

**What kind of Utilitarian should we ascribe to Mill (and why)? Is this version plausible?**

In this essay, I will assume that we should ascribe multi-level act-utilitarianism to Mill. This is the form of utilitarianism which emphasises the importance of customary morality and does not solely rely on the utility-maximizing principle to determine whether every action is right or wrong. Most of the time, according to Mill, we can rely on customary morality to provide us with the action that maximises happiness. I will then demonstrate that this kind of utilitarianism is plausible by addressing what I call the 'Incest Objection'. First, I will outline the concept of multi-level act-utilitarianism by considering the 'rule-worship' objection. Then, I will argue that the Incest Objection (P1. utilitarianism allows incest, P2. incest is wrong, C. therefore utilitarianism must be wrong ), while it may initially appear to challenge Mill's utilitarianism, is not a valid counterargument.

The 'rule-worship' objection is usually explained with the sheriff scenario. I, however, will present a scenario which is fundamentally the same, but, because it is so obviously wrong, better explains, I think, the difference between single- and multi-level act-utilitarianism. Consider the example of raping an unconscious person. One could argue that this is defensible from a utilitarian perspective. The victim, as they are unconscious, has no recollection of what happened and therefore does not experience any pain. The rapist, on the other hand, experiences pleasure. And therefore, as pleasure should be maximized, this could be defended from a utilitarian perspective. However, this clearly goes in against all of our moral intuitions. Does this then mean that utilitarianism is wrong?

In my view, they are not. From a single-level act-utilitarian perspective, the kind of utilitarianism which determines whether an action is right or wrong is the utility-maximizing principle. On this basis, one could make this case. However, I have assumed that Mill is not a single-level act-utilitarian. Mill is a multi-level act-utilitarian. This means that one should first consult customary morality – the set of moral principles which most of us accept – before using the utility-maximizing principle. For the given example, this would mean that Mill's multi-level act utilitarianism correctly determines raping an unconscious person as wrong because our moral principle tells us that rape is wrong. Furthermore, Mill could also defend this from the utility-maximizing principle. This is firstly because one can of course not always be sure whether the victim actually will have no recollection at all. And so, if people would find out about it, knowing that morality would allow this behaviour, they would of course no longer feel safe. This would, of course, in the long-term create more unhappiness. And secondly, the rapist's principles might erode, which would potentially make it more likely that they would rape someone else as well, even if the victim is not unconscious. Therefore, as it is impossible to know exactly what will happen in the future, one should usually not deviate from customary morality.

**Met opmerkingen [ER1]:** Thanks for this – have a look at a few comments throughout.

Overall I enjoyed this essay! As usual, it shows really good precision and development of an original line of argument (through an original example). Keep up the good work Olivier!!

Main thing: work on developing precision in your writing – what exactly are you referring to, which part of an argument, which premise etc. See comments throughout.

heeft verwijderd: an

heeft verwijderd: the

heeft verwijderd: i

heeft verwijderd: o

heeft verwijderd: incest counterargument

heeft verwijderd: –

heeft verwijderd: –

**Met opmerkingen [ER2]:** Not sure this is quite right... rule-worship is an issue for rule-U – multi-level act-U doesn't employ rules as such. Sheriff scenario is supposed to show the problem of deontic restraints. If you're going to use it in this context, you need to explain why.

**Met opmerkingen [ER3]:** This assumes a benthamine view of pain as only phenomenological. What about long-term trauma, e.g., can the body hold trauma?

heeft verwijderd: No.

heeft verwijderd: by only using

**Met opmerkingen [ER4]:** What case? Precision!

heeft verwijderd: ,

**Met opmerkingen [ER5]:** Defend what? Precision!

There, however, is a stronger counterargument to Mill's multi-level act-utilitarianism. Namely, the case of incest. Although, according to customary morality, as in the previous example, incest would be wrong, it can still be defended with the utility-maximizing principle. I will show that, as long as the people involved are consenting adults, their happiness will be maximized by allowing incest. There are no long-term problems with this, like there are with the previous example. The moral principles of the people committing incest are not eroded, and no one will feel unsafe because of it. The fact that incest is permissible from the utility-maximizing principle is relevant because, as Mill points out, customary morality is not infallible and should be grounded in the utility-maximizing principle (which it is for the previous example, but is not for the incest example):

*"[T]hat the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain" (Mill, 1998, p. 70)*

Instead, Mill argues, we should change customary morality so that it reflects the utility-maximizing principle – something which Mill also tried to do by advocating for women's rights. Perhaps this means that we should normalise incest and change customary morality to allow it.

