

A critical analysis of js
mills attempt to
ground justice in
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Mill sets out to explain the concept of justice in terms of Utility. Utility is a measure of the rightness of a particular action in terms of its tendency to produce happiness. Utilitarianism is, thus, a moral theory which rates the happiness of each individual as equally important and the aggregate happiness of all individuals involved as the basis of morality.

Outline of Mill's Argument

Initially, Mill establishes that it is often argued what is useful and leads to the greatest happiness may also lead to injustice. In this way it is often thought that the idea of utility can conflict with ideas of justice. Justice is taken as a more powerful binding force than usefulness because, as Mill concludes, it carries with it the feeling that punishment should occur if an injustice is done. Expediency, on the other hand, carries no such sanction.

The feeling that injustice warrants punishment is common to all forms of morality. Therefore, Mill distinguishes these other forms of morality from justice through the idea of perfect duty. Justice involves people's rights, whereas the rest of morality involves no rights. Therefore, if someone does not have a right to something then violation cannot be unjust, though it can be immoral.

Individuals hold rights as very important and something society should defend, because they tie in with our need for security. It is the strength of this need for security that makes us rate justice above utility. As noted by Mill, "the feelings concerned are so powerful that right and should grow into must". Justice is itself ultimately grounded in utility. Happiness and

utility rely on the rights of each individual being protected, thus, justice protects each individual's happiness.

Justice and the "Ambiguous Internal Oracle"

In endeavouring to ground justice in utility Mill puts forward two essential arguments. Firstly, he sets out that all moral components to the idea of justice depend upon utility. Secondly, Mill sets out that if justice were indeed independent of utility and able to be ascertained "by simple introspection of itself" then this "internal oracle" would not be "so ambiguous". Essentially, Mill contends that if the "dictates of justice" are so "immutable, ineffaceable and unmistakable" then "on questions of justice there could be no controversy". Mill then goes on to exemplify the extreme "difference of opinion" on what is just in relation to theories of punishment, taxation methods and distribution of income.

Given that justice is so "ambiguous" when left to "simple introspection" and all opinions, from each individual's "internal oracle", are "extremely plausible" ...so long as the question is argued as one of justice simply" even when opinions oppose each other, Mill concludes that "from these confessions there is no other mode of extrication than the utilitarian". Mill contends that utility offers the best resolution for these conflicts in rights claims.

Here Mill establishes justice as an alternative "independent standard" to utility to show that utility is not opposed to justice and conflicting moral reasoning but, in fact, utility provides a means of procedure for resolving

such conflicts. In fact, Mill sets out that Utilitarianism is the only rational procedure where such moral conflicts arise.

Through example Mill sets out varying situations in which justice is at pains to give accurate guidance and is capable of supporting all sides, where each side “ builds upon rules of justice confessedly true” . However, there may be situations where justice, as an “ internal oracle” , is unambiguous or the utilitarian approach will lead to a wholly unjust and unpalatable resolution for all “ reasoners” involved.

It is noted that “ many devices have been invented to turn rather than to overcome” these conflicts, such as “ the freedom of will” and “ the fiction of a contract” . Here Mill is completely discounting such methods for decision making where rules conflict, even though they provide perfectly rational alternative bases for decision making procedure.

Justice and Security

Mill’s argument centres on the important question of why justice is of more importance than other moral obligations. What is it that distinguishes justice “ from moral obligations in general” ? The fact that we are obligated to do what justice requires is important, but fails to separate it from other forms of morality.

It is concluded that what is special about justice, distinguishing it from other forms of morality, is the existence of an assignable “ definitive individual or individuals to who harm has been done” . Justice is, therefore, contingent upon “ some individual person” who can “ claim from usÐ’...his moral right” .

Mill comes to this conclusion, distinguishing justice from other morality, by first exemplifying what can be classified as unjust behaviour, such as “ depriving a person of a possession, or in breaking faith with him” . Then, he draws the conclusion that the distinguishing feature is an assignable individual.

Mill follows on from explaining the special nature of justice through an assignable individual to explain “ the extraordinarily important...kind of utility which is concerned” in terms of security. For Mill, security is the “ most vital of all interests” and the “ most indispensable of all necessities” , for if utility cannot “ convey a sufficient feeling of the strength of the obligation” , then this is because of security, which lies at the heart of the special kind of utility concerned.

Here Mill takes “ the route from assignable individuals and their interests to the explanation of justice in terms of security” . Such a path is tenuous. This is because the idea of justice involves “ comparative issues” that security does not. Individual security, for example, is important, but violation of such security does not necessarily equate to injustice, although certain moral rights will be violated. The security of a single individual cannot necessarily be “ wholly squared” with maximising aggregate utility.

Equality and Impartiality

Mill sets out that the “ highest abstract standard...of justice” requires “ returning good for good” and treating “ equally well... (All) who have deserved equally well”. Each individual’s interest must be given equal

weighting in the determinations of society. Mill then goes on to state that <https://assignbuster.com/a-critical-analysis-of-js-mills-attempt-to-ground-justice-in-utility-essay-sample/>

this is “ a direct emanation from the first principle of morals”. However, utilitarianism requires equal consideration but “ does not imply equality in any other sense” . Maximising aggregate utility may require extreme inequality in societal policy. Such inequality is by no means against the first principle of morals, as the utility principle “ does not itself directly require equality” . However, the “ secondary principles of morality’...may’... require equal shares” .

Impartiality is an important element of Mill’s attempt to ground justice in utility. It is set out that impartiality is an “ obligation of justice” involving being “ exclusively influenced” by relevant considerations, in a given case, and resisting other motives. For Mill, impartiality is “ allied to the idea” of equality, and involves treating like cases equally except where there is a conflict with some higher moral duty.

In order to be maximised, utility relies upon individual impartiality to be maintained. Mill’s utility functions best when objectivity is maintained and people avoid showing “ favour or preference to one person over another” in their efforts to maximise aggregate utility. Given the importance of impartiality and equality to Mill’s argument, he must establish an adequate basis for individuals acting in such a manner.

Mill contends, and his theory of utilitarianism is contingent upon, each individual is good natured and steadfastly ethical in their behaviour. Such good nature is motivated by a fear of other peoples judgements, inner conscience and the dissatisfaction said conscience feels when one fails to commit to utility. In arriving at such a point, Mill makes assumptions about

individual's morality, inner conscience and instincts that are not necessarily true and difficult to verify.

The utilitarian theory Mill is seeking to ground justice in does not rate any one individual's happiness over any other. The distribution of utility is, therefore, most efficient if done evenly. If one was to go about distributing utility, or happiness, unevenly to certain groups of individuals then this would go against the basis of utility, which rates all happiness equally. The laws of utility, therefore, make it intrinsically impartial.

Conclusion

Mill sets out that utilitarianism and justice have long been thought incompatible. Mill sets about grounding justice in utility through the advancement of overall wellbeing and happiness.