

Massimo Reichlin*

Mill on Conscience: A Sentimentalist Account

Abstract

Starting from early contributions, up to the third chapter of *Utilitarianism*, it is shown that conscience plays a relevant part in Mill's reworking of the utilitarian moral psychology. His sentimentalistic account of conscience leads Mill to decidedly abandon psychological egoism and to center his 'proof' of utilitarianism on the sentiments of unity and fellow feeling that humans acquire in the process of their education. The originality of Mill's treatment is highlighted, with reference to both his intuitionistic adversaries and to his sentimentalistic forerunners.

Keywords

Mill, Conscience, Internal Sanction, Psychological Egoism, Intuitionism.

The concept of conscience is traditionally tied to religious views of morality; secular moral philosophy has mostly criticized the presumption of individual conscience to possess a sort of inner light enabling it to un-failingly grasp moral truths. This notwithstanding, conscience does play an important role in some secular thinkers' accounts of morality. One of these, somehow surprisingly, is John Stuart Mill. In this paper, I will single out the reasons that led Mill to find a relevant place for conscience in his theory of morality, analyze his peculiar sentimentalistic account of it, and point to the disanalogies of his treatment as compared to some of his main discussants, to bring out the originality of Mill's position.

1. Why Conscience

Conscience is not a prominent concept in classic utilitarianism. It is virtually absent in the entire philosophical production of Jeremy Bentham and features only for polemic reasons in James Mill and Henry

* Università Vita-Salute San Raffaele, Milano

Sidgwick. John Stuart Mill's stress on its importance stems from his dissatisfaction with Bentham's characterization of utilitarianism and is part of his effort to develop a new, and more credible, version of the doctrine he had received from his father. The central role played by conscience can be considered one of the most distinctive, if largely unnoticed, elements of Mill's reworking of the utilitarian theory.

The lack of consideration for conscience, as a motive for action, was denounced as early as 1833, in Mill's unsigned paper *Remarks on Bentham's Philosophy*. Here Bentham is accused of providing a much too narrow account of human motives, and particularly of omitting altogether "conscience, or the feeling of duty: one would never imagine from reading him that any human being ever did an act merely because it is right, or abstained from it merely because it is wrong" (Mill 1833, p. 13). Mill attacks what he conceives as Bentham's psychological views, that is, the idea that all motives are reducible to self-interest. Bentham seems to believe that our acts are only determined by the pains and pleasures that we expect to obtain as a consequence of our actions; this view may account for the fact that a person sometimes fails to perform a guilty act because of the dread of the punishment that he or she may expect from it but overlooks the existence of a different sort of pain: the one that he or she experiences in advance, at the very thought of committing a crime.

But the case may be, and is to the full as likely to be, that he recoils from the very thought of committing the act; the idea of placing himself in such a situation is so painful, that he cannot dwell upon it long enough to have even the physical power of perpetrating the crime. His conduct is determined by pain; but by a pain which precedes the act, not by one which is expected to follow it. Not only may this be so, but unless it be so, the man is not really virtuous (Mill 1833, p. 12).

If Bentham's account were correct, Mill notes, we could only expect human beings to act virtuously to enlarge their share of the public good thereby produced; but this would not be sufficient to overcome the sacrifice of the utility one might expect to obtain by acting differently. It is only if we admit that the social interests – including the interests of conscience – can prevail over the self-regarding ones that we can make adequate room for virtuous behavior. As noted by Dale Miller (1998, pp. 74-76), Mill's account in this paper already implies abandoning the simple theory that admits only desires for pleasures and aversions to pain as motives for action. What Mill is claiming, in fact, is that the occurrent pain of merely contemplating a wrong action causes a desire whose object is not a pleasure, but the non-performance of a certain action; and nothing excludes that, at least in principle, there can also be

a pleasurable analog to the painful feeling of pain that causes a desire to do a supererogatory action².

The 1838 paper on *Bentham* expands on the need for a revision of utilitarian moral psychology. Mill notes that Bentham simply does not acknowledge the distinctive feeling of moral approbation, either of oneself or other people; his *Table of the Springs of Action* gives a central role to self-interest, adding only philanthropy and the religious motive as motivating forces for human action. He completely misses the importance, in human psychology, of acting out of duty, or in principle, that is, out of the inner conviction that something is the right thing to do. These principles, along with conscience, are treated by Bentham as mere synonyms of the “love of reputation”; which implies reducing the specifically moral feeling of approbation and disapprobation to the desire to be praised by other people or be approved by God. Bentham’s psychology, therefore, seriously underestimates the importance, for human beings, of an approving conscience, along with other elements that constitute the human “desire for perfection”: for example, the sense of honor, personal dignity, and self-respect.

