

Directed Studies: Philosophy  
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By submitting this essay, I attest that it is my own work, completed in accordance with University regulations.—Noah Lawrence

The Cost Of Duty-Free And Duty:  
John Stuart Mill's Failed Critique of Immanuel Kant,  
And Further Critiques of Both Philosophers

by Noah Lawrence

As if making room for himself in the crowded halls of philosophy, John Stuart Mill argues in the very first chapter of his 1863 work *Utilitarianism* that Immanuel Kant left a gaping hole in his 1785 treatise, *Grounding for the Metaphysics of Morals*. Mill explains:

“[Kant gives] a universal first principle as the origin and ground of moral obligation... ‘So act that the rule on which thou actest would admit of being adopted as a law by all rational beings.’ But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction; any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the *consequences* of their universal adoption would be such as no one would choose to incur” (p. 4).

With Kant, Mill asserts, if a rule’s universal adoption leads to ill consequences, that fact alone does not amount to “actual duties” preventing you, or even “all rational beings,” from adopting the rule and causing its consequences to occur. Mill seems to suggest that unless Kant is willing to build a bit of consequentialism into the core of his moral theory, his system is impotent. He presents his own, consequentialist theory, utilitarianism, as superior. In this paper, I will demonstrate why Mill is wrong about the Categorical Imperative, explicating and defending Kant while revealing the flaws in Mill’s theory. I will also illustrate that the most fundamental problems with Kant and Mill lie in the society each would create, for Kant’s sense of duty over human sympathy would leave the world unrecognizable to us, while Mill lacks floodgates against hedonism.

Kant's Categorical Imperative caps a progression of concepts, forming a foundation for the Imperative, inoculating it from the maladies that Mill claims infect it. Kant begins by arguing that "a good will" is the highest good, for a good will is good all the time, by definition, while things that are good only by happenstance can other times be bad: "Intelligence... courage... riches.... even health" can lead to "arrogance" (393). These qualities appear beneficial when paired with a good will, such that the good will is what makes the scenario good, not the intelligence, courage or other secondary good. A corollary to this notion is that "a good will is good not because of what it effects or accomplishes," any more than it is good for the attribute like intelligence that makes the effect possible; a good will "is good in itself" (394). In practice, this idea creates a high value on one's state of mind in ethical assessments, while downplaying consequences. The *only* way a good will can be good is "through its willing" (394). The idea that intent is paramount in determining morality forms the first plank in the floor upon which the Categorical Imperative stands.

Kant moves to "duty" as an extension of good will, the only way to act on a good will (397). Writing that duty can "bring [a good will] out by contrast," he contrasts not only good will with ill, but duty with non-dutiful actions that do not bring out good will (397). If duty is a form of good will, so too is a good will a form of duty: nature, "in a purposive manner," gave us reason so we may hew our wills to be best (396). Kant lays onto duty the focus on state of mind that he has already established. It is not good enough for an act to be "*in accordance with duty*"; it must be done "*from duty*" (397-398) (emphasis added). The desire to complete the duty must be your primary motivation. Your duties have no moral content if you fulfill them merely along the way. Kant gives the example of a merchant who charges each customer the same price, never overcharging, because it actually benefits him and not out of an express desire to fulfill a duty

(397).

Next, Kant translates duty into maxims and laws, as a direct result of his focus on state of mind: “An action done from duty has moral worth, not in the purpose that is to be attained by it”—a familiar trope by now—“but in the maxim according to which the action is determined” (400). The word “determined” links maxims to the thought process. Kant characterizes duty as “done out of respect for the law,” defining respect as “connected with my will solely as *ground* and never as *effect*,” in a distinction parallel to the one between “from duty” and “with duty” (400). Though maxims and laws are not identical (see footnote, end of 400), they play similar roles: Kant funnels the abstraction of duty into them. The result is that “the pre-eminent good which is called moral can consist in nothing but... law in itself” (401). The only way to fulfill duty is through laws, just as the only way to act on a good will, the original “pre-eminent good,” is through duty.

Kant then puts laws, like duty, under the lens of state of mind. Kant asks what the law is that steers the will toward inherent goodness, and does so inherently, “without reference to any expected effect”? (402). No “particular law”—rooted in consequences and, well, particulars—will do. All that is left is the meta-law that “I should never act except in such a way that I can also will that my maxim should become a universal law” (402). This is the Categorical Imperative.

