Lecture Six: Utility and Justice

The topic of this lecture is one of the most hotly contested in moral and political theory. It is also quite difficult to isolate exactly what is wrong with utilitarian solutions to the problems that critics raise, so this week and next will circle round quite a lot of related but separable issues. Much of today’s lecture is about *aggregative* and *distributive* principles; much of next week’s is about *rights* and the *inviolability of individuals*, and the final lecture explains how that serves as a launch pad for the defence of individual liberty.

**The conflict between aggregative and distributive values**

As so often, Mill sees problems we do not, and we see problems he on the whole did not. Mill’s main concern is to answer the question, ‘Why do the obligations of justice weigh more heavily than all other obligations?’ Ours is to contrast the demands of pure *distributive* principles and the demands of pure *aggregative* principles. Mill’s commitment is to the greatest happiness; this seems to be an aggregative principle. The ‘general’ happiness – the term hemore often uses in $U$ – is not so obviously such. (An ‘air of general cheerfulness’ blurs how much cheerfulness, how many cheerful people shared it, and how evenly it was shared.) The distinction is obvious enough: ‘how many pounds coins are there in this room?’ is not the same question as ‘who has most and who has fewest?’ Broadly, modern writers have been obsessed with *fair* distributions of anything worth having, from health through education to ‘life chances.’ Fairness often implies equality, and may *always* imply some form of equality, if only equality of ‘consideration.’ There may also be some pressure to equality in utilitarianism if some version of diminishing marginal utility is right.

**Can justice be reduced to utility?**

Mill must suppose that it can, otherwise there’d be two distinct moral standards and utilitarianism would not be comprehensive. Many writers think that is what we must settle for – a minimal pluralism of different and perhaps competing values. The question is *how* the reduction is to occur; this is where, to say it again, Mill’s understanding of morality as coercive rules comes in. If all of ‘narrow’ morality is coercive rules backed by social enforcement and internalised sanctions, the rules of justice are more plausibly treated as a subset of the rules of morality generally.

**Mill's understanding of the issues at stake**
As that suggests, what Mill is concerned with is the stringency of the rules of justice. Typically, we think that justice constrains what we may or must do. We also think that justice generates rights, and Mill unsurprisingly thinks just that. Mill’s anxieties about stringency reflect yet again his concern to show that utilitarianism can take seriously all that any other moral theory can take seriously. That is clear enough; the difficulty is perhaps that it is too demanding rather than not demanding enough.

Godwin’s *Political Justice* is the classic text; Godwin thinks that if there were a fire and the choice lay between saving Archbishop Fenelon and his maid, we should save Fenelon even if the maid was our wife, mother or daughter. Much subsequent moral philosophy has been devoted to finding ways of avoiding that result. Mill, oddly, never sees a difficulty – except when arguing against Comte. His anxiety always runs in the other direction: making individuals take the interests of others seriously.

**Mill’s analysis in terms of security**

What is special about justice? Not just that we must do what justice requires; that degree of coercion is involved in all morality. (If this is right, it is partly because ‘narrow’ morality is so close to being a matter of the equitable balancing of interests and the equitable sharing of the costs of maintaining mutually beneficial arrangements.) For Mill, what is crucial is security. Security is the one thing without which nothing else is possible, and it is therefore rightly placed ahead of all other interests. But Mill gets there by a curious route: he starts by listing the various things that count as unjust behaviour – ignoring desert, the unequal distribution of benefits and burdens (though this is only prima facie), the violation of rights; and then concludes that what is special is that an assignable individual has been wronged. This is a good point – being uncharitable is mean but not unjust, not paying our debts is unjust but may not be uncharitable if we give the money to someone deserving instead.

**Mill’s analysis in terms of individual interests**

The question is whether the route from assignable individuals and their interests to the explanation of justice in terms of security is a secure route. The obvious doubt is that justice seems to involve comparative issues while security doesn’t. It is important to be secured against violent attack and murder, but it’s not obvious that being killed is in itself a matter of injustice – thought it certainly violates some rights. And there is the old issue of whether the security of individuals can be wholly squared with the
maximising thrust of \( U \). This is the familiar issue of the rigged trial and the execution of the innocent.

**Is Mill more nearly right than his critics?**

As always Mill is onto many interesting issues, and the approach he takes is more elaborate than most of his critics suppose; but he is also hard to place in 20\(^{th}\) Century terms because he answers different questions. So, there is nothing to draw from Mill about ‘trolley problems,’ Parfit’s ‘repugnant conclusion’ or many other issues; to see what he has in his armoury you need the whole theory – which is why you need his views on rights and his views on liberty to full understand his views on utility.