In this paper, Mill supports his correction of Bentham’s analysis by adopting a wider consideration of humans and their actions. He distinguishes three aspects in human action: the moral, the aesthetic, and the sympathetic. The first has to do with its being right or wrong; the second with its being beautiful or ugly; the third with its being lovable or despicable. Denouncing Bentham’s limitation to the first aspect, Mill stresses the relevance of the other two: the beauty and amiability of actions have to do with the character of the acting person, something that cannot be omitted in a complete evaluation of actions. Indeed, the influence of actions on human affections and desires is a relevant element also in the moral evaluation of actions. However, the training of affections and will “is a blank in Bentham’s system” (Mill 1838, p. 98). Here Mill links conscience, along with reason, to the disposition to approve or disapprove, and fellow feeling to the disposition to love, pity or dislike. We will see that in *Utilitarianism* he provides a partly different characterization.

Mill’s reformulation of some elements of utilitarian psychology is functional to his strategy of showing that utilitarianism is not a doctrine as foreign to ordinary moral thinking as most critics denounce. Relevant evidence of this strategy can be found in the paper against Whewell, where Mill explicitly challenges the intuitionists’ appropria-

² Not merely a right action, however, because for Mill duty is especially connected to the appropriateness of being punished if we fail to act accordingly, while the feeling of self-reward has no specific connection with obligation.

tion of all concepts of ordinary morality, claiming that utilitarianism has the resources to incorporate them just as well. While Whewell contrasts the intuitionists' defense of conscience, duty, and rectitude with the utilitarian exaltation of pleasure and utility, Mill protests that these terms, and the feelings connected to them, belong in the ethics of utility just as much as in the ethics of intuition:

The point in dispute is, what acts are the proper objects of those feelings; whether we ought to take the feelings as we find them, as accident or design has made them, or whether the tendency of actions to promote happiness affords a test to which the feelings of morality should conform (Mill 1852, p. 172).

Utilitarianism, in other words, is not an account that *substitutes* conscience, duty, and rectitude with pleasure and utility; it only seeks to offer a criterion to *guide* conscience and duty and to partly correct the ordinary feelings of morality. The point of discussion is not whether conscience has a role to play in morality or not, but whether we should take conscience, in the intuitionists' characterization, as the primary source of moral judgment, or we should provide an alternative account of this central moral concept.

2. A Sentimentalist Analysis

The third chapter of *Utilitarianism* provides such an alternative account, offering Mill's main treatment of the notion of conscience. This chapter – “probably the most understudied” (Brink 2013, p. 35) of Mill's essay – is devoted to the “ultimate sanction” of the principle of utility; and Mill claims that conscience is such a sanction. ‘Sanction’ is a technical word, that Bentham had employed to mean the source of morality's obligation: Where does morality take its binding force? What motives do we have to obey it? The problem of the ultimate sanction partly has to do with the motives we have for complying with utilitarianism, and partly with the authority that it, or any other moral account, has on our minds. Bentham had famously declared that pleasure and pain not only point out what we ought to do but also determine what we shall do; only prospective pains and pleasures are effective in driving human beings to any action (Bentham 1789). His ‘doctrine of the four sanctions’ indicates the four basic sources of pleasure and pain that provide binding force to any rule: these are the ordinary course of natural processes, the actions of judges who dispense them according to the will of the sovereign, the judgments of any person in the community to which we belong, and the hands of a superior invisible being. The first one, which Bentham calls

the *physical sanction*, is the most important, since the other three – the *political*, the *moral*, and the *religious* – cannot operate but through it. Bentham's view, therefore, is that humans are only compelled to action by the expectation of some pleasure, or the desire to avoid some pain, that either follows from their action in the ordinary course of nature, or is attached to their action by the law, or public opinion, or a supposed commandment by God.

