

David O. Brink

Mill's Progressive Principles.

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This admirable and keenly intelligent book employs an analytical approach to discover what is 'distinctive and constructive' in Mill's utilitarianism and liberalism (xiii). Brink interprets Mill as a perfectionist utilitarian, and he understands Mill's famous lines about 'utility in the largest sense, grounded on the permanent interests of man as a progressive being' primarily in terms of the value of deliberative competence to the autonomous individual. Brink's way of reading Mill is in places consciously open-ended—'selective and incomplete', in Brink's own words (xi). The vast secondary literature on Mill is also selectively engaged, although what is used is used well. Such a rich book deserves a fuller account, but below I will focus on Brink's account of the tension between existing moral patterns and liberal reform. These are some of the most interesting aspects of the book precisely because utilitarianism is a demanding ideal and Brink's interpretation of it invites us to think further about the promise of moral progress and the constraints on normativity.

The first part of the argument (Chapter 1-5) concerns utilitarianism. The first two chapters offer a thinly contextual account of the Philosophical Radicals' theory of motivation. Brink's Philosophical Radicals suffer from inconsistency in thinking that they can found utilitarianism on psychological hedonism and egoism (20). Mill himself abandons egoism and predominant egoism, apparently because Mill substitutes for egoism an ever-evolving social conscience that supplies internal sanctions on the morally non-compliant (33, 36). The brief but important and insightful discussion of conscience reminds us of the complaint that utilitarian pedagogy is inconsistent with liberty: how must actual associational relationships be formed and maintained so that the call of conscience is progressive yet still liberal?

Mill's treatment of higher and lower pleasures does not, in Brink's view, save hedonism from criticism. Brink uses T.H. Green to argue that Mill's concern for human dignity, understood as normative competence, requires him to abandon hedonism. For Brink, Mill is a predominant perfectionist about happiness. Mill thinks that 'human happiness consists in a kind of self-realization involving the proper exercise of those capacities essential to our nature' (60-1). Missing from Brink's analysis of the 'traditional hedonist' is a richer engagement with happiness than one finds in Bentham. An extended discussion of Epicurean thought and ancient eudaimonism would have made this a different book, but it would have helped to clarify the alleged incompatibility between perfectionism and hedonism. According to Brink, Mill uses pleasure technically to mean taking pleasure in the objectively valuable goods that matter to a mature human being. Brink's distinction licenses a pluralistic-but-not-relativistic approach to evaluating the practices of the good life, and, later in the book, sets up perfectionism as a 'worthy rival' of liberal neutrality (73, 255-9).

Brink's Mill is a direct, act utilitarian and not a rule utilitarian. Brink's act utilitarian observes a first principle (utility-maximization, which is a scalar concept), which does not forbid her from

guiding her reasoning by important secondary principles (such as veracity, fidelity, and fair play) (90). The act utilitarian's secondary principles can take the form of coarse- and fine-grained rules, and Brink nicely illustrates the need to stick consistently to coarser rules to accommodate the need for stable rules that everyone can follow. Brink ultimately finds Mill's act-utilitarianism to be inconsistent, but only because of Mill's apparent commitment to sanction utilitarianism in Chapter Five of *Utilitarianism*. In his discussion of the proof of utilitarianism, Brink revisits his earlier discussion of the symmetrical epistemic dependence of utilitarian first principles and more particular moral judgments (24-5). Brink's brief discussion of the lessons of history, the irrational-but-real opinions of sadists and masochists, and our prior commitments to the near and dear invite further reflection on reform and accommodation—how do we draw these moral judgments under the 'perfectionist umbrella' (78, 120, 127)? Brink ultimately characterizes his account of Mill's attempt to mount a naturalistic, bottom-up defense of utilitarianism fragmentary and piecemeal (133), but it is an important discussion of the demandingness of utility precisely because of Brink's modest approach to these difficult questions.

