defend hedonism from the philosophy of swine objection. Mill must then show that swine-like pleasures will not be of higher quality. Mill’s argument for this claim runs in two steps. First, Mill rules out a *relativism* of higher pleasures. To put this another way, Mill rejects the claim that  $\phi$  could be a higher pleasure for a certain competent judge, a lower pleasure for another. As Mill writes: “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference. . . that is the more desirable pleasure,” (*U* II.5). This account of the nature of quality leaves no room for a relativism of higher pleasures: in any case in which all or almost all competent judges prefer  $\phi$  to  $\psi$ ,  $\phi$  is the higher quality pleasure. One might overlook this point in Mill’s defense of hedonism, but it is of the essence. Allowing a relativism of higher pleasures would seem to imply that

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<sup>3</sup>Mill makes a number of remarks concerning the relative axiological importance of an increase in quality in comparison to an increase in quantity—sometimes, including the paragraph cited above, Mill seems to insist that quality lexically dominates quantity. Whether this is true will make no difference to my discussion; I leave the relative importance of quality versus quantity aside here.

for some competent judges, “bodily” pleasures may be higher than “mental” pleasures and hence for some, swine-like pleasures will be more valuable. This position would seem to leave Mill’s defense of hedonism against the philosophy of swine objection on no firmer ground than the traditional defense beyond which Mill seeks to move.

Second, Mill goes on to claim that “all or almost all” competent judges will prefer less, rather than more, swine-like pleasures. According to Mill: “Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying both, do give a most marked preference to the manner of existence which employs their higher faculties...” (*U* II.6). Mill writes that the strongest psychological reason individual competent judges select the non-swine-like rather than swine-like pleasures is “a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them,” (*U* II.6). Given that Mill rejects a relativism of higher pleasures, and given that most competent judges will prefer non-swine-like pleasures, these pleasures are higher quality, and hence better for all. Mill’s hedonism, therefore, does not commit the cardinal sin of claiming that life has “no higher end” than the pursuit of the pleasures of the beasts. The swine-like pleasures are lower quality, and hence less valuable, in a way that goes beyond their lack of “circumstantial advantages”.

So far, so canonical. But two features of the competent judges test merit further comment. First, Mill holds that when it comes to quality, competent judges are not guaranteed to be univocal. Mill writes that preference for non-swine-like pleasures will be “most marked”. Additionally, Mill writes that if “all *or almost all*”<sup>4</sup> competent judges will prefer a given pleasure, that pleasure is higher. It would do to label this principle

*Non-univocality*: of any two pleasures  $\phi$  and  $\psi$ , it is possible that some competent judges will prefer  $\phi$ , others will prefer  $\psi$ .

At certain points, Mill appears to be indecisive when it comes to *Non-univocality*. He writes: “Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of the beast’s pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded

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<sup>4</sup>My emphasis.

that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs,” (*U* II.6). While he does claim that “few” rather than “no” human creatures would consent to be stuck with a life of swine-like pleasures, he appears to claim that “no” intelligent, virtuous, or instructed persons would be content to do so. Furthermore, Mill writes that “It may be questioned whether any one who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower,” (*U*, II.7). However, these passages do not tell against *Non-univocality*. Although Mill certainly doubts that anyone acquainted with both will prefer the lower, he appears perfectly willing to admit *the possibility* that competent judges would diverge (after all, Mill only says that “it may be questioned” whether anyone has ever preferred the lower to the higher, not that the question is plausibly answered in the negative) and hence Mill cannot *guarantee* that they will be unanimous.

*Non-univocality* leads to a second notable feature of the competent judges test. Given that competent judges can diverge, we must be given a method of determining which pleasures are of higher quality under conditions of such divergence that itself does not succumb to a relativism of higher pleasures. In other words, we cannot say that in cases of disagreement between two competent judges (Chris and Esther),  $\phi$  is a higher quality pleasure for competent judge Chris,  $\psi$  is higher quality pleasure for competent judge Esther. Doing so would yield a relativism of higher pleasures. So we must know how, under conditions of such divergence, to determine whether Chris or Esther’s preferences properly identify the higher quality pleasure. Here Mill writes that “[o]n a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final,” (*U* II.8). In light of *Non-univocality*, according to Mill, we trust the verdicts of the *majority* of competent judges.

In light of Mill’s doubts about the extent of divergence among competent judges, Dale Miller holds that trust in the *majority* of competent judges is “an obvious slip on Mill’s part”.<sup>5</sup> But even if Mill harbors such doubts, this is no slip. It could be that Mill never really imagines that a *bare* majority (i.e., 50%+1) would be required to determine which of two pleasures is higher. But he clearly allows that they may diverge in principle, if not in fact, and hence claims that under conditions of such divergence, the larger group is

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<sup>5</sup>Dale Miller, *J. S. Mill: Moral, Social, and Political Thought* (Polity Press, 2010), 62.

authoritative. Insofar as this is at least *a* way to offer a non-relativist verdict under conditions of disagreement between competent judges—and insofar as Mill seems to offer no other method—we are licensed to treat it as Mill’s considered view. Let’s label this principle:

*Authority*: for any two pleasures  $\phi$  and  $\psi$ , if  $\phi$  is preferred to  $\psi$  by competent judges or, if competent judges lack univocality, the larger number of competent judges,  $\phi$  is higher, and hence more valuable, than  $\psi$ .

*Non-univocality* and *Authority* complicate an explanation of the authority of competent judges. After all, why should it be the case that some competent judges have authority over other competent judges? How could it be that Chris acts imprudently in pursuing a pleasure he prefers simply because *Esther’s* preferences differ, and Esther simply happens to be in the majority?