Mill knew very well Bentham's doctrine and had been a student of Bentham's disciple John Austin who, in the first lecture of his *Province of Jurisprudence Determined*, defined a sanction as "the evil which will probably be incurred in case a command be disobeyed, or (to use an equivalent expression), in case a duty be broken" (Austin 1832, p. 8). Mill does not reject these *external* sanctions of morality but devotes to them very little space. He just notes that both the hope of reward and the fear of displeasure, either from our fellow creatures or from God, and the sympathy for other human beings and the love for God, can also be attached to the utilitarian morality; this is particularly true of the religious sanction, since most people believe in a benevolent God, and must perceive the consistency between the goal of promoting the general happiness and the motive of obeying God's command. Despite his notorious dislike for people such as William Paley, Mill is aware of a long line of theological thinkers who grounded the morality of utility in the divine command; those systems are clear evidence of the compatibility of utilitarianism with traditional moral concepts. It is noteworthy that, in talking of external sanctions, Mill does not even mention the physical one that – in Bentham's scheme – had pride of place; moreover, he seems not to distinguish between the political and the moral sanctions.

What Mill wants to stress is that, while external sanctions can be sources of moral obligation, they are not the ultimate sanction of morality and must be complemented by the *internal* sanction of duty. Focusing on the external sanctions is insufficient because it tends to approve psychological egoism and to reduce sympathy for our fellow humans to one more source of individual pleasure. And in chapter 2 Mill has already noted that "no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs" (Mill 1861, p. 211). There are sources of action, for humans, beyond the desire for individual satisfaction; and particularly, a human being "of higher faculties", who has the "capacity for the nobler feelings", will choose a mode of existence that involves making other people happier. Mill's insistence, in chapters 2 and 3, on the rejection of psychological egoism casts doubt on some standard reading of his

'proof' of the principle of utility offered in chapter 4³. Since Mill does not embrace egoistic psychology, to begin with, it is not plausible to accuse him of trying to derive a desire for general happiness from a desire for one's pleasure. What Mill is saying in the 'proof' is that, in a sufficiently well-developed society, the individuals' desire for their happiness does not disregard the consideration of other people's happiness, up to the point that the two cannot be conceived independently from each other. The revision of the utilitarian moral psychology, therefore, is part of the argument in favor of utilitarianism, because according to Mill "as people are educated to become more and more impartial, they will see – paradoxically – that their lives are getting better and better *for them*" (Crisp 1997, p. 92). Still, internal sanctions are based on sentiments, just as much as the external ones; it is the spring of the painful feeling that changes, from an external to an internal source.

Moving to the internal sanctions, Mill claims that the ultimate sanction of utilitarian morality is a feeling in our mind that is connected to the violation of duty, rendering such behavior almost impossible. This feeling has nothing to do with our interest, that is, it does not arise because of the anticipation of some pain that may attend wrongful behavior: it is a disinterested feeling that arises in cultivated moral natures and is tied to the pure idea of duty. This feeling, says Mill, is "the essence of conscience", and the ultimate source of the motive for being moral⁴; moreover, it is something that utilitarianism has in common with all other forms of morality. It is true that, in its actual expression, conscience contains much more than this: several further associations, arising from sympathy, religious feelings, the desire for the esteem of others, and other factors, can be detected in conscience; and it is thanks to some of these associations that moral obligation may obtain a sort of mystical character. But the basic phenomenon has to do with a feeling of obligation associated with the acknowledgment of moral duty; better still, with "a mass of feeling which must be broken through in order to do what violates our standard of right, and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse" (Mill 1861, p. 229).

Mill's discussion is entirely secular and is liable to the objection according to which the motivating power of conscience is incomparably stronger if we admit that it is a sort of transcendental fact, tied to the existence of God. In replying to this, he notes that the belief in God is also

³ Traditional examples are Grote 1870 and Moore 1903.

⁴ Miller rightly notes that conscience is not the only internal sanction of duty; other sanctions are triggered by the subject's evaluation of her own character, that is, by the pleasurable feeling of pride or self-respect and the painful one of shame or self-contempt (1998, pp. 77-78).

ultimately dependent on a subjective religious feeling and that therefore the strength of a God-based conscience, apart from the expectation of reward and punishment, also relies on a subjective religious feeling. In other words, Mill excludes that mere beliefs in the metaphysical objectivity of moral facts may be effective in motivating human action; whether we accept or deny such moral realism, our motivation will always spring from our feelings. This also shows that whether moral feelings are innate or acquired is scarcely important. Many people – and notably Mill’s intuitionistic rivals – believe that conscience is an innate feeling. Mill does not exclude this possibility; he notes that a utilitarian might endorse this conclusion, provided that it tells us to promote general happiness. To this, Dale Miller has objected that on such a hypothesis it would be “too difficult to reconcile Mill’s view that the vast majority of people need to revise their views about morality in significant ways with the intuitionist view that our consciences are infallible moral guides” (Miller 2006, pp. 166-167). This may be correct but seems to presuppose the acceptance of the view that conscience determines rightness and wrongness, and that it does so in a non-consequentialist way. Mill’s hypothesis, on the other hand, is that there might be an innate disposition to follow the dictates of reason (whichever they are), based on a deep-seated inclination of human psychology to sympathize with other humans.

