

Discovering utility between the descriptive and the normative

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Abstract:

In the article the moral notion of utility is examined. By reading John Stuart Mill's *Utilitarianism* the paper argues that moral concepts, like the application of utility, incorporates both normative and descriptive elements, i.e. it is both abstract and factual in nature. Therefore the paper claims that facts are a vital part of moral behavior; and that descriptive elements are essential for normative judgment and moral reasoning. The paper supports its claim by showing that the moral conceptualization of utility includes the incorporation of facts, and that the density, or quality of that incorporation is equivalent to the certainty and comfort by which the conceptualization is articulated.

Keywords: moral reason, utilitarianism, facts, conceptual deliberation

A concept called utility

The standard dictionary definition of utility is 'the state or quality of being useful'. In general the notion finds itself in two forms of discourse. First in ways of referring to systems, structures and/or

materials providing services and/or goods, such as electricity, water, sanitation, heat, that meets certain basic needs for the modern human way of life. The utility of these services and/or goods are more or less taken for granted, and the rational concern about them is not focused on if they ought to be provided, but on how they can be provided. This seems reasonable, since living in a modern urban environment do call for sewers, power plugs and tap water. Referring to the establishment of these services and/or goods as utility appears to us as truthfully descriptive; perhaps even in the way of a natural kind. It seems 'natural' that these provisions are useful, since we, from a 'natural' point of view, do seem to need what they provide.

However, the notion of utility also finds itself in discourses concerned with if something particular is useful or not. 'How can we use it?', 'What are its uses?', 'What's the use?', 'Use it like this!', 'It has many uses!', 'Make yourself useful!' etc. These discourses address a broad range of modern human life, and it might apply to consumer goods, education, leisure activities, art and craft, as well as parking lots, fashion design and a North London Derby. On another note, the particularities, brought into concern about their usefulness, could also be institutions, procedures, and sometimes even human beings themselves.

In this second type of discourse the notion utility is often applied as an instrument for claiming the acquisition or dismissal, preservation or change of the particular item in question. In these cases, the reason behind the notion utility, is not simple descriptive, i.e. referring to whether the item is useful or not, but equally normative in nature, stating something about what ought to be done to the item, i.e. regarding its possession, improvement or disbandment. Here utility emerges not just as an epistemic epithet allowing the particular a dominion of knowledge (e.g. as a natural kind), but also as an ethical indicator, turning the particular subject in question into a moral issue.

The state or quality of being useful is conceptualized as something valuable. The utility possessed by the particulars addressed in the first discourse, is a utility by necessity (or by naturalness). Therefore the value of the items is not in question. We might even say that it is a simple fact, and our dealings with them have a pure rational (or technical) concern.

In the second discourse however, the utility possessed by the particulars, or better said the value of the items, is exactly what is at stake. It is not a necessity, and therefore not taken for granted, but something that calls for an ethical deliberation, that can show itself in form of moral reasoning, maybe even as ethical arguments or calculations, and sometimes, it comes in the form of – what Mill called – transcendent facts. (Mill, 2008/1871: pp. 45)

The point I want to make is that when we conceptualize, that is, when we are applying notions in situations to things and actions etc., we can, individually and collectively, be more or less certain of the legitimacy of the concept in use. The certainty and uncertainty gives reason for some form of deliberation on the concept, therein we try to justify or question the concept further. This deliberation can involve elements both on the particular application of the notion at hand, i.e. a form of practical comprehension, as well as on the notion itself, i.e. a form of abstract comprehension. Often these elements are hard to tell apart, since they interact with each other in the process of conceptualization.

Elsewhere, I have argued for reading significant parts of Wittgenstein's philosophy as a conceptual deliberation. This is to be understood as a process in which certain core concepts are identified, that on the one hand a) appear as a form of flipside coins, being both descriptive and normative at the same time; and on the other hand b) (to use a metaphor) grows into you as a form of bone structure, and, although having an empirical genesis, in practice emerge as an a priori condition, becoming certainties. (Telléus, 2013)

A notion like utility is particularly interesting from this wittgensteinian perspective. It is a good example of a concept, that in order for us to be comfortable in using it, to be certain of its meaning, has to be able to ground or relate the concept in a particular practice (the descriptive part of the concept), as well as be able to recognize and deliberate on the application of the concept's abstractly justified value (the normative part of the concept). If something is referred to by the notion utility, that doesn't simple mean that we can use it for the time being, in this particular setting, for this particular purpose; but also that when we use the notion, we find comfort and certainty in our usage, by drawing strength and meaning (moral value) from an *per se* a priori idea (or belief) of 'useful things being good things'. So the notion of utility has this flipside feature, and

thereby the certainty by which we conceptualize utility is dependent on our capacity to adhere to and incorporate both of these two aspects more or less as one. This is the case in the 'natural point of view' in the application of utility from above; a view that also include the notion of 'fact' in terms of articulating this certainty, making the moral and the factual almost equivalent – but more on this later. In cases, where we are more uncertain and uncomfortable in applying the concept of utility, we are at the same time more clear on the distinction as well as the interaction between the normative elements and the descriptive elements.