In the remainder of the paper, I argue that these questions are embarrassing for a number of traditional interpretations of Mill’s axiology, and requires something of an unpopular reading of the nature of quality. My argument will proceed by process of elimination. In the following sections, I categorize potential accounts of quality along three dimensions: first, whether quality is constituted by the preferences of competent judges or is independent of such preferences; second, whether quality is a phenomenal or non-phenomenal property (that is, whether it is a *felt* quality of individual higher pleasures); finally, whether quality is an intrinsic or extrinsic property of individual pleasures. I hold that *dependent* and *phenomenal* accounts cannot accommodate *Authority*, and that among non-phenomenal accounts of quality, only those that characterize quality as extrinsic can vindicate Mill’s treatment of the authority of competent judges.

## 2. *Dependent*

According to Mill, competent judges have axiological authority in the following sense: of any two pleasures, the higher, and hence more valuable, pleasure is the one preferred by a majority of competent judges. Given this principle, however, any theory of quality must explain not just how competent judges maintain axiological authority in comparison to *incompetent* judges, but rather how competent judges maintain axiological authority in comparison to other *competent* judges.

Take, for instance, a view of the following sort. Imagine that, inspired by Mill’s claim that the “meaning” of the claim that a particular pleasure is

higher just *is* that the competent judges prefer it, we say that the property of quality just *is* the property of being preferred by competent judges. Call this a “dependent” reading of the property of quality. But a dependent reading fails in light of *Non-univocality*. Given the possibility of disagreement, in any comparison between  $\phi$  and  $\psi$  it is at least possible that some competent judges will prefer  $\phi$ , others  $\psi$ . Hence if the property of quality is constituted *by* these preferences, it would appear that whether  $\phi$  or  $\psi$  is of higher quality is variable or relative between competent judges. But this isn’t Mill’s view, and hence a theory of quality of this sort fails in light of *Non-univocality*.

Someone who prefers a dependent reading might respond that such an interpretation fails to account for *Non-univocality* only if we ignore *Authority*. In particular, one might say that the property of quality just *is* the property of being preferred by the *majority* of competent judges. This would leave plenty of room for the minority to prefer swine-like pleasures while avoiding a relativism of higher pleasures. But though this view is compatible with *Authority* and *Non-univocality*, and appears to vindicate Mill’s treatment of the philosophy of swine objection, it leaves Mill in an untenable position. Given that quality is non-relative, this interpretation would hold that any competent judge in the minority will prefer lower quality pleasures *simply* because she is in the minority. But why should that be? Why should the *mere fact* that more people prefer  $\phi$  to  $\psi$  mean that I will live a worse life in pursuing those pleasures I prefer? Without any further explanation of, say, my error, or some sort of misperception on my part, such a view seems absurd. If I prefer The Beach Boys to The Beatles, it would be absurd to claim that my preferences are misguided *simply because* more people prefer The Beatles. Any explanation of the misguidedness of my preferences must appeal to base-level facts about the relative quality of The Beatles in comparison to The Beach Boys, why I misperceive or don’t track such facts, and why the majority does.

It would thus appear that the authority of competence cannot be plausibly explained by any interpretation of quality that treats facts about quality as constituted by facts about the preferences of competent judges. If we accept *Non-univocality*, we must reject *Authority*, and are hence left with a relativism of higher pleasures. *Authority*, so it would seem, can be plausibly explained only by a theory of pleasurable quality that allows some competent judges (the minority) to *misperceive* or otherwise fail to track pleasurable quality. As Roger Crisp writes,

[t]he deliverances of the competent judges. . . are *evidential*. They are a tribunal to which we refer to decide what is true indepen-

dently of any human judgement. Nor do they represent an *ad hoc* device, floating free from the rest of Mill's philosophical commitments. As an empiricist, Mill believes that human knowledge is based on the deliverances of our senses. This is why he is keen to base ethics on 'observation and experience'. . . Because the views of the judges are only evidential, it is of course conceivable that they may be mistaken, and Mill implicitly accepts this in allowing for disagreement among them. . . Mill is claiming not that the majority *must* be right, but that it is only reasonable to respect the decision of the majority.<sup>6</sup>

Given the trust Mill places in the majority rather than the minority of competent judges, we must treat quality as a property that is not simply constituted by the preferences of competent judges. Without doing so, we are left unable to say why a minority of competent judges, who may well prefer the more swine-like pleasures, are in error. But the possibility of error is essential: without it, we cannot explain why the minority of competent judges lack authority, as required by the authority of competence in light of *Non-univocal*ity.

### 3. *Independent, Phenomenal*

So far we have ruled out *dependent* readings of quality. However, merely claiming that quality is independent of the preferences of competent judges is not enough to adequately explain the authority of competence. In particular, not all views that treat quality as independent of such preferences can adequately account for *Non-univocal*ity. In this section, I consider three interpretations of the nature of quality that treat quality as a *phenomenal* property, that is, as a felt, experiential property of higher quality pleasures.

The first phenomenal reading treats *quality* of pleasure as a species of *quantity* of pleasure. Of course, there may be many ways of specifying quality as a species of quantity, but for the sake of brevity, I focus on what Jonathan Riley dubs "the standard view": higher pleasures are higher given their *intensity*. Riley writes:

[T]he standard view [holds] that a higher kind of pleasure is of a higher intrinsic nature than a lower pleasure, that is, units of the higher kind are of a higher dimension altogether than units of the lower. More specifically, the standard view. . . says that any

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<sup>6</sup>Roger Crisp, *Mill on Utilitarianism* (London: Routledge, 1997), 36-7.

unit of the qualitatively superior pleasure is infinitely larger, or indefinitely more intense, than a unit or any finite sum of units of the inferior pleasure. Qualitative superiority thus works in harmony with quantitative superiority.<sup>7</sup>

According to Riley’s analysis, higher quality pleasures maintain a degree of intensity that infinitely outstrips the intensity of lower pleasures. Riley’s view, then, is phenomenal insofar as it treats quality as supervenient on a phenomenal property of a given higher pleasure: its infinite intensity. Higher quality pleasures just are that much more intense.<sup>8</sup>