In any case, Mill goes on to defend the alternative hypothesis that sees conscience as a faculty that humans naturally acquire in the ordinary course of their development. This account does not remove the centrality of conscience in the explanation of moral obligation. Rather, its acquired character helps explain why conscience may be deviated from its right direction, by external sanctions and other influences, so that “there is hardly anything so absurd or so mischievous that it may not, by means of these influences, be made to act on the human mind with all the authority of conscience” (Mill 1861, p. 230). Here the objection may be that, since in this account conscience is the product of artificial associations, its obligatoriness might be dissolved by the force of analysis. As Mill notes in his *Autobiography*, “Analytic habits may [...] even strengthen the associations between causes and effects, means and ends, but tend altogether to weaken those which are, to speak familiarly, a mere matter of feeling” (Mill 1873, p. 143). But he goes on to note that this dissolution is not likely to occur for the feeling of duty, because such a feeling has a strong natural basis in the social feelings of mankind; as he wrote in a letter of 1859 to William George Ward, empathy and fellow feeling with other humans ensure that I sympathize with their natural desire that I should be punished when I transgress against them, just as I naturally desire that they be punished when they transgress against me (Mill 1972, vol. XV, p. 650). In *Utilitarianism* he insists that

this trait of human psychology, that makes the social state so natural and necessary for human beings, is the bedrock on which the artificial construction of conscience is built. A bedrock that is rather strong, and ever more strengthened by the progress of human civilization that favors human cooperation, and by the growing sentiment of convergence between one's interests and the interests of others.

The development of society – Mill seems to say – coincides with the development of conscience, or better, the development of that natural basis in human psychology that makes the phenomenon of conscience entirely 'natural' for educated human beings. The feeling that other people's interests deserve consideration is also greatly enhanced by sympathy and by the artificial influences of education, as well as being reinforced by the external sanctions; at the end of this process, a well-developed character would acquire a deeply-rooted feeling of the necessary interconnection of his or her interests with the interests of all others, and even a sense of unity with all the rest that makes the pursuit of one's interest at the expense of others quite unthinkable. However, even in the present state of society, the feeling that there should be harmony between one's feelings and aims and those of others does not appear, to well-educated individuals, "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" (Mill 1861, p. 233). And this conviction, Mill concludes, "is the ultimate sanction of the greatest-happiness morality" (*ibid.*).

The account of conscience offered in chapter three of *Utilitarianism* confirms the central role played by conscience in Mill's moral psychology, but also partly corrects some of the allusions he had made in previous articles. In *Bentham*, he had linked conscience, along with reason, to the disposition to approve or disapprove; and he had clearly distinguished this 'moral' element from the 'sympathetic' one, connected to fellow feeling. In his more mature presentation, on the other hand, he presents an original account that distinguishes moral judgment on human actions, which is the business of reason, from moral motivation, which is up to conscience; conscience is now presented as having a very strong and natural link to fellow feeling so that we might say that it has a 'sympathetic' nature. This account gives conscience no direct role in establishing what is the right thing to do; it charges it with the task of explaining the binding force of morality and providing people with a motivation to act according to their judgments. In other words, Mill adopts an externalist position on moral judgment. On the one hand, he accepts the utilitarian doctrine that moral judgments are derived from reason's calculus of consequences; on the other hand, he sticks to Hume's doctrine that judgments of reason do not motivate by themselves, since only passions can

motivate. His conclusion, therefore, is to accept an externalist view according to which moral judgments have no intrinsic motivational power, and motivation is provided by the acquired feeling of duty, based on the natural feeling of unity with one's human fellows. On this account, moral judgments do not *necessarily* provide motivations, even if well-educated moral agents will invariably show at least some motivation to comply with them. At the same time, Mill offers an entirely sentimentalist account of conscience, according to which it has no direct connection with reason, and particularly with reason's capacity to distinguish right from wrong: conscience is identified with the acquired feeling of duty generated by the realization that the interests of others count. This realization, greatly favored by the natural feeling of sympathy and fellow feeling, is perfectly in line with the utilitarian criterion of moral rightness.