Precisely because Kant builds the Categorical Imperative on a foundation of duty and good will, it is invulnerable to the critique Mill brings. Duty is embedded right in the Imperative; to recognize it is to be bound by it. It is the law to which one's intentions are duty-bound for its own sake. Kant even refers to the Imperative as “the principle of duty” (403). Duty translates the Imperative's claim on one's thought processes into a command to act. Kant needs nothing else to

do this philosophical work, despite Mill's contrary claims. Embedded in the Imperative, even deeper than duty, is the good will. If you know in advance that the rule has ill consequences, you cannot possibly both have a good will and adhere to the rule. Kant's moral system based on intent prevents you from intending to do anything with immoral consequences.<sup>1</sup>

Not only is Kant immune to Mill's critiques, but Mill is hardly poised to provide a moral theory that more plausibly bridges the gap between the knowledge of what is right, and the obligation to do it. "Actions are right... as they tend to promote happiness," Mill writes, defining happiness as "pleasure and the absence of pain," and adding that "pleasure and freedom from pain are the only things desirable as ends"; all other desirable things are desirable insofar as they lead to these two ends (p. 7). By transitive logic ("If A = B and B = C, then..."), what is right equals what you desire. Mill, then, is assuming you will indeed do what is desirable. In philosophy's equivalent of the "common law," that idea is 100 percent intuitive, but strict philosophical logic reveals the shaky foundation of Mill's move. Consider Hume's thought: "Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger... [or] to choose my total ruin, to prevent the least uneasiness of an Indian."<sup>2</sup> To accept Kant's system is to accept duty and intrinsic good will, resolving this problem. Mill's system has no reason obliging you to do what is right. In practice, most people will have no problem finding the volition to do what is desirable. Still, it must be noted that Mill's theory does not survive the close scrutiny that he directs toward Kant.

Ultimately, in evaluating a moral theory, you must ask whether you would want to live in a world where the theory is followed to the letter. Here is Mill's best chance to critique Kant, for

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<sup>1</sup> The operative word is *intending*. If you unintentionally causes harm, Kant would not hold you accountable. Whether this system is a complete system is a timely and controversial question, as governments like America's own struggle with the notion of crimes that are "reckless" or "negligent," as opposed to "purposeful." As this potential critique of Kant is not one that Mill brings, though, it lies outside the scope of this paper.

<sup>2</sup> [http://en.wikiquote.org/wiki/David\\_Hume](http://en.wikiquote.org/wiki/David_Hume)

while Mill prizes human happiness, Kant gives it the diminished status of “second purpose,” writing, “Happiness can be reduced to less than nothing, without nature’s failing thereby in her purpose” (396). Kant not only neglects happiness as extraneous, but actually sees it as an obstacle to proper moral duty. Kant contrasts a person who refrains from suicide out of love for life with an “unfortunate man” of “hopeless sorrow” who “wishes for death” but “preserves his life without loving it” (398). Most people either are like the former person, or would prefer to be. But for Kant, only the latter person lives with “moral content,” acting “from duty” rather than “with duty” (398). The thought of an entire society living by this philosophy is enough to make anyone agree with Shakespeare’s Falstaff when he says, “God help the wicked!” if feeling “merry be a sin.”<sup>3</sup>

For Mill, the idea that happiness might not always accord with right actions is an oxymoron; happiness and right action are one and the same. This decision solves some problems, but creates others, for by dismantling all criteria external to pleasure by which to judge pleasures, Mill opens the doors to hedonism. He tries to block hedonism with his notion that “quality is considered as well as quantity,” in determining pleasures (p. 8). Some are “higher”; others are “lower” (p. 10). This defense is problematic. Clearly, Mill prefers “the pleasures of the intellect” to “mere sensation” (p. 8). In trying to assert that his preference is objective truth, he flounders. Less willing than Kant to make a normative claim, Mill tries to legitimize his choice for “higher” pleasures by showing that most people agree with him: “Of two pleasures, if there be one to which all... who have experience of both give a decided preference... that is the more desirable pleasure” (p. 8). How many teenagers have read Shakespeare and spent nights drunk, and preferred the latter activity? Whether the popular vote on pleasures would turn out as Mill

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<sup>3</sup> [http://www.web-books.com/Classics/Shakespeare/1HenryIV/1HenryIV2\\_8.htm](http://www.web-books.com/Classics/Shakespeare/1HenryIV/1HenryIV2_8.htm)

assumes is more dubious than Mill admits. Mill is right that nobody would choose a lower pleasure over a higher one, but the would-be student truly finds drinking in excess to be a higher pleasure than Shakespeare.

Worse, Mill is impotent against pleasures that cause extreme harm, like adultery. Kant retains a vocabulary of good will and duty with which to judge these pleasures, but Mill does not. His defense of “higher” and “lower” pleasures illuminates just why his theory is flawed. He can say some pleasures are good and some are even better. He never can say a pleasure is wrong.

#### Works Cited

Kant, Immanuel. *Grounding for the Metaphysics of Morals*. Trans. James W. Ellington. Indianapolis, IN: Hackett, 1993.

Mill, John Stuart *Utilitarianism*. Ed. George Sher. Indianapolis, IN: Hackett, 2001.