**Mill, *Utilitarianism* Chapter 5**

PHIL 230, Fall 2014

**Chapter V: Justice and Utility**

Questions addressed in this chapter

1*. Is utilitarianism capable of accounting for moral judgments of about what is just/unjust?*

-- some people think rules about justice must rest on different grounds than happiness, because they seem so important and inviolable

-- Mill: Yes, utilitarianism can give an account of rules of justice that grounds them in utility, and that can also explain why we think they’re inviolable

*2. Would utilitarianism allow for people to act unjustly if that would produce more happiness in a group overall?*

-- Another way to think of this question: utilitarianism seems to focus on the sum total of happiness and not its distribution—would it be permissible to allow some people to experience great pain to produce more happiness for a greater number?

-- Mill’s answer in this chapter: No, not if the infliction of great pain was against justice

3. *What differentiates (a) morality from prudence, and (b) justice from the rest of morality?*

-- The principle of utility can be used to measure both morality and what it would be good for people to do but that we wouldn’t say they morally ought to do

-- When, then, should we say something is a moral duty?

-- And are all moral duties duties of justice, or are there some that are not?

**To start looking at the third question, distinguish a few things:**

1. morally obligatory: actions that must be done; if one does these one is acting morally rightly; if one does not, one is acting morally wrongly.

-- examples, in your view?

2. morally prohibited: what must *not* be done; if one does not do this, one is acting morally rightly; if one does do it, one is acting morally wrongly.

-- examples, in your view?

3. morally permitted or optional: what can be done without acting morally wrongly, but that is not required/obligatory (so also not acting morally wrongly if you don’t do it).

-- part of this: supererogatory (above or beyond duty): what is morally praiseworthy to do, but not required. Not acting morally wrongly if you don’t do it, but also not just neutral if you do—morally praiseworthy

-- examples of supererogatory?

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| **Morality** | **Prudence or Expedience** |
| • What would promote general happiness, that individuals should be *compelled* to do or avoid (punished if they don’t, by law, opinion, or conscience) (22)  • This separates what is our moral duty from what is not: what is morally obligatory and what is morally prohibited  • Whether or not we should compel people to do or avoid acts depends on utility—would the general happiness be promoted if we did so? | • What would promote general happiness, for self and/or for a group, that individuals *should not be compelled to do* or punished if they don’t  • Compelling people to do these things would produce less happiness overall  • Things that we “like or admire [people] for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do” (22)—not a matter of moral obligation |

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| **Morality** | |
| **Justice** | **The rest of morality** |
| • Duties of perfect obligation: must always do or refrain from doing. Can’t choose when/how to perform them and when/how not to (22).  • Moral obligation that a particular individual can claim as a “right”; involves a harm to particular person(s) and demand for punishment/protection from society (23).  • What counts as a right? Depends on utility: what would promote general happiness for society to protect (23)  • Rules of justice have to do with rights b/c defend security, something no one can do without; “more vital to human well-being” than other moral rules (24)  • | • Duties of imperfect obligation: “though the act is obligatory, the particular occasions of performing it are left to our choice” (22).  • Moral obligation that no particular individual can claim as a “right”; obligation that you do have to do, but not towards any particular person or at any particular time, nor towards all people at all times (unlike justice) (22).  • e.g., “Generosity” or “beneficence”: “No one has a moral right to our generosity or beneficence, because we are not morally bound to practice those virtues towards any given individual” (22)  • Not maximizing? Others do not have a right to “all the good we can do them” (23) |

**Supererogatory?**

Means: morally praiseworthy, but optional (not wrong if you don’t do the action, not obligatory).

But since morality for Mill means what can be compelled (and so obligatory; you’re acting morally wrongly if you don’t do it), then perhaps Mill doesn’t, strictly speaking, have a category of the supererogatory.

-- Even charity/generosity is a moral obligation (not optional) such that you’re wrong if you *never* do it (though you have a choice as to when/for whom).

**Questions 1 and 2, above:** Can utilitarianism account for rules of justice, and would utilitarianism allow some to be treated unjustly in order to produce more happiness for others?

1. Utilitarianism can ground rules of justice—they, like other moral rules, are grounded in utility, in what promotes the general happiness.

-- as described in above chart

-- they *feel* to many like they’re entirely different sorts of rules than what promotes happiness, because of the very crucial interest they protect: security

2. It is not permissible to treat people unjustly in order to promote the general happiness (or, since justice has to do with rights, to violate their rights)

a. rules of justice are so important to human well being that they are, in one sense, inviolable (no exceptions)

-- “Justice is a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life” (24).

-- unlike other moral rules, in which you can choose when/towards whom to perform the action, rules of justice tell you what is morally obligatory and morally prohibited—what you must and must not do to anyone.

b. however, in another sense, there are still exceptions to rules of justice:

-- “particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice” (25)

-- “In such cases, … we usually say, not that justice must give way to some other moral principle, but that what is just in ordinary cases is, by reason of that other principle, not just in the particular case. … [In this way], the character of indefeasiblity attributed to justice is kept up, and we are saved from the necessity of maintaining that there can be laudable injustice” (25).

-- e.g., to save a life may need to steal food or medicine, or kidnap a doctor

c. when, then, do we say that what would otherwise be just/unjust doesn’t apply in a particular case?

-- just because it would produce greater utility in that case to go against what would otherwise be a rule of justice?

-- if so, then the principle of utility is at the base of all decisions and it would seem permissible to go against rules of justice whenever the general happiness would call for it—so the objection to utilitarianism given above would still hold

d. or, do we go back to the principle of actions being moral/immoral based on what we think people should be compelled to do?

-- in which case the reason why sometimes it is not unjust to steal or kidnap is because it wouldn’t produce the general happiness to punish such actions in such situations

-- so what would promote the general happiness to punish/compel would decide when rules of justice apply or not? Mill isn’t clear I think…