Mill's doctrine of conscience is conclusive evidence of his rejection of the psychological egoism and hedonism that he attributed to Bentham (and to his father James). In fact, he clearly assumes the existence of an *original* desire for benevolence and for being in unity with all humankind: not an *innate* desire, but one that naturally emerges from our social sympathies, and that cannot be accounted for in traditionally associationistic ways, that is, as deriving from desires for our pleasure. In other words, the passages on conscience seem to show not only that Mill rejects the psychological thesis that our pleasure or happiness is the only ultimate object of our desire, but also – as shown by Brink (2013, pp. 30-33; cf. Skorupski 1999, pp. 228-231) – that he rejects the more moderate thesis that all desires have their object in desires for our pleasure of happiness. Finally, at least in what he calls “an improving state of the human mind”, Mill does seem to also reject the view of predominant egoism, that is, the claim that self-interested motivation predominates for most people most of the time. If we read chapter four of *Utilitarianism*, with its famous and controversial ‘proof’, in light of chapter three, we have every reason to reject the traditional account that reads Mill as moving from psychological hedonism to prove the utilitarian principle. It seems, instead, that Mill is starting from what is actually desired as a guide to what is morally desirable, and particularly from each prudentially desiring one's good to a morally impartial concern for everyone's good. As he wrote in a letter to Henry Jones in 1868, Mill thought that “in a good state of society and education” (Mill 1972, vol. XVI, p. 1414) every human being's happiness would be a good for every other human being. What he now presents as a normative principle will be a part of ordinary human psychology, provided that conscience is widely distributed and appropriately strengthened.

3. Disanalogies with Other Approaches

Mill was dissatisfied with the version of utilitarianism he had received from Bentham and his father, and he particularly felt the need for a stronger foundation of the theory. Along with well-known elements, such as the qualitative account of hedonism and the role of ordinary moral rules, one central tool for this reworking of the utilitarian tradition was found by Mill in the adversary field, *i.e.*, that of the intuitionists. The importance ascribed to conscience is instrumental to the revision of the utilitarian moral psychology: while older utilitarians had started from psychological egoism to demonstrate the normative principle of universal hedonism, Mill moves from an account of the human mind that builds on the sympathetic feelings of mankind and views the development of civilization as progressively nourishing a desire of unity with all others. Mill's naturalistic theory of conscience is original and constitutes a central element of his new version of utilitarianism. It is surprising, therefore, that this part of his theory has attracted little discussion and study, compared to other elements of his moral philosophy (Miller 1998, 2006; Callcut 2009).

As noted, conscience was a main feature in the theory of morality that Mill was particularly opposing, *i.e.*, the intuitionist one; major contributors to this tradition at the time were authors such as Adam Sedgwick, James Mackintosh, and William Whewell⁵. Whewell is perhaps not the clearest advocate of the prevailing account of conscience, since he did not make it the supreme and ultimate authority; he rather insisted on its intermediate role, between the Supreme Law of morality and our actions. According to Whewell, conscience is a sort of internal moral standard which is never fully formed, but always in the course of formation; it offers a fallible rule and may lead us to a false moral standard⁶. A paradigmatic account of the prevailing view is found in Adam Sedgwick, who was one of the first and most authoritative critics of utilitarianism: in 1833 he delivered a famous *Discourse on the Studies of the University* in which he set out to refute the utilitarian theory of morals, denouncing its degrading effects on human minds. As Mill showed in his paper devoted to *Sedgwick's Discourse* (Mill 1835), the intuitionist doctrine assumed the existence of an independent faculty, often referred to also as the 'moral sense', endowed with perceiving moral distinctions; conscience was identified with such an innate capacity for 'moral feeling'. This idea had been previously developed by James Mackintosh in his *Dissertation on the Progress of Ethical Philosophy, Chiefly During the Seventeenth and Eighteenth Centuries* (1830), a work that contains the first 'academic' critique of

⁵ For more details on these authors, see Cremaschi 2008.

⁶ See Whewell 2005, pp. 259-267 (III.14, §§ 359-373).