There is, of course, one very common counterargument to the idea that incest creates more pleasure than pain. If the partners have children, there is a very high chance that they will have all sorts of genetic issues, which would probably cause them quite a lot of suffering. However, there are two issues with this counterargument. The first one is that, if we decide that we no longer want to allow people with genetic issues to be born, customary morality is inconsistent. It would mean that we should also force parents who are having a baby for which, after elaborate testing, it is concluded that they have down-syndrome, to abort the pregnancy. Similarly, people who have a high chance of passing on genetic diseases or people with genetic diseases should no longer be allowed to have children. There are clearly a lot of problems with these borderline eugenicist morals. Therefore, as people would disagree with this, customary morality is inconsistent. Secondly, even if one accepted that the offspring would experience more pain than the parents would experience pleasure, this problem could still be resolved by only allowing incestuous couples when one of the partners is sterile – as is the case in many states in the United States. The counterargument of suffering children is only a practical, resolvable objection. It is not saying that there is anything intrinsically wrong with incest, but only says that it is probably not a good idea to have incestuous children.

What does all of this mean? There are two options, either there is something wrong with the premise of Mill's utilitarianism, or we should allow incest and what's more, on utilitarian grounds, normalise it. To answer this question, we need to answer the question of why we

heeft verwijderd: A

Met opmerkingen [ER6]: Which premise? Precision!

heeft verwijderd: s

heeft opmaak toegepast: Lettertype: Cursief

are so disgusted by the idea of incest. One reason is because, evolutionarily, it is very inefficient. It reduces the chance that your genes pass on, as it is less likely to produce healthy offspring. This is why we developed an innate dislike of incest. This means that we do not dislike incest because of moral reasons, but rather because of evolutionary reasons. According to the argument presented above for Mill's multi-level utilitarianism, we can circumvent all the problems that arise from incest – by for instance only allowing it when one of the partners is sterilised – there would not be any moral problems with incest. This means that the incest counterargument is actually not a counterargument at all as it is not based on moral grounds but rather on emotional grounds. We do not think incest is immoral, we only think that incest is disgusting. Therefore, the objection that, because Mill's utilitarianism would allow incest, and incest is wrong, Mill's utilitarianism should be wrong, is not an objection at all.

In conclusion, Mill's multi-level act-utilitarianism survives the 'rule-worship' objection because of its emphasis on customary morality. It also survives the incest objection because the incest objection is not, in fact, an objection. The exact same argument could of course be made if one objected with necrophilia instead of incest.

### Bibliography

Mill, J. S. (1998). Utilitarianism. In *Utilitarianism*. Oxford University Press.

heeft verwijderd: It

heeft verwijderd: get

heeft verwijderd: Therefore, as

Met opmerkingen [ER7]:

**Met opmerkingen [ER8]:** Is this counter-argument in the literature somewhere? If it is, then it's really important that you CITE the source and show that it's not your example, but you've used it to develop an independent line of enquiry.

**Met opmerkingen [ER9]:** Great. Clarify with philosophical concepts e.g., Our objection to incest is an aesthetic one, not a moral one.

-This might raise discussions about whether different realms of enquiry are subject to the maximising principle (GHP) – see the final pages of Crisp's chapter for this week's read for a discussion of this. If it is the case that the aesthetic realm is subject to the GHP for Mill, this might present a problem for your argument!!

**Met opmerkingen [ER10]:** Remove this, as noted above, I don't think you mean rule-worship.

**Met opmerkingen [ER11]:** Delete this also, it's ad hoc.

Well done overall!!!

Met opmerkingen [ER12R11]: