

The Conflict Between Utility and Justice

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November 19, 2018

Introduction

In his 1861 book *Utilitarianism*, John Stuart Mill establishes his doctrine of utility, which he calls the Greatest Happiness Principle. This principle seems to be in conflict with our understanding of justice, insofar as actions made in adherence to the principle of utility often appear to be opposed to what a just action may seem like. Mill recognizes this potential issue with his doctrine and provides discourse on why this seeming incompatibility does not exist in actuality. Thus, he attempts to show that the principle of utility can coexist with justice.¹ However, as I aim to show, Mill's arguments against this idea of justice and utility being incompatible are insufficient and flawed as they cannot uphold a very crucial aspect of justice, that of the rule of conduct.

In this paper, after briefly discussing Mill's principle of utility (the Greatest Happiness Principle) I will establish the relevant definition and elements of justice. I will use Ursula K. Le Guin's story *The Ones Who Walk Away from Omelas* to show why the two might be in conflict. Further, I will try to determine whether Mill's reformulation of justice to overlap with the principle of utility can vindicate his doctrine of Utilitarianism. In conclusion, I hope to prove why Mill's own notion of justice cannot overlap with utility.

¹ Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter V, pp. 384.

Mill's Principle of Utility

Mill's doctrine of Utilitarianism is rooted in his idea of the Greatest Happiness Principle or the principle of utility. This principle is a hedonistic principle of morality, in that it treats pleasure as the greatest good, wherein pleasure is the freedom from all pains of the body and disturbances of the mind, as an Epicurean would conceive of it.²

In describing his principle of utility, Mill says:

The creed which accepts as the foundations of morals "utility" or the "greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.³

With this, Mill asserts that an action would be as good as much it tends to increase happiness, and as bad as they tend to decrease it. As such, this indicates that Mill treats promoting pleasure for the greatest number as something that is good-in-itself. Furthermore, Mill indicates that there are different degrees of much pleasure results as a consequence of any action.⁴

Thus, for Mill, an action in accordance with this principle would be a good action, whereas an action not in accordance with this principle would be a bad action. However, this does not necessarily indicate that a good action by this measure would also be a just action, as there is no inherent overlap between Mill's principle of utility and justice. To explore this dichotomy further, we must first establish a vigorous definition of justice, such that we can determine if utility and justice are compatible or not.

² Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter II 3, pp. 366-367.

³ Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter II 2, pp. 366.

⁴ Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter II 3, pp. 367.

Justice and Elements of Justice

Mill believes that the idea of justice supposes the need for two kinds of things. This includes a set of rules which Mill calls the rules of conduct and an underlying sentiment which sanctions the rule. The first, the rules of conduct, must be common to all mankind and intended for the good of mankind. The underlying sentiment, on the other hand, ensures the desire that punishment should be suffered by those who infringe the rule. This notion of justice applies equally and impartially to all.⁵

Hence, the goal of justice is to uphold a certain set of rules of conduct (such as laws and human rights) such that the underlying sentiment can be protected. As such, an action by a moral agent which violates the rules of conduct is unjust, and ought to be punished to uphold the underlying sentiment. This idea of justice, for Mill, takes the form of a 'perfect duty', wherein it must be acted universally in a certain way, and must be performed regardless of context.

Mill's Interpretation of the Principle of Utility in the Context of Justice

For Mill, if an action violates the rights of any human, it results in a lowering of utility. This violation of rights, even if for the improved pleasure of many others, would indicate that any other human's rights are as susceptible to be violated for the improved pleasure of many others, and cause the loss of security within mankind. Since security is an essential component of pleasure, it must be protected to ensure enhanced utility in society.⁶ As such, an action of this kind would not be utilitarian for Mill.

⁵ Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter V 22, pp. 390.

⁶ Mill, John Stuart. "Utilitarianism." In *Ethics: History, theory, and contemporary issues*, Chapter V 22, pp. 394-396.

In saying that the rules of conduct are rights and laws and that the underlying sentiment is the protection of pleasure, Mill rephrases this notion of justice to equate it to the principle of utility. As a result, he contends justice and utility are not just compatible, but things which require each other to exist as we conceive of them. With this, Mill tries to exhibit that a utilitarian action would always be a just action since it would be in agreement with our definition of justice as it would always protect an underlying sentiment and adhere to the rules of conduct.