The second part of Brink's argument (Chapter 6-11) introduces liberal rights as particularly important secondary principles or mid-level generalizations within a utilitarian framework. The first of these chapters introduces some problems with Mill's 'one very simple principle' and provides a very good discussion of moralizing harm. Despite some statements by Mill to the contrary (137), it turns out that harm prevention is neither sufficient nor necessary for regulation. In Chapter 8, Mill distinguishes between nuisances that are harmful but permissible and offenses that are harmful and justify regulation. Brink's decision to mirror Mill's *On Liberty* to focus on the centrality of freedom of conscience and expression (149, 185) results in an odd arrangement of chapters. The discussion of freedom of expression (Chapter 7) is sandwiched between Brink's preliminary account of rights (Chapter 6) and his longer, more refined account of liberal rights (Chapter 8). One justification of Brink's approach is that freedom from censorship informs Mill's concern for deliberative competence, and vice versa. For Brink, some autonomy-enhancing and deliberation-enhancing paternalism is acceptable (166). Brink thinks that Mill would have been well served by making a distinction between high and low value speech, and to employ a balancing test so that low value speech that harms (not offends) others may be regulated. Briefly, it may be said in response that Mill's principles appear just as (or more) consistently to lead away from anti-discrimination laws, the FCC's fairness doctrine, and the type of campaign finance reforms that Brink admires.

Brink's examination of Mill's liberal principles leads him to the strong conclusion that 'basic liberties are necessary conditions to the exercise of those deliberative capacities that mark us as progressive beings and that are central to our higher-order interests and happiness' (214). Liberty is not defended as an intrinsic good and so it has 'no value' where the threshold of normative competence has not been met (271). However, competence is scalar, as Brink reminds us several times, and in applying Mill's progressive principles it is important to discover liberty-preserving ways of dealing with deliberative deficits in actual citizens.

The final two chapters trace how Brink applies Mill's principles in the areas of political and sexual equality. In the realm of politics, Mill is clearly a defender of professional representation and

(in some readings) expertocracy. A point of contention is plural voting, which Brink describes here and in the Epilogue as temporary or as entirely transitional (241, 283-4). It is not, in Brink's view, a part of Mill's ideal theory (243, 241). I'm not sure this is true. Mill pointedly argues that the weighted ballot is not 'in itself undesirable' and that American equality of suffrage is actually a 'false creed' and equal voting 'in principle wrong' (*Considerations on Representative Government* XIX/478). Although Mill is not a proponent of laissez-faire, more should also be said about Mill's arguments connecting autonomy, the extension of the cooperative principle, and Mill's rejection of economic paternalism. In the realm of sexual equality, Brink's chapter lauds companionate marriage but is surprisingly short and undeveloped. Brink agrees with the complaint, now traditional, that Mill errs in presuming that the sexual division of labor is natural. But, rather than trying to tease out meaning from the context of Mill's argument, Brink allows himself to be drawn into an abstract and economic account of equality. He criticizes Mill for slipping into this same hole (262), and this chapter suggests that there are limits to Brink's a-contextual, analytical approach. Mill's own argument from first principles concerning what Brink calls scope limitations (disenfranchising those receiving parish relief and the illiterate) and weight limitations (plural voting, using an educational or occupational proxy to track mental superiority) may not be persuasive, and companionate marriage may not provide a fully satisfying account of autonomy-enhancing relationships, but Brink has missed an opportunity to present a stronger case that his interpretation of progressive principles explains and even improves upon Mill's case for political and sexual equality.

The volume itself is beautifully produced. The argument it contains is made in unusually clear prose. The Mill that emerges from *Mill's Progressive Principles* is, among other things, a perfectionist utilitarian, ambivalent about our moral duty to advance the greatest happiness, inconsistent about regulating offenses, reformist yet not radical enough about the sexual division of labor, pro-labor, mostly but not entirely anti-paternalistic, and a qualified egalitarian. Whether or not you fully agree with Brink's approach and with the conclusions he draws, any Mill scholar and anyone teaching courses on liberalism will profit by reading his truly excellent, even foundational book.

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