

The True Justice of Utilitarian Morality

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The ethical theory of Utilitarianism has been criticized for its apparent legitimization of a social structure in which the good of the few may be sacrificed for the good of the many. I would argue that, when understood according to John Stuart Mill's own account, Utilitarianism is not inherently unjust in its goal of pursuing the greatest good for the greatest number. I do not believe that Mill intended that the principle of 'Utility' be used to validate a denial of the good of a minority for the sake of a majority, thereby creating situations of unjust and immoral inequality. On the contrary in fact, Mill has stated:

If it is a duty to do to each according to his deserts, returning good for good as well as repressing evil by evil, it necessarily follows that we should treat all equally well (when no higher duty forbids) who have deserved equally well of us, and that society should treat all equally well who have deserved equally well of it absolutely (Pojman:191)

Mill's parenthetical exception here highlights the Utilitarian proposition that there exist moral duties more binding upon us than that of liberally conceived equality. These more binding duties would include the treatment of people according to how they deserve to be treated, which for Mill is a more 'Just' state of affairs than the equal treatment of everyone merely based on the *a priori* principle of 'Justice as equal treatment'. While it is obviously true that Utilitarianism does not view everyone as equally deserving, I will attempt to demonstrate, as I feel Mill himself did quite effectively, that while Utilitarianism indeed allows for the differential treatment of individuals and their actions this does not in and of itself imply an immoral and unjust enslavement of any minority by a moral majority. Mill noted:

The utilitarian morality does recognize in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good...The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind (Pojman:178)

It has often been charged that Utilitarianism, unlike Kantian Deontology, does not presuppose the inherent value of any and every (rational) being and thus that it fails to avoid the pitfall of treating people, or groups of people, as a means to others ends rather than as ends in themselves. While I will concede that this is a potential failing of an incorrectly applied Utilitarianism, or of any moral theory for that matter, I would argue that it is an unfair and misleading criticism of Mill's intended ideals. I find in Mill's account a uniquely practical and enlightened teleological theory that advances a notion of moral Justice which not only acknowledges the existence of individual differences of character among the people who actually make up a society, but also offers the means of potentially overcoming social injustices which have arisen from our well-meaning if foolish disregard of these differences.

Liberal egalitarians have argued that Utilitarianism, while it recognizes inequality, does not respect the unique rights of various societal groups and leads therefore to unjust structures of social stratification. Mill is able to defend Utilitarianism against this charge by virtue of his implicit belief that everyone has an equal potential and responsibility to pursue the Good of happiness to the best of their ability. The fact that individuals succeed in this pursuit to a greater or lesser degree corresponds to the degree to which social inequalities 'Justly', if unfortunately, exist. Taken this way, Utilitarianism seems to be a theory that is in line with Darwin's Evolution through Natural Selection, with the 'survival of the fittest' in this case being that of the 'most moral'. This point brings us to the common criticism that Utilitarianism is an elitist theory attempting to justify social inequality on the grounds of a moral hierarchy of individuals and groups of people.

While it may appear that this is what Utilitarianism is suggesting, it is my impression that what Mill has proposed is rather that it is everyone's moral right to be ensured, and thus ought to be their legal duty to ensure, that the society is organized in such a way as to encourage an individual pursuit of the Good of happiness that is commensurable with the greatest Good for all. Given the Utilitarian teleology that happiness "is the sole end of human action" and is "desired above all else by sentient beings", Mill means to assert that if such a moral doctrine were instituted there would be no such thing as elitism and thus it would no longer be possible for social injustices to result from moral inequities. He laments that:

The present wretched education, and wretched social arrangements, are the only real hindrance to its [happiness] being attainable by almost all (Pojman:177)

What then is this 'Greatest Happiness' principle, otherwise known as the 'Principle of Utility'? Mill argues convincingly that the highest end to which we can strive is the promotion of pleasure and the avoidance of pain. This 'pleasure/pain' principle itself has been controversial, as some have argued that pleasure is too base or too fleeting an experience to be given the priority position of an absolute Good towards which all our endeavors are directed. Mill refutes such a limited conception of pleasure as being merely hedonistic, insisting that pleasure (or happiness) is a by-product of the fulfillment of our desires and that, furthermore, it is the striving to satisfy our most elevated and virtuous desires which actually affords humanity its highest forms of deep and lasting happiness.