With this in mind, I'd like to look closer at how the notion of utility is conceptualized when it is declared as a moral concept, facing explicit demands on stating what value is promoted into what things and actions, and what better place to look than in John Stuart Mill's *Utilitarianism*.

Reading Mill's *Utilitarianism*

Coining the term utilitarianism as an attempt to label his moral philosophy, Mill obviously brought the notion utility to the attention of moral philosophers. Due to Mills great interest in subjects such as sociology, economy and politics, utility quickly spread into these scholarly areas as well. Utilitarianism became a school of thought, centered on consequentialism, practical (factual) matters, and a calculative approach, paying tribute not only to Mill, but also to his father James Mill and to Jeremy Bentham.

Already in 1900 Leslie Stephen established this representation, when he wrote a comprehensive 3-volume introduction to the school, or what he called, sect of scholars. (Stephen, 2009/1900) One interesting aspect of Stephen's book is that he chose not to give a logical, theoretically coherent interpretation of *The English Utilitarians*, but embedded their thoughts, principles and theories in the social structure and historical circumstances of their time, thereby presenting a more variable and contextual philosophical paradigm, than what is normally appreciated in the tradition of philosophy.

Mill, his moral philosophy and in particular his famous book *Utilitarianism* has ever since been the subject of much interpretation and debate. From the perspective of some interpreters Mill is an act-consequentialist aiming for maximizing the greatest happiness principle, while others argue against such readings applying a rule-

consequential view or the standpoint of what is normally called a multilevel moral theory. (Berger, 1984; Brink, 1992; West, 2004)

There is much evidence of Mill's ambivalent or pliant or sometimes even reluctant affair with the term and paradigm of utilitarianism (Jakobsen, 2003), and reading the book *Utilitarianism* would not allow many readers a clearer or more decisive view. But putting these debates aside, at least explicitly, in this paper I focus on reading the concept of utility.

The scholar Shiri C. Kaminitz (2014) has written an interesting paper with a similar intent. She argues that it is important to understand the concept utility in order to understand how Mill applies the notion with regard to his moral theory and his political economy respectively. Kaminitz's claim is that Mill in his very early economical thinking negligibly subscribed to a quantitative conception of value, an almost mechanical concept of utility, exemplified by the term *homo economicus*. However, this view changed with Mill's later intellectual development and especially his friendship and admiration for the romantic philosopher and poet Samuel Coleridge. Therefore, in his moral philosophy, Mill developed a qualitative concept of utility "that was both more humanistic and more complex than that which Mill had inherited from Bentham." (Kaminitz, 2014, p. 244) What Kaminitz wants us to become aware of is that anyone applying utility as a consequential calculation of quantified data, e.g. analyzing economic statistics, while claiming or justifying the normative value of this conceptualization of utility in reference to Mill's utilitarianism is basically wrong. The nuances of the qualitative value of utility are lost, and thereby the moral value of utility loose its meaning as well as changes its reference. To put it simple, the politics of utility should be alert to the difference between applying an economical utility judgment and a normative utility judgment. The latter incorporating an idea of humanity and emotional sensitivity that the former is lacking.

Alasdair MacIntyre, in his Tanner lectures at Princeton in 1994, delivers a somewhat similar look on Mill. (MacIntyre, 1995) MacIntyre does not talk about utility as such, but of the concept of truthfulness, or truth-telling. In regard to this paper the interesting aspect is that he begins his lectures by placing, as tradition holds, Mill as a representative of an act-consequentialist utilitarian position according to which the rule of truth-telling is bendable due to specific