Bentham and utilitarianism⁷. According to Mackintosh, conscience is the innate faculty through which we judge the mental dispositions leading to voluntary actions and the voluntary actions that follow them; we are naturally pleased with some dispositions, and naturally displeased with others. This account merges Butler's idea of conscience, as a faculty of reflection endowed with supreme authority, with the notion of the moral sense, as a faculty of sensible approbation. The unification of the two concepts had been carried out by Thomas Reid who, in his *Essays on the Active Powers of the Human Mind* (1788), had declared that "by an original power of the mind, which we call *conscience* or *the moral faculty*, we have the conceptions of right and wrong in human conduct, of merit and demerit, of duty and moral obligation, and our other moral conceptions"; and that "by the same faculty, we perceive some things in human conduct to be right, and others to be wrong" and that "the first principles of morals are the dictates of this faculty" (Reid 2005, III.2.6, p. 231). And Reid also admitted that, provided that a just notion of the external senses is presupposed, "our moral faculty may, I think, without impropriety, be called the *moral sense*" (*ibid.*, p. 228). On this account, conscience is a natural faculty, distinct from reason, that allows us to grasp the first principles of morals, to appreciate the obligatoriness of what is immediately perceived as just, honest, and honorable, and to deduce all other moral obligations through moral reasoning. Though it needs maturity of the intellectual capacities to act, this faculty is innate, given to us by God: in fact, "The Supreme Being, who has given us eyes to discern what may be useful and what hurtful to our natural life, hath also given us this light within to direct our moral conduct" (Reid 2005, III.2.7, p. 236). Finally, this faculty is the most authoritative of the principles of our mind, charged with directing our conduct, and with judging and punishing ourselves; Reid mentions the traditional image of it as the "candle of the Lord"⁸ set up within us: "Other principles may urge and impel, but this only authorises" (Reid 2005, III.2.8, p. 242).

Mill's account of conscience is opposed to these traditional views. In replying to Sedgwick, Mill especially objects to his argument that justifies the assumption of a peculiar faculty by the peculiarity of the feelings of conscience. He notes that peculiar feelings, such as ambition, the desire for power, and the pleasure of its exercise, are generated every day through the mechanisms of association, and that the same may be said

⁷ We can remind here that this work had been the object of a thorough critique by Mill's father, James, in his *Fragment on Mackintosh* (1835).

⁸ The metaphor, introduced by the Cambridge Platonist N. Culverwell in the middle of XVII century, approximately played the role of the medieval *synderesis*; see Ojakangas 2013, pp. 52-62.

for the feelings of conscience. But Mill's rejection of that account was doubtless also motivated by his lively perception that Mackintosh's and Sedgwick's accounts were inherently tied to an a priori, non-consequentialist conception of ethics, and to a religious account of conscience's authority. As for the first point, Mill's paper against Whewell clearly displays his belief that this kind of intuitionistic approach has undesired conservative consequences (Mill 1852; cf. Mill 1873, pp. 232-233); on the contrary, his account is open to moral progress, since, by insisting on the social and sympathetic impulses of humankind, it can enforce the progressive rules of utilitarian morality. As for the religious source of conscience's authority, Mill wants to provide an alternative naturalistic account that rejects both the transcendental nature of conscience and its innate character; nonetheless, he seeks to preserve the peculiar authority that the traditional accounts attributed to conscience. Even if it is entirely secular and acquired, Mill's conscience has authority thanks to a complex process of varied associations; its authority is no less strong than if it was based on the belief in God, since – according to Mill – also such belief is ultimately no more than a subjective feeling. As a matter of fact, those who accept a transcendental origin of conscience do ask themselves whether they should obey it no less than those who accept the utilitarian theory: and all those whose conscientious feelings are weak, either believer or unbeliever, can only be obliged by the external sanctions. But Mill is also convinced that thanks to the continuous association of other people's happiness with one's pleasure the goal of general happiness will become a sort of habit, for a person of character, so as to make all external sanctions useless⁹.

According to Roger Crisp, Mill's discourse on the internal sanction of conscience "shows the influence of Kant and Butler" (Crisp 1997, p. 91). While the insistence on the authority of conscience ultimately dates back to Butler, it seems more plausible to suppose that, seeking to distance himself from these traditional views, Mill may have drawn inspiration from the naturalistic accounts of conscience that he found in the tradition of moral sentimentalism, and especially in Francis Hutcheson and Adam Smith. Hutcheson had picked up from Shaftesbury the phrase 'moral sense', and used it to mean "a Determination of our Minds to receive amiable or disagreeable Ideas of Actions, when they occur to our Observation, antecedent to any Opinions of Advantage or Loss to redound to our selves from them" (Hutcheson 2008, p. 100); though he initially seemed to substitute conscience with the moral sense, he later accepted that this sense through which we judge actions and characters can also be

⁹ For some skepticism concerning the plausibility of this associationistic account, see West 2007, pp. 75-77.