Mill offers a convincing psychological analysis in defense of his assertion that the pleasure derived from the satisfaction of virtuous desires is and should be the *summum bonum* of moral ends. He explains that pleasure is not in fact desired for its own sake, since incessant pleasure will eventually become unpleasurable. The higher pleasures, therefore, are not desired as the means to happiness, but rather happiness is achieved through the experience of those pleasures which are desirable as ends in themselves. Mill observes:

The ingredients of happiness are very various, and each of them is desirable in itself...The principle of Utility does not mean that any given pleasure...or any given exemption from pain...is to be looked upon as a means to a collective something termed happiness, and to be desired on that account (Pojman:182)

Virtue, for instance, because it can be desired for its own sake, is a means to happiness only in that it is an elemental aspect of true happiness. According to Mill, anyone who has experienced the higher pleasures will invariably choose these above such lower pleasures as greed and sexual gratification. This experiential truth is the proof which Mill offers in defense of his 'elitist' implication that everyone ought to pursue the higher pleasures and that society ought to be structured so as to facilitate this goal through proper education and the habituation of virtuous will. He asserts that:

Utilitarian moralists...not only place virtue at the very head of the things which are good as means to the ultimate end, but they also recognize as a psychological fact the possibility of its being, to the individual, a good in itself, without looking to any beyond it; and hold, that the mind is not...in the state most conducive to general happiness, unless it does love virtue in this manner (Pojman:182)

As long as this 'highest Good of happiness' becomes our goal and practice, the intelligent self-interest of individuals, of societies, and of humanity as a whole to strive for this end does not lead toward social inequality or conflict with others, although such effects may at first arise in practice. Utilitarianism, as Mill formulates it, assumes that everyone has a right to the higher pleasures and has the right to the security of a society which expediently defends the possession of that right.

John Rawls has charged that the Utility theory "...may be expedient but it is not just that some should have less in order that others may prosper" (Pojman:631). By opposing 'the just' with 'the expedient', Rawls is here employing the notion of 'Expediency' in one of several ways which Mill acknowledges but also refutes. As Mill would undoubtedly agree with Rawls' admonishment of an expediency which involves the deprivation of the rights of any minority, he calls into question Rawls' assertion that the expediency of the Utility theory is *ipso facto* a threat to its justness. Mill holds that the right to the pursuit of happiness is, or ought to be, both a moral and legal right. "Justice", he contends, "is a name for certain classes of moral rules, which concern the essentials of human well-being...the moral rules [are those] which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom)" (Pojman:189).

Here we can see that Mill does not endorse the restriction of anyone's freedom in the pursuit of the Good of happiness. In fact, he believes that:

The most marked cases of injustice are acts of wrongful aggression, or wrongful exercise of power over someone...wrongfully withholding from him something which is his due...the privation of some good which he had reasonable ground, either of a physical or of a social kind, for counting upon (Pojman:190)

Mill further points out that our sense of Justice (or injustice) is experienced as a "powerful sentiment...resembling an instinct" and is thereby perceived as having "an existence in Nature as

something absolute - generically distinct from every variety of the Expedient, and, in idea, opposed to it" (Pojman:184). He reminds us, however, that despite the fact that human experience demonstrates that subjective instincts are no more and no less valid than the reasonings of the intellect, we are often "predisposed to believe that any subjective feeling, not otherwise accounted for, is a revelation of some objective reality" (Pojman:185). He observes that:

