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Getting Mill Right

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□ *Utilitarianism and its principal architect, John Stuart Mill, are staples of media ethics teaching and analysis. However, utilitarianism, in its usual presentation, is offered as a simplistic arithmetic formula: Do the greatest good for the greatest number. This quantification approach, when attached to Mill, misinterprets this philosopher and robs media ethics discussions of the rich reflection that an important classical theory can bring. Mill is a particularly suitable philosopher for presentation to students of journalism and mass communication. Mill provides a strong argument in favor of freedom of expression in addition to espousing a moral theory that is simultaneously protective of individual rights while promoting communitarian principles. But it is imperative to get Mill right. This essay attempts to do so and to offer a utilitarian decision tree for those who wish to properly apply Mill's theory in teaching and practice.*

Many people think that the bumper sticker for John Stuart Mill's utilitarianism reads, "Do the greatest good for the greatest number." However, they would be wrong.

Utilitarianism, at least as espoused by this 19th century British philosopher and his acknowledged, but rarely recognized collaborator, Harriet Taylor-Mill, does not teach us to add up the people potentially helped by an action and subtract from that number the people potentially harmed, with the presumably "ethical" choice of having the majority win. Rather, Mill's utilitarianism requires the far more difficult analysis of determining which action is most likely to produce the *aggregate good*—the overall good for the community as a whole, or for *all* of the people who can be identified as being affected by a particular action. In addition, through an application of the principles of justice, required prior to the use of any utilitarian calculus, Mill employs special protection for individuals who might otherwise be sacrificed for the good of the whole.

In contrast to the simplistic reasoning sometimes offered—it is okay if an individual is hurt by the publication of a story or picture, as the journalist can argue that many more citizens might benefit from having the knowledge or seeing the picture—Mill requires calculating what is truly good for the whole community. If causing harm is justified at all,

it is justified on the basis that causing harm in those particular types of cases is good for the community, including the individual harmed. Sometimes it is better for individuals to be harmed, sometimes not. But the ability to distinguish between those instances involves more than mere computation. It requires the agent doing the analysis—even if that agent is the person potentially harmed—to make the determination with dispassionate objectivity. The decision maker must be truly impartial with regard to his or her own interests and the interests of all others involved.

Reasoning that correctly employs Mill's utilitarianism is not foreign to everyday moral consideration, even in the newsroom.

Each one of us has refrained from actions that might provide personal gain at the illegitimate cost to others, such as cheating or stealing. Every student has acknowledged the receipt of a bad grade as being the legitimate outcome of his or her lack of study. The student accepts the fairness of the evaluation process for all, even though she or he has individually been harmed by it. Every journalist and every news manager has cut provocative quotes or cropped compelling pictures on the grounds that the material was needlessly offensive to the audience.

While an adequate contemporary ethic in media practice embraces other classical traditions in addition to Mill's utilitarianism, the prevalence of utilitarian pronouncements in the teaching of media ethics makes it essential that instructors of media ethics get Mill right. According to media ethics scholar Lee Ann Peck,

Professional journalists and journalism students alike oftentimes read these brief explanations or hear the brief slogan, or motto, of "the greatest good for the greatest number" and believe, therefore, that using lies, coercion and manipulation is appropriate behavior in the gathering of information if the consequence will lead to more benefits than harms. (2006, p. 206)

Properly taught and used, Mill's utilitarianism provides a useful tool for student and professional media decision making. Utilitarianism *improperly* taught does nothing but allow decision makers to reinforce their own uninformed opinions. In addition, improper teaching of utilitarianism holds an important classical thinker to unwarranted ridicule. "How could Mill have been so stupid as to advance a theory that promotes slavery?" one student asked me. The answer, of course, is that Mill didn't. In fact, he argued fervently against slavery even while it was being practiced in the United States.