The Conflict Between Utility and Justice

Despite Mill's attempt to interpret utility as an essential component of justice, wherein the two prongs of a system of justice act to enhance utility, there still seem to be reasons to believe that utility and justice are conflicting principles.

Consider the scenario from Ursula K. Le Guin's short story *The Ones Who Walk Away from Omelas*: Suppose there exists an idealistic city called Omelas, where people lead happy lives, in the best sense of the word. However, this guarantee of happiness to all the people in Omelas comes from a half-starved, frightened child who must be kept locked up in a dungeon. If the child is rescued or so much as spoken to, the guarantee of happiness of all the citizens of Omelas would no longer stand.⁷

It seems from instances such as this one, that there are some actions which conform to the principle of utility but are still unjust. When thinking about this situation, it hardly seems just to punish a child to ensure the greatest amount of happiness for the rest of the citizens. However, before concluding anything from intuitions, let's examine this from a utilitarian perspective by applying Mill's principle of utility to it.

⁷ Le Guin, Ursula K. "The ones who walk away from Omelas." (1973): pp. 275-284.

Recall that Mill suggests that justice requires a set of rules of conduct, which if broken must be punished to guard the underlying sense of security. As a result, if an action causes the underlying sense of security to decrease among people it would not be compatible with his principle of utility even if it enhances other kinds of pleasure for a greater number. This is used by Mill to justify the compatibility of justice and utility in more familiar scenarios by showing that obeying rules of conduct to enhance the utility for a greater number by denying some rights to the few causes a loss of security in general, which threatens the underlying sentiment that drives justice.

In the case of Omelas, however, Mill's notion of utility applies in a slightly different way. The citizens of Omelas, unlike in most general scenarios, are aware of the condition of the child and what the condition results in for them. Even so, they are aware that this is a condition which cannot be brought upon them in any scenario. Thus, the action of keeping the child in the dungeon does not bring any harm upon the underlying sense of security as Mill conceives of it. Since this action enhances pleasure for a greater number of citizens without threatening the underlying sense of security, this action is compatible with the principle of utility. For Mill, any such action which is compatible with the principle of utility is also a just action.

Why Utility is Incompatible with Justice

Mill maintains that an action which is in conformity with the principle of utility cannot be unjust. However, it seems that in the case of Omelas, the principle of utility leads to the rights of an innocent child to be taken away for the pleasure of a greater number. This is not only intrinsically opposed to what we conceive of justice as, but it also is incompatible with Mill's own definition of justice.

Mill goes one way to show that the action of keeping the child in the dungeon would enhance pleasure for a greater number without threatening the underlying sense of security, thereby showing that it is in adherence to utility. However, we see that the child has done nothing to violate the rules of conduct. As a result, the definition of justice Mill provides suggests that there should be no sentiment which results in a desire to punish the child. In taking this very action, wherein we keep the child in the dungeon to maximize the utility, we take away the rights of an innocent person, hence punishing them. While we are maximizing utility, we are doing so by transgressing the rules of conduct for the child even though it should apply equally to them (as they have not violated any rules of conduct) therefore breaching justice as Mill conceives of it. Taking a utilitarian action in such a case would result in a violation of the rules of conduct by unequal application of justice. As such, it is certain from Mill's definition of justice that this action is unjust. This contradicts Mill's position, as this utilitarian action is not a just action.

We can clearly see from this that there are cases in which justice and utility do not necessarily overlap. While an action taken on the basis of utility may result in a protection of the rights of innocent humans in some cases, it seems that the violation of the rights of the few when not recognized, or when having no effect on the rights of the greater number, is acceptable within a utilitarian system. From Mill's own idea of justice applying equally and impartially to all, such actions would not be just, as the rules of conduct are not upheld equally.

From this, we can conclude that there is not a complete overlap between the notion of justice Mill describes and the principle of utility. This results in actions which are in accordance with the principle of utility sometimes being unjust actions, which shows the incompatibility between the two principles.