called conscience. And Hutcheson's conscience is very close to adopting a utilitarian standard of right conduct; as it is well known, Hutcheson reduced all virtues to benevolence and declared that the moral sense leads us to approve benevolent actions in proportion to the extent of the happiness they produce, so that "the action is best, which procures the greatest Happiness for the greatest Numbers" (*ibid.*, p. 125). However, Mill does not share Hutcheson's view that moral rightness and wrongness are determined by the moral sentiments; as he writes in the essay on Sedgwick,

the distinction between moral and immoral acts is not a peculiar and inscrutable property in the acts themselves, which we perceive by a sense, as we perceive colours by our sense of sight; but flows from the ordinary properties of those actions, for the recognition of which we need no other faculty than our intellects and our bodily senses" (Mill 1835, p. 51).

For Mill the role of conscience is to provide a motivation to follow the dictates of reason; it is reason that guides human conduct by applying the test of utility to prospective actions. According to him, conscience provides only what Hutcheson would have called 'exciting reasons', whereas the justifying ones are provided by the intellectual faculty; correspondingly, Hutcheson adopts an internalistic account of the relationship between judgment and motivation, Mill an externalistic one.

In insisting on sympathy and fellow feeling, Mill's account may also seem convergent with Smith's conception of conscience as an impartial spectator. Perhaps this influence does not emerge directly from Mill's treatment of conscience in *Utilitarianism* but can be suggested by a passage of the essay on *Utility of Religion*, written between 1850 and 1858. Here Mill reflects on the feeble power of conscience, as compared to that of public opinion, and notes how often we fall prey to self-deceit; however,

when the motive of public opinion acts in the same direction with conscience, which, since it has usually itself made the conscience in the first instance, it for the most part naturally does; it is then, of all motives which operate on the bulk of mankind, the most overpowering (Mill 1850, p. 410).

Here the general tone of the discourse seems reminiscent of Smith's distinction between our desire for praise and our desire for praiseworthiness, and, more generally, of his account of the role played by the beliefs and looks of others both in our self-conception and in the generation of

conscience¹⁰. It is public opinion – Mill says incidentally – that has created conscience; so that conscience may be said to be “an internalization of the external sanctions” (West 2010, p. 181), particularly of the popular one. This is why public opinion can often overcome its dictates, inducing people to act in ways they disapprove of. If all this is much similar to Smith’s treatment, Mill nonetheless rejects one main element of Smith’s perspective, that is, the fact that the impartial spectator plays a central role in determining the propriety of actions, and therefore in moral approval and disapproval. Moreover, although Smith acknowledges the role played by the perception of utility in determining moral approval, he is far from thinking that such a perception entirely determines moral judgment. On the contrary, Mill restricts conscience’s role to providing motivation and fully embraces Bentham’s normative criterion that entirely resolves rightness in the production of utility. Once again, his solution is original also in relation to his sentimentalistic forerunners.

4. Conclusions

Richard Brandt suggested the phrase ‘Conscience utilitarianism’ to name a form of rule utilitarianism based on a psychological syndrome comprising aversions to doing certain things, a disposition to feel guilt or remorse if one acts contrary to these aversions, a disposition to feel disapproval towards others who act so and a belief that these attitudes are justified (Brandt 1995). The label seems even more appropriate to characterize Mill’s view, which gives a prominent role to the motive of conscience. This strategy marks a substantial departure from Bentham’s naturalistic moral psychology, for the motive of duty cannot be resolved in a pleasurable feeling. Moreover, Mill’s account of conscience is original in being entirely sentimentalistic, while displaying relevant differences from the views of Hutcheson and Smith.

Mill’s insistence on the role of conscience is particularly significant in order to counteract a traditional account of a utilitarian personality – which can be found in some of Dickens’ characters: the one that centers in a one-sided fashion on the motive of utility, often understood in terms of self-interested concern, and that still features in some presentations of the theory. Mill makes it entirely clear that utility in general, and self-interest in particular, is not the only, and in fact not even the main, psychological concern of the utilitarian moral agent. Such a moral agent, in light of Mill’s

¹⁰ “Even the pleasure of self-approbation, in the great majority, is mainly dependent on the opinion of others” (Mill 1850, p. 411). On Smith’s complex account of the origin of conscience, see Reichlin 2021.

account, is motivated by a sense of duty that coincides with fellow feeling, that is, with an intrinsic desire to be in unity with other humans; and calculations of utility only play the role of providing a criterion of rightness, without being offered as either a decision procedure or a main drive to action. Mill's treatment of conscience thus opened the way to several contemporary discussions in which the distinction between criteria of rightness, decision procedures and motivations for action is emphasized and turns out to be particularly consonant to contemporary accounts of moral motivation that eschew rigid self-concern and stress the motivating role of empathy.