A review of recent media ethics textbooks (Bivins, 2004; Christians, Rotzoll, Fackler, Brittain McKee, & Woods, 2005; Day, 2006; Englehardt & Barney, 2001; Hirst & Patching, 2005; Lana & Hornaday, 2006; Patterson

& Wilkins, 2005) yields a conclusion not inconsistent with Peck's observation after her content analysis of 16 news writing textbooks. Peck concluded:

Although Mill is most often identified in the same breath with utilitarianism in journalism textbooks, a thorough examination of his beliefs about morality—including his ideas on “quality”—is often lacking. His theory is much more than “the greatest good for the greatest number.” (2006, p. 206)

As one would expect, the ethics texts go into more detail than the news writing books. Nevertheless, they vary widely in their comprehensiveness and philosophical grounding.

Mill and Media

John Stuart Mill is an obvious philosopher among the great classical thinkers to invite in for teaching and performance of ethical media practices. He is embraced by media practitioners and scholars because, in addition to the essay “Utilitarianism,” he penned “On Liberty,” which argued against governmental or social intervention in the speech of individuals. Mill also provided a foundation for balanced news presentation in arguing that public discussion must include minority opinion in order to discover truths. All speech is welcomed in Mill's analysis. Only the governmental or societal censorship of speech is unquestionably evil. Utilitarianism is a logical extension of Mill's argument in favor of absolute freedom of expression.

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Mill would love the World Wide Web with its conglomerate of varied opinion. To help my students understand Mill's dictate to seek out opinion different from one's own, I give my students an exercise that asks them to test out Mill's idea. They first identify a deeply held belief and find a Web site that supports that belief. They then find and describe a Web site that provides the strongest argument possible against their deeply held belief. They use that comparison of views to test Mill's reasons for seeking opinion different from one's own; the contrasting

opinion could be true or it may contain a portion of the truth. Or, even if one's own opinion is completely true, that opinion is in danger of becoming the product of unreflective belief if it is not tested against alternative views. Finally, an opinion shared by a group may lose its meaning or context (become dead dogma) if not considered in light of other views (Mill, 1859, p. 59).

Mill contended that very few people really know what they think because of what we would today call "selective exposure." He said that most people "... have never thrown themselves into the mental position of those who think differently from them, and consider what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess" (1859, pp. 42–43).

The forming of true opinion depends on the individual's ability to set aside his or her biases and, instead, be truly open to the good possibility that one's held belief may be wrong, or, or least, be in need of rational support.

Liberty and the Duty for Self-Development

The duty of every citizen, according to Mill, is to reason carefully about matters of governance and to continually test the validity of one's beliefs. He claimed that citizens have a duty "to form the truest opinions they can" (1859, p. 23).

Public discussion is the process by which one forms right opinions, as it provides the opportunity to test one's beliefs against contradictory opinion.

The ability to seriously reflect on opposing opinion is a mark of individual development. Mill said,

[He] who has calmness to see and honesty to state what his opponents and their opinions really are, exaggerating nothing to their discredit, keeping nothing back which tells, or can be supposed to tell, in their favour. This is the real morality of public discussion. (1859, p. 61)

In Mill's theory, the individual must proactively seek out opinions divergent from his or her own. Having true opinions is essential to the individual becoming educated and enlightened. "The term duty to oneself," Mill said, "when it means anything more than prudence, means self-respect or self-development" (1859, p. 87).

But he added that individuals are not accountable to anyone aside from themselves for how well they do on this personal adventure (1859, p. 87). Here, one can see a foreshadowing of "Utilitarianism." The overall

good is best served when individuals are not (legally) accountable to society for whether they manage to develop themselves or not.

Mill had thus established both the minimal moral requirement for individuals—form true opinions through dispassionate analysis—and established a limit to state interference—don't hold individuals legally accountable for how well they do with their own personal development.

So, "On Liberty" suggested that while individuals should not be held legally accountable for their speech or action as long as they are not violating others' rights, their personal duty is to seek the truth and, thus, become fully developed human beings. What it means to be a fully developed human being—that is, what a morally sophisticated person comes to understand about him- or herself in relation to the community—is further explained in "Utilitarianism."