Consider, next, an interpretation offered by Crisp.<sup>9</sup> Inspired by Mill’s claim that “utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in . . . their circumstantial advantages rather than their intrinsic nature,” (*U*, II.4) Crisp holds that the quality of a pleasure is determined by its “intrinsic nature”. According to Crisp, Mill believes that the “intrinsic nature” of a pleasure is one feature of its *pleasurableness* that does not itself reduce to the properties of intensity or duration. Crisp glosses this idea as follows:

When [Mill] speaks of ‘quality’, he means the ‘intrinsic nature’ of the pleasure in question. . . According to him, the value of a pleasurable experience depends not only on its duration and intensity, but also on its quality, its intrinsic nature. Mill can suggest, then, that the higher pleasure is valuable because of its pleasurableness.<sup>10</sup>

For Crisp, quality is a phenomenal property insofar as quality supervenes on the felt *intrinsic nature* of a given higher pleasure.

Third, Henry West also claims that quality is a phenomenal property.<sup>11</sup> West makes a distinction between first- and second-order pleasures. For

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<sup>7</sup>Jonathan Riley, “Interpreting Mill’s Qualitative Hedonism” in *The Philosophical Quarterly* 53 (2003), 415-16.

<sup>8</sup>Though this view fails for other reasons I note below, it also fails as a general account of Mill’s method by which to rank-order pleasures. After all, Mill does not simply insist on two categories of pleasures, higher and lower. Rather, the “height” of individual pleasures is scalar: pleasures can be higher or lower in quality. But if, according to Riley, higher quality pleasures just are those that are *infinitely* more intense than lower pleasures, it would appear that there can be no sense made of the claim that some higher pleasures may be higher than others.

<sup>9</sup>Thanks to Ben Eggleston for helpful conversations about Crisp’s view.

<sup>10</sup>Crisp, 32.

<sup>11</sup>Henry R. West, *An Introduction to Mill’s Utilitarian Ethics* (Cambridge: Cambridge University Press, 2004), 57-62.

West, first-order pleasures are just the individual experiences we generally designate as *pleasures*, say, the experience one gets from watching an excellent musical performance. Second-order pleasures, on the other hand, are “self-images” one gets when one experiences individual first-order pleasures. I take a second order pleasure in the experience of taking a first-order pleasure in a fine musical performance, but I also might experience a second-order pain—that is, get a somewhat less flattering self-image—upon taking pleasure in watching “Sorority Babes in the Slimeball Bowl-o-Rama” on *USA Up All Night*. For West, second-order pleasures are key to the nature of quality. West writes: “When first- and second-order pleasures and pains are combined in a *total experience*, the quality (and the quantity) of the pleasure of the total experience is different from consideration of the quality (and quantity) of the first-order pleasure alone.”<sup>12</sup> For West, the *total* experience of first- and second-order pleasures is a “higher” pleasure.

All three phenomenal accounts share a central problem. Take Riley’s view. On his interpretation, it must be the case that competent judges are expected to prefer pleasures on the basis of their overall intensity. But, given *Non-univocality*, competent judges can differ with regard to their preferences, and hence differ with regard to which pleasures, for them, are infinitely more intense. If so, we are led to a relativism about the nature of higher pleasures;  $\phi$  is higher (because it is infinitely more intense than  $\psi$ ) for Chris,  $\psi$  is higher (because it is infinitely more intense than  $\phi$ ) for Esther. But this would void Mill’s response to the philosophy of swine objection. Insofar as Chris finds the swine-like pleasures infinitely more intense, Mill’s hedonism would claim that there is no “nobler object of desire and pursuit” for Chris than to live a swine-like life, and hence Mill’s hedonism would appear to be just the sort of theory about which its “French, German, and English assailants” complain.

The problem for Crisp’s view is similar. If higher pleasures are judged better simply on the basis of their pleasurable-ness (whether this includes intensity and duration only, or intensity, duration, and “intrinsic nature”), there would be no ground for the failure of univocality. If competent judges track the pleasurable-ness of a given pleasure, and Chris and Esther diverge concerning the relative quality of  $\phi$  and  $\psi$ , this would appear to imply that  $\phi$  and  $\psi$  maintain different levels of pleasurable-ness—different “intrinsic natures”—for Chris and Esther. But if this is correct, higher pleasures for Chris will be different than higher pleasures for Esther, which is inconsistent with Mill’s response to the philosophy of swine objection.

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<sup>12</sup>West, 67. My emphasis.

*Non-univocality* would also seem to indicate that some competent judges will differ over which of two first-order pleasures engage “second-order” pleasures. But the problem for this view should by now be familiar. If Chris’s second-order pleasures are engaged while watching *USA Up All Night* rather than listening to Stockhausen, and Esther’s second-order pleasures are engaged while listening to Stockhausen rather than watching *USA Up All Night*, it would appear that Chris’s higher pleasures are non-identical to Esther’s. Insofar as preferences of competent judges will track their experience of second-order pleasures, it would appear that any failure of univocality entails a relativism of second-order, and hence higher pleasures. But Mill rejects this proposal.

Though the problems for the views canvassed here do not show that all phenomenal or experiential accounts of quality are false, their failure is strongly suggestive. For phenomenal accounts, any lack of univocality among the competent judges seems to imply that the phenomenal character of, say, non-swine-like versus swine-like pleasures is different for different competent judges. But given that deviation in phenomenal properties will imply a deviation in quality (given that quality is phenomenal), any purely phenomenal or experiential account of quality must either accept a relativism of quality, or must deny *Non-univocality*. Insofar as Mill denies a relativism of quality, and *accepts Non-univocality*, phenomenal accounts cannot succeed.