Inasmuch as the subjective mental feeling of justice is different from that which commonly attaches to simple expediency...people find it difficult to see, in justice, only a particular kind or branch of general utility, and think that its superior binding force requires a totally different origin (Pojman:185)

In the context of Mill's Utilitarianism, then, 'justice' and 'general expediency' are not actually opposed but rather the former is simply an aspect of the latter. In order for a doctrine of Justice to be truly Just and generally Expedient, as Mill understands these terms, it must take into consideration the fact that perfect equality is not obtained in any known social structure for the reason that, while they may be so in abstract theory, in practice actions and their agents are not all equally deserving of blame or praise.

Many Ethical theorists, including Rawls, prefer to ignore this practical fact and instead develop their theories based on the hypothetical premise of some impartial, abstract state of initial sameness. In theories such as these there is often no distinction made between 'justice' and 'morality', and thus all morality is seen to be subsumed under a universal Principle of Justice. Since such theories often hold that equality is the essence of justice, and thus of morality, any inequality is seen as necessarily both unjust and immoral. Mill's Utilitarianism, however, draws a very important distinction between justice and morality along the same line with which he divides "duties of perfect obligation" and "duties of imperfect obligation" (Pojman:187). According to Mill, the obligations of justice are those which are perfect duties with correlative rights, while the obligations of morality are imperfect in that they are not absolutely demanded of us or ensured for us by the laws of society. Mill recognizes by this that there exist laws which are upheld as 'Just' by an impartial egalitarian judicial system despite how immoral these laws are seen to be by those for whom true Justice is an expression of a more primary moral principle.

I therefore think Mill is arguing that an impartial morality no longer fulfills the true function of morality which, as he sees it, is to promote progressive social improvement in reciprocity with the nurturance of virtuous character in all individuals capable of such self-improvement. But what of those who are incapable or unwilling? Is a Utilitarian society justified in denying them equal respect for their autonomy in the name of the evolutionary progress of humanity? Mill would certainly answer "no", not because he would allow that Utilitarianism is not a universally applicable morality but instead because he believes that such coercion is unnecessary given the nature of the Greatest Happiness principle. Although he does not account for the autonomous rights of those who are incapable of appreciating higher pleasures, Mill does claim that those who might be unwilling would become willing if their character were cultivated and strengthened in a society which made virtue desirable and then habitual. This kind of self-improvement, for the good of humanity as a whole, is what Mill sees as the necessary goal of any adequate moral standard. The highest virtue, and thus the greatest happiness according to Mill, is to be found among the golden rules of Jesus of Nazareth, in which Mill recognizes "the spirit of the ethics of utility". Mill states:

To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality (Pojman:178)

In light of such ideals as Mill's, how can it be successfully argued that Utilitarianism allows for the scapegoating of minorities or for any unjust treatment of individuals? It has been made clear that under Utilitarian morality, as Mill conceives of it, the very existence of hierarchical stratification and of the resultant social minority is itself immoral and unjust. Mill apparently believes, as do I, that where social equality does not yet actually exist, it is self-defeating and highly immoral to presume it instead of to recognize its absence in order to strive for its actualization. Mill's Utilitarianism calls for the laws of retribution and distribution to be brought into full agreement with those of ethical Utility. This form of moral expediency transcends the injustices of simple expediency by making the Principle of Greatest Happiness the highest end of not only the 'imperfect' moral duties such as benevolence and veracity, but also of the 'perfect' rights and obligations of Judicial law as well. Personally I agree with Mill that a

society thus structured would be not less but more useful, expedient and good for everybody than one which views such betterment of mankind as elitist and idealistic and strives instead to maintain a status quo in which the most noble aspirations are being leveled by a 'justice' of mediocrity.

SOURCE CITED:

Pojman, Louis P. Ethical Theory: Classical and Contemporary Readings, 2nd. Edition. California, U.S.A.: Wadsworth Publishing Company, 1995.