Whether Mill's solution is eventually defensible partly depends on its capacity to preserve the authority of conscience: Will morality not lose its authority, if such authority is only based on the social feelings of mankind? It will not – says Mill – because it is based on the solid bedrock of the human tendency to sociality which is all the more reinforced by the development of human civilization. As noted by Callcut 2009, this reply seems to work only if we presuppose a historical optimism according to which the value of being in unity and harmony with other people will evermore be acknowledged and will progressively come to play a predominant role in human psychology. Should this not be so, accepting a sentimentalist account of the ultimate sanction of morality may have a debunking effect on the authority of morality, because the obligation of conscience may be dissolved by the force of analysis. Consideration of recent human history seems to warrant considerably more skepticism on this topic than Mill was willing to concede.

References

- Austin, J.
1832 *The Providence of Jurisprudence Determined*, John Murray, London.
- Bentham, J.
1789 *An Introduction to the Principles of Morals and Legislation*, Clarendon, Oxford 1996.
- Brandt, R.B.
1995 *Conscience (Rule) Utilitarianism and the Criminal Law*, in "Law and Philosophy", 14, pp. 65-89.
- Brink, D.O.
2013 *Mill's Progressive Principles*, Clarendon, Oxford.
- Callcut, D.
2009 *Mill, Sentimentalism and the Problem of Moral Authority*, in "Utilitas", 21, pp. 22-35, <http://dx.doi.org/10.1017/s0953820808003348>.
- Cremaschi, S.
2008 *Utilitarianism and its Nineteenth-Century Critics*, in "Notizie di Politeia", 24 (90), pp. 31-49.

- Crisp, R.
1997 *Mill on Utilitarianism*, Routledge, London.
- Grote, J.
1870 *An Examination of the Utilitarian Philosophy*, Deighton, Bell, and Co., Cambridge.
- Hutcheson, F.
2008 *An Inquiry into the Original of Our Ideas Concerning Beauty and Virtue in Two Treatises*, Liberty Fund, Indianapolis.
- Mill, J.S.
1833 *Remarks on Bentham's Philosophy*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 5-18.
1835 *Sedgwick's Discourse*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 33-74.
1838 *Bentham*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 76-115.
1850 *Utility of Religion*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 403-428.
1852 *Whewell on Moral Philosophy*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 167-201.
1861 *Utilitarianism*, in *The Collected Works of John Stuart Mill*, Volume X: *Essays on Ethics, Religion, and Society*, University of Toronto Press, Toronto 1985, pp. 205-260.
1873 *Autobiography*, in *The Collected Works of John Stuart Mill*, Volume I: *Autobiography and Literary Essays*, University of Toronto Press, Toronto 1985, pp. 4-290.
1972 *The Collected Works of John Stuart Mill*, vols. XIV-XVII: *The Later Letters of John Stuart Mill 1849-1873*, Toronto University Press, Toronto.
- Miller, D.E.
1998 *Internal Sanctions in Mill's Moral Psychology*, in "Utilitas", 10, pp. 68-82, <https://doi.org/10.1017/S0953820800006002>.
2006 *Mill's Theory of Sanctions*, in H.E. West (ed.), *The Blackwell Guide to Mill's Utilitarianism*, Blackwell, Oxford, pp. 159-173.
- Moore, G.E.
1903 *Principia Ethica*, Cambridge University Press, Cambridge.
- Ojakangas, M.
2013 *The Voice of Conscience: A Political Genealogy of Western Ethical Experience*, New York, Bloomsbury Academic.
- Reichlin, M.
2021 *The Role of Conscience in Smith's Revised Sentimentalism*, in "Intellectual History Review", 31, pp. 585-602.
- Reid, T.
2005 *Essays on the Active Powers of the Human Mind* (1788), Kessinger, Whitefish.

Skorupski, J.

1999 *John Stuart Mill*, Routledge, London.

West, H.E.

2007 *Mill's Utilitarianism: A Reader's Guide*, Continuum, London.

2010 *John Stuart Mill*, in J. Skorupski (ed.), *The Routledge Companion to Ethics*,
Routledge, New York, pp. 181-191.

Whewell, W.

2005 *The Elements of Morality, Including Polity* (1845), Kessinger, Whitefish.