Proponents of phenomenal accounts will respond in the following way. Merely because the preferences of competent judges are expected to track certain phenomenal properties does not mean that all competent judges will track these properties equally well. And if the preferences of some competent judges do not adequately reflect the presence or absence of the relevant phenomenal property (which is certainly possible), this explains *Authority*: insofar as the preferences of competent judges *can* diverge from the favored phenomenal property, we must trust the majority to determine which pleasures maintain this property.

This response is surely correct in one respect: there will be no guarantee that any one competent judge’s preferences will accurately track the presence or absence of the favored phenomenal property. Indeed, there may be many explanations for this, including a form of misperception, or, simply, a brute failure to prefer pleasures that maintain the higher phenomenal property. But the phenomenal reading must make a particularly strong claim. For the phenomenal reading, it must be the case that any deviation in preferences of the competent judges must be explained by a failure of the minority’s preferences to track the minority’s experience of the relevant

phenomenal property. But why should we believe this? Imagine that we treat it as a possible outcome that the phenomenal quality of non-swine-like pleasures can diverge among competent judges (i.e., that such pleasures, for different competent judges, *could* vary in their intensity, “intrinsic nature”, or the presence or absence of second-order pleasures). That this is an open possibility seems reasonable: after all, it is not *a priori* that listening to Stockhausen will possess a particular phenomenal feature for all competent judges. And if we take this as an open possibility, any deviation in preference seems to strongly suggest (though admittedly does not guarantee) a deviation in felt quality, and hence would shed significant doubt on our epistemic faith in the majority to determine which pleasures maintain the relevant phenomenal character *for all*. Hence to justify *Authority* on this reading, we cannot treat it as a possible outcome that the experiential qualities of swine-like versus non-swine-like pleasures will differ among competent judges. Rather, we must accept a general background assumption: the phenomenal experience of swine-like versus non-swine-like pleasures will be identical for all competent judges. But this cannot be Mill’s view. First, it is an explicit denial of Mill’s general empiricism (see, for instance, *U* I.3): to explain Mill’s acceptance of *Authority*, this reading must insist that Mill assumes *a priori* that non-swine-like pleasures will *feel the same* to all competent judges. As Mill would surely agree, such a claim requires substantial psychological investigation, and could only, if then, be determined after consultation with competent judges, rather than assumed as a condition of their authority. Second, even as a matter of armchair psychology, this proposal seems wrong: surely it is possible that two competent judges will experience different levels of intensity, pleasures of different “intrinsic nature”, or will experience different self-images while listening to Stockhausen as opposed to watching *USA Up All Night*.

Phenomenal accounts are thus in a difficult position. To explain *Authority*, they must defend the suggestion that a deviation in preference offers no evidence for a deviation in the phenomenal character of swine-like and non-swine-like pleasures. But if we take seriously the possibility that the phenomenal character of mental and bodily pleasures *might* deviate among competent judges, deviation in preference surely suggests phenomenal deviation happens in at least some cases. Hence to accommodate *Authority*, Mill must accept an *a priori*, and independently implausible, background assumption: that felt quality will not deviate among competent judges.

#### 4. Independent, Non-Phenomenal, Intrinsic

Phenomenal accounts of quality cannot accommodate *Non-univocality* within the bounds of Mill's response to the philosophy of swine objection. The obvious next move is to explore non-phenomenal accounts of quality.

Consider, first, a view in which quality is non-phenomenal but *intrinsic* to high-quality pleasures. Initially one might hold that such a view is nonsensical: how could a *non-phenomenal* property be *intrinsic* to a pleasurable experience? The answer can be seen by noting that in English, "pleasure" can be used in two different ways. The first refers to a particular pleasurable mental experience—call this "experiential pleasure". The second refers to a particular activity or state of affairs which is itself the *source* of experiential pleasure—call this "activity-pleasure". In *Blazing Saddles*, Sheriff Bart uses "pleasure" in the "activity" sense in asking the Waco Kid: "What are your pleasures? What do you like to do?" If Mill holds that competent judges do not evaluate experiential pleasures, but rather activity-pleasures, competent judges will evaluate pleasures that are *constituted* by non-phenomenal properties, and hence the property of quality can be non-phenomenal and intrinsic to the (activity-)pleasure itself.

Just this sort of view is proposed by David Brink. According to Brink, higher pleasures are activities or states of being that engage one's "higher" or rational capacities: "[W]e should read the higher pleasures doctrine as the claim that activities and pursuits that exercise our higher capacities are intrinsically more valuable than voluptuous activities and pursuits, rather than as a claim about the greater value of certain mental states. . . Higher activities have intrinsic, not simply extrinsic, value that is not dependent on their causing pleasure, though, of course, taking pleasure in such activities is also valuable."<sup>13</sup> This reading holds that the property of quality is constituted by the extent to which a given activity or pursuit engages or exercises the higher, or "rational", capacities of human beings. This view has a number of advantages in comparison to a phenomenal account. Brink's interpretation would seem to vindicate Mill's response to the philosophy of swine objection; the higher pleasures are those that engage an individual's rational capacities. In addition, Brink's view can accommodate *Non-univocality*. For Brink's view, divergence among the preferences of competent judges can be explained in two ways. First, some competent judges may simply prefer modes of existence that do not engage the higher faculties, as when some individuals "lose their intellectual tastes" and "addict themselves to inferior pleasures". Second, recall that Mill relies on the

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<sup>13</sup>David Brink, "Mill's Deliberative Utilitarianism" in *Philosophy and Public Affairs* 25 (1990), 76.