(personal) cases and circumstances in order to insure the outcome as a greater good (this in opposition to a Kantian position of absolute rule-following). But he then looks closer at Mill's actual account and finds something quite different. Mill, in MacIntyre's reading, emerges as a rule-utilitarian, not allowing more than very few (just one example is put forth) exceptions to the rule of truth-telling. The reason for this is Mill's argument for the value of truthfulness. The normativity of this concept is based on the development of character, of become virtuous. Virtue (as part of happiness, which Mill argues in chapter 4) is the warrant for truth-telling, not specific benefits and personal well-being. The virtuous upholds truth-telling for the sake of civilization, Mill argues, and MacIntyre makes a long interpretation of the significance of that statement. By civilization Mill, according to MacIntyre, refers to the capacity of being civilized, not to the historical society of e.g. 19th century England, and to the qualitative values "acquired only by extended intellectual, moral, and emotional enquiry and education." (MacIntyre, 1995, p. 330) What MacIntyre is doing is building a claim justifying Mill's moral position based on an idea of man as a bearer of qualified social reasoning which carries traces both to the romantics (such as Coleridge) but also to the vital philosophical figure – and originally positioned opponent – Immanuel Kant. Mill, in MacIntyre's reading, is therefore developed into a spokesman for a moral reasoning that places virtues within the life of practical enquiry. However, as MacIntyre concludes, "this account that I have given remains deeply at odds with Mill's consequentialism." (MacIntyre, 1995, p. 358).

Through their conceptual analysis' both Kaminitz and MacIntyre revise the view of Mill as an 'empirical quantified data' calculation consequentialist, and allow for a version of Mill to emerge that has a greater focus on, and understanding of, the richness of human life, the qualitative development of individuals, and the promotion of a complex moral reasoning. In doing this Kaminitz and MacIntyre has to a certain degree to disembark Mill from the paradigm or school of utilitarianism, and to some extent even from other aspects of Mill's own philosophy. Going back to Stephen's presentation of Mill's philosophy, the conceptual approach might not be that irrelevant or estranged, since Stephen to some extent also replaces or abandon 'reading a theory of utilitarianism' (in his case however in favor of a contextualized approach).

Reading Mill's *Utilitarianism*, with a conceptual analysis of utility in mind, I'm inclined to agree with Kaminitz and MacIntyre. Especially chapters 2, 3 and 4 carry numerous references to a qualitative approach to happiness, included the idea of greater happiness, to emotional sensitivity for moral principles, especially the idea of consciousness, to social awareness, to development of character, and so on. On the basis of this, what I like to emphasize here, is how the concept of utility come to arrange itself in terms of the moral reasoning that Mill, and perhaps the 'millian' version of utilitarianism, advocates.

There are two important issues to present. First, what actually counts as facts, and what role do they play in terms of the rationale of utility; and second, how does utility express itself in regard to a personal and a common good (or benefit). The simple answer might be something like: on the first issue, facts are empirically measures quantities, used as components for calculation of maximization; and on the second issue: utility is a principle, which application to the personal and common is determined by the particular consequential range (the outcome) of the particular act. It is this simple answer that the conceptual reading of Mill will complicate.

In the text *Utilitarianism* Mill uses the word 'fact' 27 times. Mostly he uses it to present some account as commonly recognized, indisputable or taken for granted. In this sense he talks of something that we might call an empirically established sociological fact, or perhaps better psychological fact – which is the one definition used by Mill himself on 3 occasions. To support his clear epistemic use of fact, Mill defines 'facts' on a few occasions in terms of authentic, familiar and simple, all indicating something unquestionably known to us.

He also, famously, talks of transcendent facts. This as part of recognizing a moral reasoning that establishes itself on an ontological premise not empirically described, such as God. However, although Mill does not dismiss the transcendent ontology, he makes it explicitly clear that a normative judgment cannot solely rest on such transcendence. First, he points out, such a judgment or moral obligation has to be urged by a subjective feeling, it has to be recognized in and by our minds. Following Mill's argument on this matter, it seems clear to me that, in this text, for this purpose, he doesn't distinguish between empirical and transcendent fact, in terms of what role the play in moral reasoning. It is simply a matter of onto-

logical taste or preference. Regardless, we still need and use facts in our moral concerns, to anchor and enforce our normative judgment and opinion.

There is also another very interesting occurrence of the notion fact in Mill's *Utilitarianism*. At the end of chapter two, Mill acknowledges that the withholding of facts (the two examples he gives are empirically described human behavior) can be a sufficient reason for valid moral exceptions to, as he calls it, an otherwise sacred rule. This passage is often used to point at Mill's consequentialism, since it basically allows for someone to tell a lie in order to save someone from harm – a desirable consequence overrides a morally acknowledged principle. However, what I'd like to emphasize is that once again we see that facts are necessary components in moral reasoning. Here they appear as epistemic 'touchstones' recognized and applied through the experience of particular and real situations. In this sense, facts come to inhabit or vacate, or perhaps play out, the normativity of e.g. a moral opinion, a moral principle, a moral obligation, etc. In a way, the fact makes the moral real, first and foremost in an epistemic sense, i.e. make it reasonable for the moral agent, but also in an ontological sense. Mill of course, through the main number of examples, emphasizes an empirical reality, or much better said an experienced reality.

To summarize this point on facts in Mill's book, let me quote three passages from chapter four. Here Mill writes:

To be incapable of proof by reasoning is common to all first principles; to the first premises of our knowledge, as well as to those of our conduct. But the former, being matters of fact, may be subject of a direct appeal to the faculties which judge of fact – namely, our senses, and our internal consciousness. Can an appeal be made to the same faculties on questions of practical ends? Or by what other faculties is cognizance taken of them? (Mill, 1867, p. 52)

And he continues:

The only proof capable of being given that an object is visible is that people actually see it. The only proof that a sound is audible is that people hear it; and similarly with

the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable is that people do actually desire it. (Mill, 1863, p. 52f)

And a little further on:

And now to decide whether this is really so; whether mankind do desire nothing for itself but that which is a pleasure to them, or of which the absence is a pain; we have evidentially arrived at a question of fact and experience, dependent, like all similar questions, on evidence. It can only be determined by practiced self-consciousness and self-observation, assisted by observation of others. (Mill, 1867, p. 58)

These three quotations are all part of Mill's argument for the doctrine of utility being understood as a first principle of happiness, and claiming this principle as the final and fundamental premise for moral justification. Again putting that aside, what is important here is that Mill introduces us to a normativity that exists as a form of moral reasoning. What constitutes moral is a reasoning using both facts and principles as they manifest themselves for a particular subject and within a particular experience. This ensures that, even though, we to some extent can regard Mill's moral philosophy as a form of principlism, it is not as such deductive in nature. On the contrary it is always contextualized, affirmed and arrived at through the actual lives of ordinary people. We might say that utility is the common moral suggestion (or in Mill's vocabulary principle) that all the existing desires, virtues, preferences, motivations, obligations etc. seemingly, i.e. evidently, appear to evoke and make use of.

Obviously it is a challenge for Mill, not to create his moral philosophy as a subjective or egotistic normativity. Somehow he has to ensure that the moral reasoning that is dependent on the particularities of real life, and subjectively carried out, still maintains and enforces an objective moral stance. Famously we have his principle of maximization as an attempt to do so. But throughout the text, it seems that Mill, more like Kant, rather puts his faith in rationality

itself. It is man's ability to reason that gives cause for abstracting from the personal benefit to the common good.

But Mill also recognizes that we are humans with emotional lives and fallibilities, giving us causes and motivations for action that may not be rationally supported and altruistic in nature. This is why it has to be the consequences of actions that are the marks of morality and not the state of mind. This door swings both ways, as Mill clearly states that an unselfish motivation is just as amoral as a selfish one, since it is the consequences that counts for the goodness of the deed.

However, in order to secure as much goodness as possible and as much moral behavior as desirable, the perfect match is of course when the moral agent through his own moral reasoning comes to claim and fulfill an objective normativity for the benefit of all. Mill gives a similar account when talking about politics and the development of society in *On Liberty* (1989/1859), pointing out the endorsement of reason over opinion in regard to the political life. (Mill, 1989/1859, p. 40) In *Utilitarianism* there are a few indications of how moral reasoning can be argumentative, flexible and somewhat uncertain, but in general he seems to support a clear and distinct rationale, that confidently affirms its principles. At any means it seems to emerge a slight touch of idealism, in Mill's otherwise quite ordinary and realistic moral philosophy.

As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbor as oneself, constitute the ideal perfection of utilitarian morality. (Mill, 1867, p. 24f)

Gathering thoughts

In this paper I have looked at Mill's moral philosophy by reading his book *Utilitarianism*. I have looked at utility, finding it a principle that together with facts (of all kinds) come to shape a situated moral reasoning that seems to be at the center of Mill's idea of morality. All though morality in Mill's view is something different than knowledge, it is clear that the structure that supports and consti-

tutes morality bear many similarities to the acquisition and foundation of knowledge, where experience and the relationship between subjective reason and objective judgment are vital. In *On Liberty* this point is also presented and of vital importance; e.g. "No one, indeed, acknowledges to himself that his standard of judgment is his own liking; but an opinion on a point of conduct, not supported by reasons, can only count as one person's preference" (Mill, 1991/1859, p. 27).

In her 1982 paper "Anything but argument?" Cora Diamond criticizes the idea that morality can be argued by way of a logical reasoning composed of acknowledged principles and empirical facts, establishing a rational and objective moral. She is also skeptical to an intuitive or transcendent moral, although the 'philosophical' moral is her main target. Instead she tries to purpose a moral reasoning, or better said moral learning or maturity that is founded in the particular attentions that we find in our experience of life. One, or perhaps the way this morality shows itself is in fictional works, such as Henry James', Wordsworth's and Dickens'. (Diamond, 1982)

A long way I agree with Diamond, but I would like to accentuate a stronger element of reasoning, and also introduce concepts as an alternative to tentativeness to situations and phenomena. Much inspiration for this is found in Wittgenstein, and therefore reading Mill, who in popular thought certainly could be characterized as someone Diamond attacks in her paper, by way of Wittgenstein made a lot of sense.

In the paper I invite the reader to try to understand Mill's account by viewing his thoughts on facts and how they appear as a form of certainty in human, rational behavior; as well as think of Mill's struggle to comprehend utility both in terms of an abstract norm or normative principle and in terms of descriptive desires and interests. The core idea in Mill's *Utilitarianism*, i.e. utility, can be seen as a core concept in Wittgenstein's terms. One of those concepts that are both descriptive and normative, that we both experience and which also constitutes our experience, and sometimes is taken for granted and sometimes needs further consideration, or perhaps deliberation; or as Matthew Pianto puts it in his reading of Wittgenstein's moral philosophy:

What we generally discover, where there is a strong difference in moral opinion, is that there are other striking differences in the "worlds" of the disputants which are not simply "emotional" differences, but deep disparities in perspective – in our views about which facts are relevant and in the concepts we employ to describe the facts. (Pianalto, 2011, p. 260)

Conclusion

The presented conceptualization of *Utility*, regardless of whether it reflects the use of the notion in ordinary language, or Mill's exemplary use in *Utilitarianism*, tells us that normative notions ought to be approached as concepts that disclose and represent essential ways of moral reasoning. Utility is a moral concept that stretches our perspective from subjective hedonism, to an objective or common good, from the outset and output of our own capacities. However it requires that we take the concept into deliberation, that we recognize its simultaneous descriptive and normative nature. And it certainly forces us to recognize and scrutinize not just emotions or values, but also, perhaps even to a larger extent, the facts relevant for the case in which the concept is applied.

With Mill in mind, the same deliberation could be made in terms of a public affair, through public reason. We can discuss and debate the meaning of utility and collectively reason about its particular application, and at the same time agree on its *per se* value. It is often not utility that is the source of disagreement, but rather it is the certainty and the comprehension of the relevant facts, that constitute and is constituted by the conceptualization of utility.

References

- Berger, F.R., 1984. *Happiness, justice and freedom: The moral and political philosophy of John Stuart Mill*, University of California Press: Berkeley.
- Brink, D.O., 1992. "Mill's Deliberative Utilitarianism", *Philosophy and Public Affairs* 21, 1: 67-103
- Diamond, C., 1982. "Anything but Arguments?", *Philosophical Investigations* 5: 23-41
- Jakobsen, D., 2003. "J.S. Mill and the Diversity of Utilitarianism", *Philosophers' Imprint* 3, 2: 1-18.

- Kaminitz, S.C., 2014. "J.S. Mill and the Value of Utility." *History of Political Economy* 46, 2: 231-246.
- MacIntyre, A., 1995. "Truthfulness, lies, and moral philosophers: what can we learn from Mill and Kant?", *The Tanner lectures on human values* 16: 307-361.
- Mill, J.S., 1991/1859. "On Liberty", 23-128 in Gray, J. and Smith, G.W. (eds.) *J.S. Mill On Liberty in Focus* Routledge: London.
- Mill, J.S., 1867. *Utilitarianism*, 3rd edition, Longmans, Green, Reader, and Dyer: London [free e-book at <https://books.google.com>]
- Mill, J.S., 2008/1871. *Utilitarisme [Utilitarianism]*, Det lille Forlag: Frederiksberg.
- Pianalto, M., 2011. "Speaking for Oneself: Wittgenstein on Ethics", *Inquiry: An Interdisciplinary Journal of Philosophy* 53,3: 252-276
- Stephen, L., 2009/1900. *The English Utilitarians*, BiblioBazaar: Charleston
- Telléus, P.K., 2013. "Begreppslig betänksamhet – ett filosofiskt bidrag till den tillämpade etiken" Ph.D. thesis: Department of Learning and Philosophy, Aalborg University.
- West, H.R., 2004. *An introduction to Mill's Utilitarian Ethics*, Cambridge University Press: Cambridge