Although "On Liberty" and "Utilitarianism" were published 4 years apart, in 1859 and 1863, respectively, it is likely that these two essays, along with "The Subjection of Women" (originally published in 1869), which shows practical application of the theories espoused in both, were written concurrently by Mill and his coauthor wife¹ (Gray, 1991, p. viii).

The Connection Between Individual and Community Happiness

The foundation of the theory of utilitarianism is the promotion of happiness. Mill said, "The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness" (1863/1991, p. 137).

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However, the variety of human experience of pleasures and pains does not lead to the relativistic conclusion that pleasures are morally equivalent, even if different pleasures make different people happy. The kind of happiness Mill had in mind when he counseled that human action should promote happiness is that which adheres to the most fully human experience. Happiness is not the same as satisfaction of appetites, nor is it short-term pleasure. Indeed, Mill suggested that the more aware

we are of the higher pleasures, the less satisfied we are likely to be. His famous quote on the topic is

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their side of the question. The other party to the comparison knows both sides. (1863/1991, p. 140)

The fact that higher pleasures constitute the moral ideal does not imply that everyone will achieve that ideal. Mill observed that the capacity to achieve appreciation of higher pleasures is dependent on a number of environmental factors:

Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favourable to keeping that higher capacity in exercise. (1863/1991, p. 141)

Mill (1863/1991) describes the crux of utilitarianism by arguing that individuals who seek and learn “true opinion” (p. 166) learn that their happiness is dependent on the happiness of the community as a whole.

Aggregate Good Versus Arithmetic Good

The mistaken understanding of utilitarianism as “arithmetic good” violates Mill’s requirement of impartiality as well as the dependency that each individual has on the community for his or her own happiness. If we allow the greatest *number* of people to benefit from an action, doing so implies that happiness of the majority is more important than the happiness of those harmed in the bargain. The mistake allows one to conclude that having some happy and others not happy is good for the community. Mill’s notion of aggregate good stresses the importance of valuing all people involved.

Mill said that actors shouldn’t focus on “the agent’s own greatest happiness, but the greatest amount of happiness altogether” (1863/1991, p. 142). Indeed, when one focuses on his or her own personal interests, it is certain that happiness will not follow. According to Mill,

When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is caring for nobody but themselves. (1863/1991, pp. 144–145)

And, bringing about the good society results in reciprocal happiness for the individual:

All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow ... yet every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive, in the endeavour, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without. (Mill, 1863/1991, p. 146)

Happiness, therefore, is far from a passive life in which all of one's desires are met. Rather, happiness is found in the realization of society's shortcomings and active involvement in making the world a better place. The quality of pain and pleasure make a difference: a great deal of sensual pleasure, even for the community as a whole, is not equivalent to the kind of pleasure derived from individuals engaging in the hard work required to make the community a place in which goods are equally shared.

Mill became exasperated with contemporary critics who failed to recognize the difference between aggregate and arithmetic good. In an allusion to "On Liberty," he lamented that his critics "seldom have the justice to acknowledge" that, "The happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned." He continued: "As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator" (1863/1991, p. 148).

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A believer in the good of democratic rule, Mill stated the obvious: "Society between equals can only exist on the understanding that the interests of all are to be regarded equally" (1863/1991, p. 165). But it is also important not to lose in the analysis the reference to the happiness of *all* concerned. Mill's goal is not democracy as viewed as a simple majority calling the shots, but rather the more sophisticated notion that enlightened self-interest will necessarily result in individuals acting for the good of the whole.

In this way, Mill foreshadowed the 20th century philosopher, John Rawls. Rawls operationalized the notion of enlightened self-interest by

encouraging individuals to imagine that they do not know which person in a group of affected member they might turn out to be (Stanford, 2006). Mill's search for the aggregate good could easily incorporate the use of Rawls' veil of ignorance.

The fully developed individual sees no conflict between the welfare of the community and that of the agent.

In this respect, Mill also foreshadowed contemporary moral developmental theorist Carol Gilligan, who argued that the morally mature person understands that the best action is the one that best cares for all involved (1982, p. 63).

Mill told us that society itself provides the fertile soil for such individual development:

He comes, as though instinctively, to be conscious of himself as a being who *of course* pays regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to, like any of the physical conditions of our existence.... If differences of opinion and of mental culture make it impossible for him to share many of their actual feelings ... he still needs to be conscious that his real aim and theirs do not conflict; that he is not opposing himself to what they really wish for, namely, their own good, but is, on the contrary, promoting it. (1863/1991, pp. 165, 167)

Ultimately, this view of enlightened self-interest as identical to the interest of the whole is the outcome of individuals engaging in the "right reasoning" promoted in "On Liberty." Mill admitted that this noble feeling is limited in some and even completely absent in some instances. However,

To those who have it, it possesses all the characters of a natural feeling. It does not present itself to their minds as a superstition of education, or a law despotically imposed by the power of society, but as an attribute which it would not be well for them to be without. This conviction is the ultimate sanction of the greatest-happiness morality. (1863/1991, p. 167)

Mill's self-developed individual grows to see himself or herself as necessarily involved in pursuing the good of the community. It would follow that the good journalist and good news organization acting well have the good of the community as a practical priority. Certainly the First Amendment allows news organizations to publish whatever they want—and Mill would enthusiastically support this liberty. But, in "Utilitarianism," Mill answered the question of what one is supposed to do with all of that freedom. The answer is promote the good of all.

Justice and Utility

Mill was pragmatic in his understanding that few people could be expected to ever act on a principle as abstract as “the good of the world.” He said:

The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else. (1863/1991, p. 150)

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So, we are not expected to take into account the starving children across the country when we decide what’s best to do for our own kids. Our obligation is to give moral attention first and foremost to those most immediately affected by our actions. More often than not, those will be persons closest to us. Hence we can care for our own under Mill’s version of impartial utilitarianism, but we are also morally required to make sure that providing for our own does not violate what is due others. Mill was adamant that no one be sacrificed in the process of attaining happiness. Mill’s five principles of justice, spelled out in chapter 5 of “Utilitarianism,” provide the boundaries that protect individuals from being misused in mistaken attempts to provide the best for the most.

First, Mill said that it is unjust to deprive people of that to which they have a legal right (1863/1991, p. 178). Journalistically, it follows that it is unethical to violate the law in the process of getting a story, even if the story is for the public good.

Next, it is unjust to deprive people of that to which they have a moral right. *Moral rights* in this case mean civil rights, whether recognized by current law or not (1863/1991, p. 179). The moral right of those expressing minority opinion to be heard and the duty of citizens to seek out alternative opinion coalesce in a particular obligation for news media to provide alternative perspectives. When news media provide only the message that seems to be supported by public opinion, they deprive the community of opinions that citizens need to hear and deprive those with minority views the right to express them.

“Thirdly,” he said, “it is universally considered just that each person would obtain that (whether good or evil) which he deserves; and unjust that he should obtain a good, or be made to undergo an evil, which he does not *deserve* [italics added]” (1863/1991, p. 179). This principle of justice provides for the punishment of wrongdoers—it is just to cause them harm because they deserve that harm—as well as disallowing harm to be caused to an individual without good reason. Once it is established that punishment is deserved by the wrongdoer, it is also justified by the aggregate good argument—punishing those who violate the rights of others, regardless of who they turn out to be, is the best for the community, as it allows citizens the trust that their legal rights will be protected.

On the basis of this third principle of justice, Mill might well argue against the publication of a photo of a private individual who is unwillingly “caught” in a moment of picture-worthy grief. Assuming that private individuals do not want to have their grief portrayed to the community without consent, just treatment of such individuals would dictate that such pictures not be published. Even if it turns out to be good for some citizens to see the grief that one experiences after losing a child in a house fire, the grieving mother does not “deserve” such exposure.

Fourth, Mill told us that one should not break faith (1863/1991, p. 179). It is a matter of justice to give others what they have been promised. Because it is unjust to break promises of confidentiality to a source, journalists should not make promises that they would be unwilling to keep, regardless of the cost to themselves.

Last of all, Mill counseled that treating people impartially is a matter of justice (1863/1991, p. 180). In a practice like journalism that thrives on individual example, it may be difficult to see how to operationalize this last of Mill’s justice dictates. But the profound unfairness of stories that advance the cause of one person who needs extraordinary medical care provides an example of unjustified journalistic partiality. Unless the person featured is, indeed, unique in the community or unless the philanthropy that predictably follows such news coverage benefits all of those similarly situated, the news organization is guilty of a lack of impartiality. On the other hand, news organizations demonstrate impartiality when they feature one family in need in their care-to-give stories, while distributing donated funds among all those known to be in need.

The five principles of justice are to be considered prior to any application of the utilitarian calculus, but even those principles are not absolute. Mill said,

Justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others, though particular cases may occur

in which some other social duty is so important, as to overrule any one of the general maxims of justice. Thus to save a life, it may not only be allowable, but a duty, to steal, or take by force, the necessary food or medicine, or to kidnap, and compel to officiate the only qualified medical practitioner. (1863/1991, p. 201)

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Once one combines Mill's principles of justice with his focus on the aggregate good, it is more appropriate to describe him as a rule- rather than an act-utilitarian. The principles provide five moral rules that must be followed whenever one is analyzing a situation with ethical implications. The rules are justified because of their utility in advancing the aggregate good. Exceptions to following those rules are justified because those exceptions contribute to the aggregate good. The aggregate good is right to pursue because of its consistency with the principles of justice. And, although specific circumstances compel particular decisions, the morally correct answer will always be the type of action that provides social utility or, more specifically, the aggregate good.

A Utilitarian Decision Tree

A decision tree, founded on Mill's theory of utilitarianism would, then, look like this:

1. *What is the intended action?*

2. *Will it cause harm?*

If not, no analysis needed.

If yes, review principles of justice.

3. *Is someone being denied legal rights?*

If so, action is unjust.*

4. *Is someone being denied moral rights?*

If so, action is unjust.*

5. *Is the person being harmed getting what s/he deserves?*

Or, is the person being helped getting what s/he deserves?

If so, action is just.*

6. *Has the person being harmed had a promise broken to him/her?*
If so, action is unjust.*

7. *Has everyone in the situation been treated impartially?*
If so, the action is just.*

*In the rare occasions that exceptions to following these rules are justified, it is essential to show how the exception will lead to the aggregate good and how following the rule will not lead to the greatest good for the whole group.

**Only if the action has been determined to be just,
advance to the utilitarian calculus:**

8. *How will harming this individual promote the overall good of the community?* Consider whether the community will be better or worse if everyone knows that individuals can be harmed in this way for this reason.

9. *How will the community be harmed if the proposed action is not taken?*
Consider whether the community will be better or worse if everyone knows that individuals will NOT be harmed in this way for this reason.

Conclusion

Getting Mill right will not necessarily provide different conclusions of what is ethically permissible from those provided by a deontological analysis or even one based on virtue theory. It would be surprising for any of the Western classical theories to produce conclusions wildly different from one another, as they share many of the same ideals: celebration of individual rights, trust in individual growth and development, impartiality, the importance of not making a prudential exception of oneself, and the notion that a collection of good individuals doing well creates the best community. The conclusion may be the same, but the process of getting there may differ.

The purpose of ethical analysis is to consider all relevant factors so that one can best determine the range of permissible actions. Getting Mill wrong by limiting utilitarian analysis to a method of subtraction fails to fulfill that purpose.

Note

1. As a sign of the time, aside from Mill's acknowledgment of his wife as an intellectual partner (see *The Subjection of Women*, in Gray, 1991, p. 575), Mill appeared as a sole author on these works. All Taylor-Mill got for her work was a dedication.

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