“sense of dignity” in explaining preferences for higher pleasures (*U* II.6). On Brink’s reading, the sense of dignity tracks facts concerning the exercise of an individual’s rational capacities. But this feature of Brink’s view allows an explanation of the misperception of quality. It is perfectly open for Mill to claim (on Brink’s reading) that the sense of dignity may be *faulty* in some competent judges: some competent judges will maintain a feeling of dignity when engaging in swine-like pleasures. Mill nowhere says that the operation of the sense of dignity will be of *uniform reliability*.<sup>14</sup>

So far so good. However, for this reading to be plausible, “pleasure” must be read as activity-pleasure rather than experiential pleasure.<sup>15</sup> As evidence for this reading, Brink notes that Mill—especially in *U* IV—refers to items as diverse as “music” as pleasures (*U* IV.5). In addition, he writes that the competent judges have preferences for “manners of existence” (*U* II.6). All of these seem to identify Mill as claiming that the competent judges assess activity-pleasures, i.e., activities, pursuits, etc. However, the evidence in favor of an activity-pleasure reading is in important ways ambiguous.<sup>16</sup> Mill surely claims that music is a pleasure, and that, e.g., “health” is an exemption from pain. But Mill also describes activity-pleasures (including, for instance, virtue) as *means* to pleasure. For instance, when claiming that certain activities are desired for their own sake, Mill writes that “the means have become a part of the end” (*U* IV.6). Furthermore, he describes virtue, music, and health as “sources of pleasure”, and that they are valuable because they are such sources (*U* IV.6-7). A natural reading of Mill’s ambiguity here would be to claim that Mill believes that the activity-pleasures are valuable, but merely instrumentally so: as “sources” or “means” to pleasure, i.e., experiential pleasure.

Furthermore, Mill seems to deny that activity-pleasures are welfare benefits of their own accord. In Chapter IV, Mill writes that

[t]hose who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united; as in

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<sup>14</sup>Of course, phenomenal accounts might try to explain a failure to prefer higher pleasures given a faulty sense of dignity, as well. But the problem for phenomenal accounts is not that there is a lack of explanation for divergence of preference, but rather that to attribute divergence in preference to a faulty sense of dignity (or any other fault) rather than, say, that phenomenal quality diverges among competent judges, we must discount, *a priori*, the suggestion that phenomenal quality can diverge among competent judges. But this seems unmotivated.

<sup>15</sup>Brink, 73.

<sup>16</sup>See Miller, 42-44.

truth the pleasure and pain seldom exist separately, but almost always together, the same person feeling pleasure in the degree of virtue attained, and pain in not having attained more. If one of these gave him no pleasure, and the other no pain, he would not love or desire virtue, or would desire it only for the other benefits which it might produce to himself or to persons who he cared for. (*U* IV.8.)

Here Mill *explicitly* claims that a person who desires virtue desires it not because *it is* a pleasure, but rather because it *produces* a particular pleasurable consciousness. If so, it would appear that Mill treats virtue itself as valuable only as a means.

Ben Saunders has also recently argued in favor of an “activity-pleasure” reading. In addition to the passages just discussed, Saunders notes a problem for the experiential reading, to be found in Mill’s broad statement of the hedonist idea. As Mill writes: “all desirable things. . . are desirable either for the pleasure inherent in themselves, or as a means to the promotion of pleasure and the prevention of pain,” (*U* II.2). For Saunders, “this [passage] distinguishes things that are desirable in themselves, because of the pleasure inherent in them, from those that are merely instrumental to the promotion of pleasure.” According to Saunders, an experiential reading of Mill’s hedonism renders this passage paradoxical: “If one conceives of pleasure as a mental state, then all activities would be desirable only instrumentally; but then it would be odd to say that pleasure is desirable because of the pleasure inherent in it.”<sup>17</sup>

For Saunders, it would be strange for Mill to say that experiential pleasure is desirable because of the experiential pleasure inherent in it. And hence this passage is best read as saying that something other than experiential pleasure, i.e., activity-pleasure, is intrinsically good (given, presumably, the “pleasure” inherent in it). But to read Mill as referring to activity-pleasure by the term “pleasure” does nothing to alleviate this paradox: this reading must hold that activities are intrinsically valuable for the activities inherent in them. To alleviate the puzzle, one would have to read this passage as saying that something *other than pleasure* is valuable for its own sake given the pleasure inherent in it. Of course (as he declares in the passage immediately prior to the one in question), Mill clearly believes that “pleasure, and freedom from pain, are the only things desirable as ends,” (*U* II.2). And if this is correct, the passage in question cannot tell in favor of

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<sup>17</sup>Ben Saunders, “J.S. Mill’s Conception of Utility” in *Utilitas* 21 (2009), 55.

one or the other reading of what Mill may have meant by “pleasure”. This passage is paradoxical no matter what “pleasure” refers to.

Most important for my purposes, however, is the following: competent judges assess *experiential pleasures*. To see this, note that Mill writes that we should trust the competent judges with regard to quality because we trust them with regard to *quantity*, as well. Mill writes:

What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable in kind, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.<sup>18</sup> (*U* II.8.)

In the first passage here Mill is discussing the authority of competent judges over questions of quantity. But in this passage he is clearly discussing experiential rather than activity-pleasures. But if he refers, in discussing quantity, to experiential pleasures, it would be quite strange for him to be referring to something entirely different in discussing *quality*. He would have had to change the subject completely from one sentence to the next in *U* II.8. In addition, if quality is not a feature of experiential pleasures, Mill’s argument for trust in competent judges would go nowhere: it would appear that Mill is arguing that we should trust competent judges to determine the qualitative superiority of activity-pleasures given that they are competent to judge the *quantitative* superiority of *experiential pleasures*. But there is no reason to believe the former on grounds of the latter. Hence if we interpret Mill as believing that competent judges evaluate activity-pleasures rather

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<sup>18</sup>An anonymous reviewer suggests that Mill’s claim that pains and pleasures are heterogeneous might suggest a phenomenal reading of quality, insofar as pleasures are themselves heterogeneous. This may imply that pleasurable experiences are of very different phenomenal characters, and hence that there is room for a phenomenal account of quality. But this reading is a stretch. Though Mill seems to believe that pleasurable experiences are heterogeneous, this does not entail that pleasurable quality supervenes on phenomenal quality. Mill might believe not just that pleasures are heterogeneous in terms of their phenomenal properties, but also their non-phenomenal properties. Thus that pleasurable quality is to be found among the phenomenal qualities of a pleasure requires additional argument.

than experiential pleasures, we commit Mill to a position that is clearly not supported by his argument in *U* II.8.

When, in *U* II.6, Mill claims that competent judges evaluate “modes of existence”, one might interpret Mill to suggest that the higher pleasures are activities. But it seems more consistent with his aims to read Mill as claiming that competent judges evaluate activity-pleasures *derivatively*: Mill evaluates the quality of activity-pleasures *in terms of* experiential pleasures. Of course, competent judges will recognize that these activity-pleasures contain a number of intrinsically good pleasurable sensations, and will prefer them on these grounds (just as Mill claims that “virtue” is to be preferred given that the experience of it is pleasurable). Hence—though there is some reason to believe that Mill was referring to pleasurable activities or sources of pleasure by the word “pleasure”—the weight of evidence appears to indicate that Mill holds that competent judges evaluate experiential, rather than activity-pleasures. If, therefore, we reject the claim that competent judges evaluate activity-pleasures, we cannot treat a non-phenomenal property as intrinsic to a given higher pleasure.

##### *5. Independent, Non-Phenomenal, Extrinsic*

We should reject the claim that competent judges assess activity-pleasures rather than experiential pleasures. But we can offer a theory of quality that captures the advantages of Brink’s view without committing to the claim that competent judges evaluate activity-pleasures. To this end we should hold that quality is constituted by an extrinsic, or relational, property possessed by higher quality experiential pleasures.

In identifying quality as a relation borne by experiential pleasures, one is led to ask two questions: first, “what is this relation?” second, “what are the relata?” Take the second question first. Brink’s reading was able to plausibly accommodate Mill’s interest in the mental rather than bodily pleasures by holding that quality is the property of exercising, or engaging, one’s “higher” or rational capacities. Something similar should be said here. On this view, higher pleasures are those that bear the right sort of relation to the higher, or, as Mill sometimes puts it, “progressive”, nature of humankind.<sup>19</sup> What, then, is the relation? Though I don’t wish to commit to any particular interpretation here, one option is the *causal* relation: higher pleasures are those experiences that are caused by the exercise of our higher capacities or progressive nature. Another possibility (and, indeed, the one

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<sup>19</sup>See, for instance, Mill, *On Liberty (OL)*, I.9

I prefer) is that, for Mill, the proper relation is the *suitability* or *fittingness* relation: higher pleasures are those that are suitable to, or fitting of, human nature as progressive. Interpreting the nature of quality in this way not only captures the connection between higher pleasures and humankind’s higher capacities, but also can plausibly explain Mill’s reliance on the sense of dignity. The sense of dignity, on this reading, perceives or tracks the fittingness or appropriateness of a given individual sensory experience of pleasure to the nature of humans as progressive; this explains why, given their sense of dignity, most competent judges would not choose the life of a beast, or “the fool, the dunce, or the rascal” (*U* II.6).<sup>20</sup> The pleasures maintained by such individuals are not suitable to human nature as progressive.<sup>21</sup> (In what follows, I will focus on the “fittingness” or “suitability” relation, though I leave open the possibility of alternatives.)

Like phenomenal accounts, and unlike Brink’s and Saunders’ accounts, my view holds that competent judges evaluate the *mental state* of pleasure: that which gets evaluated *are* experiences. Like Brink and Saunders, however, my view holds that quality of pleasure is not constituted by the

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<sup>20</sup>An anonymous reviewer asks a further question: if pleasurable quality is understood as a relation between a pleasure and the progressive nature of humanity, why must competent judges *experience* a given pleasure to determine whether it is higher or lower? My answer: if pleasures are understood to be experiences rather than activities, it seems to me difficult to know what whether a given pleasure is suitable to human nature until one is acquainted with that pleasure. Part of knowing whether the experience of a pleasure is suitable to human nature is knowing what that experience is *like*. (This question might have force against other interpretations of the favored relation, however, such as the “causal” relation.) This is especially true if the indicator of pleasurable quality is taken to be the sense of dignity: the sense of dignity can surely indicate only the presence or absence of the favored relation among experienced rather than unexperienced pleasures.

<sup>21</sup>It should be noted that any interpretation of Mill on the nature of the sense of dignity is by necessity speculative. Mill nowhere details his understanding of what it means to have a sense of dignity, or that to which the sense of dignity is attuned. But there are two reasons my speculation is not *wildly* off-base. First, the sensitivity of the sense of dignity to the suitability of a given pleasure to the “higher” nature of humanity is not without precedent. Francis Hutcheson claims that the sense of dignity is a sense of “suitability to human Nature,” (Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense*, ed. Garrett (Indianapolis, IN: Liberty Fund, 2002 [1728]), 18).

Furthermore, in *The Subjection of Women*, Mill appears to say that a “sentiment of personal dignity” is tied to “the free direction and disposal of” an individual’s own faculties, (*SW* IV.21). Though this passage is not determinate, it seems to me that the dignity established by the disposal of one’s own faculties could be sensibly said to consist in the suitability of this practice to humanity’s nature as progressive: the connection between humanity as progressive and the free direction and disposal of one’s own faculties is explored in detail by Mill in *OL* III.4.

phenomenal character of these pleasures.<sup>22</sup> Rather, quality supervenes on an extrinsic property: the extent to which a particular experience of pleasure bears the right sort of relation to the higher or progressive nature of humanity. In this way, pleasures are experiential, but quality is not constituted by their intrinsic phenomenal properties. Quality is an extrinsic property: a relation that a particular pleasurable experience bears to the “higher” nature of humankind.

This reading can account for *Non-univocality* in much the same way Brink’s view can. First, if facts about quality are ascertained by the sense of dignity, which is attuned to the suitability of pleasures to human nature as progressive, this does not entail that all competent judges will possess a sense of dignity that is properly attuned.<sup>23</sup> Some competent judges will thus *misperceive* quality, and will prefer pleasures that are unsuitable (or do not bear whatever favored relation) to humanity’s progressive nature. In addition, some competent judges may not prefer pleasures that are suitable to human nature, despite the operation of their sense of dignity. Neither explanation requires independently implausible *a priori* background assumptions. To explain Esther’s authority over Chris, one need only say that Esther, because she is in the majority, and because she has no other method on which to rely, is assumed to be a better guide to the favored relation than Chris. We are licensed to rule out the possibility that there could be variation between Chris and Esther not because we are ruling out psychological possibilities *a priori*, but simply because there *can* be no difference between Chris and Esther: on this reading, pleasurable quality, i.e., the extent to which a given pleasure is suitable to human nature as progressive, is *analytically* non-relative. This explanation is entirely straightforward.

Let me trace the argument so far. To properly explain the authority of competence in Mill’s axiology, one must offer a theory of quality that is compatible (a) with Mill’s response to the philosophy of swine objection and (b) which is compatible with *Non-univocality*, and *Authority*. But a theory of quality must either be independent of the preferences of competent judges or not. As we saw in §2, only independent readings can accommodate *Non-univocality* and *Authority*. But of independent readings, one can accept either a phenomenal or non-phenomenal account. Only non-phenomenal properties can succeed. But non-phenomenal approaches can hold that quality is either intrinsic or extrinsic to higher pleasures. Intrinsic readings, like Brink’s, must interpret Mill’s use of the term “pleasure”

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<sup>22</sup>See Saunders, 63.

<sup>23</sup>Thanks to Dale Miller for helpful conversations on this topic.

in a way that cannot make clear sense of Mill's partial justification of an appeal to the competent judges in *U* II.8. This leaves only *independent*, *non-phenomenal*, and *extrinsic* readings.

### 6. *Objection: Mill on Hedonism*

A non-phenomenal, extrinsic reading of the nature of quality opens old wounds. If pleasures are rank-ordered by properties that are extrinsic to the phenomenal experience of pleasure, Mill seems offer a theory of welfare in which facts about value can surpass facts about quantity of pleasure. But this seems to give new force to a classic objection to Mill's hedonism: how can one consistently accept hedonism while holding that at least some axiologically relevant properties make no reference to how much pleasure one obtains? This objection is stated by Sidgwick,<sup>24</sup> Ernest Albee,<sup>25</sup> and Jonathan Riley, who writes that "ethical hedonism requires that any human capable of rational persuasion *ought* always to prefer more pleasure to less."<sup>26</sup> Call this understanding of the nature of hedonism "Sidgwickian".

Of course, one might immediately wonder why the hedonist should be saddled with the claim that all axiologically relevant facts must reduce to quantity of pleasure. Why shouldn't it be the case that the hedonist is committed to claiming, not that more pleasure must be preferred to less, but rather that all and only pleasures are intrinsically valuable? Indeed, this statement of hedonism is preferred by Wendy Donner, who writes that "All hedonism holds is that pleasure is good and is the only thing that is good, but hedonists differ over the question of which dimensions or properties of pleasure should be used to measure its overall value."<sup>27</sup> This account is also suggested by Fred Feldman: "we can identify a theory as a form of hedonism by the sorts of thing it takes to be the ultimate and fundamental 'atoms' of intrinsic value. The guiding intuition will be this: if the "atoms" are all pleasures and pains, the theory is a sort of hedonism."<sup>28</sup> On this "Donner-

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<sup>24</sup>Henry Sidgwick, *Outlines of the History of Ethics* (Boston: Beacon Press, 6th ed., 1931), 247.

<sup>25</sup>Ernest Albee, *A History of English Utilitarianism* (New York, NY: Macmillan, 1902), 252.

<sup>26</sup>Riley, 415.

<sup>27</sup>Wendy Donner, *The Liberal Self* (Ithaca, NY: Cornell University Press, 1991), 42.

<sup>28</sup>Fred Feldman, *Pleasure and the Good Life* (Oxford: Oxford University Press, 2004), 172-3. See also Feldman's discussion of "altitude-adjusted intrinsic attitudinal hedonism" (Feldman, 75-8). Feldman's account comes along with the—to my ears, anyway—problematic claim that the view that pain is good, pleasure bad (Feldman calls this 'dolorism'; Feldman, 182-3) is a form of hedonism. But one could trivially restrict Feldman's

ian” hedonism, my reading of Mill’s higher pleasures doctrine is perfectly hedonist: all and only pleasures are the most fundamental intrinsic goods (it just so happens that quantity alone does not settle the rank-ordering of individual pleasures).

This dispute, however, is terminological and hence not very interesting. The more important question concerns whether Mill accepts Sidgwickian or Donnerian hedonism. Riley argues that Mill accepts the Sidgwickian account. On a passage from Chapter V of *Utilitarianism*, Riley writes:

As he says when explaining ‘the very meaning’ of hedonistic utilitarianism, its ‘first principle’ is ‘correctly described as supposing that equal amounts of happiness [pleasure] are equally desirable, whether felt by the same person or by different persons’. If two pleasures of the same kind are ‘equal in degree’, then the principle of utility requires that one pleasure must be ‘counted for exactly as much’ as the other.<sup>29</sup>

If it’s the case that pleasures that are equal in amount must be equally valuable, this seems to commit Mill to the view that difference in value must be explained by difference in quantity of pleasure. Hence Mill explicitly accepts the Sidgwickian reading of hedonism rather than the Donnerian reading, rendering my reading of quality inconsistent with Mill’s hedonism. However, Riley’s reading of this passage is misleading. To see this, take the passage as a whole:

[The] implication, in the first principle of the utilitarian scheme, of perfect impartiality between persons, is regarded by Mr. Herbert Spencer (in his *Social Statics*) as a disproof of the pretensions of utility to be a sufficient guide to right; since (he says) the principle of utility presupposes the anterior principle, that everybody has an equal right to happiness. It may be more correctly described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or by different persons. This, however, is not a pre-supposition; not a premise needful to support the principle of utility, but the very principle itself; for what is the principle of utility, if it be not that “happiness” and “desirable” are synonymous terms? (*U V.36.n.*)

Notice that Mill does not say that equal amounts of pleasure are equally desirable. Rather, he says that equal amounts of *happiness* are equally

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proposal to avoid this (Feldman, 183).

<sup>29</sup>Riley, “Millian Qualitative Superiorities and Utilitarianism, Part I”, 261.

desirable. But anyone inclined to read Mill as denying that pleasurable value reduces to pleasurable quantity will refuse to read Mill's use of the term "happiness" as equivalent to "pleasure". To claim that equal happiness just *is* equal pleasure is to beg the question in favor of a Sidgwickian reading. And, incidentally, there is plenty of evidence that Mill does not believe that equally desirable pleasures are those that are equal in quantity. As Mill writes in *U* II.4, in assessing the traditional quantitative response to the philosophy of swine objection, "[i]t is quite compatible with the principle of utility to recognize the fact, that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone," (*U* II.3). Here Mill *explicitly* claims that there is an index beyond "amount" or "quantity" of pleasure that can influence the desirability of pleasures.

Of course, nothing comes so easy. Riley might respond that at *U* II.2, Mill seems to simply identify "happiness" with "pleasure". When introducing his theory of welfare, Mill writes: "[b]y happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure." If so, it would appear that Mill wishes to treat happiness and pleasure as synonymous, and hence any claim that equal happiness is equally valuable is simply identical to the claim that equal pleasure is equally valuable.

But this argument doesn't hold water. To see why, note that immediately after suggesting that "by happiness is meant pleasure", Mill offers a qualification: he writes that "[t]o give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question." So Mill immediately suggests that the concepts of pain and pleasure are complex, and will permit of further refinement. But he then goes on to suggest that which, for him, is non-negotiable: "But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends." According to Mill, whatever else we say about pleasure, and however else this affects his theory of morality, his *theory of life*—that is, his hedonism (see *U* II.3)—holds, simply enough, that pleasure is the only thing desirable as an end.<sup>30</sup> This is, of course,

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<sup>30</sup>This reading might run into problems if Mill holds that to be desirable as an end is to be *intrinsically good*, and to be intrinsically good is to be good in a way that depends only on intrinsic properties. But there is no reason to read Mill as accepting the latter principle. See, for instance, Guy Fletcher, "Mill, Moore, and Intrinsic Value" in *Social Theory and Practice* 34 (2008), 524-5. Incidentally, Fletcher suggests ways that Mill could

the Donnerian reading and is fully compatible with my reading. My view holds that pleasure and the absence of pain are the only thing desirable as ends, but also holds that the method by which one rank-orders pleasures is determined by their extrinsic properties. Admittedly, Mill's text is somewhat cagey here and elsewhere. Nevertheless, Mill explicitly accepts that his "Epicurean theory of life" is committed to no more than the claim that pleasure and the absence of pain are the sole ends.

### 7. Objection: "Intrinsic Nature"

A further objection to my reading of quality should be considered here. Note, again, the following passage: "[i]t must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc., of the former—that is, in their circumstantial advantages rather than in their *intrinsic nature*," (*U* II.4; my emphasis). It would appear that the account of quality I propose places the "superiority" of the mental rather than bodily pleasures in their *extrinsic*, rather than their *intrinsic* nature, insofar as quality is an extrinsic property. If so, I cannot seem to capture Mill's direct insistence that quality is a feature of a given pleasure's intrinsic nature.

But this objection fails. Mill does not identify the intrinsic nature of a pleasure with the intrinsic *properties* of a pleasure. In the above passage, "intrinsic nature" is explicitly contrasted not with "extrinsic nature", but rather with "circumstantial advantages". Indeed, in *U* II.8, Mill writes that the value of a higher pleasure is to be judged in a way that is "apart from its moral attributes and from its consequences", *not* in a way that is independent of *all extrinsic properties*. On this reading of "intrinsic", quality *is* part of the intrinsic nature of a given pleasure. Whether a pleasure is suitable, or bears the favored relation, to humanity's progressive nature does not depend either on the moral qualities or consequences of a given pleasure.

### 8. Conclusion

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believe that intrinsic value supervenes on intrinsic properties while accepting something like my suggested reading. For instance, Mill might believe that that which is intrinsically valuable is an "organic unity" of a particular pleasure and its qualitative relation. This is certainly an interesting possibility, and does not seem to me to be ruled out by anything Mill says. Nevertheless, I believe that this interpretation is unnecessary, insofar as I, like Fletcher, don't see evidence in Mill's text that suggests that he means anything other than "desirable as an end" by "intrinsically valuable".

The authority of the competent judges is best explained by claiming that the competent judges—or a majority of them, anyway—are epistemic guides to a crucial extrinsic property of experiential pleasures (for instance, the “suitability” of a particular pleasure to humanity’s progressive nature). Some competent judges will prefer pleasures that do not display this relation. But this is their mistake.

I should briefly remind the reader of two important limits of the foregoing discussion. First, I have not offered a fully developed theory of quality. For the purposes of argument, I suggested a view (suitability to human nature) that conforms to the general scheme I support. But I stress that there could be other, potentially better, extrinsic and non-phenomenal accounts of quality.

Second, I have not investigated every bit of Mill’s value theory. It is not my intention to do so. Rather, I mean only to investigate Mill’s treatment of the competent judges. It could well be that Mill’s considered view is out of congruence with this important aspect of his axiology. However, in considering Mill’s account of the nature of well-being, we are advised to keep his account of the competent judges in mind: nowhere else does Mill delve into the nature of welfare in as much depth as he does in accounting for the nature and authority of these judges.