

# Justice and Ethics

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## 1 Introduction

Utilitarianism is an ethical system. John Stuart Mill's use of Utilitarianism to determine what is just and what is injustice may seem natural, but I will argue that the relationship between justice and ethics and the role that Utilitarianism might play in the development of ideas of justice is more complicated than it initially appears. Despite these difficulties, Utilitarianism's consequentialist stance offers tantalizing possibilities for uniting the two, as I think Mill believed they were. The same claim cannot be easily made for either libertarianism and egalitarian liberalism.

The relationship between justice and ethics in Utilitarianism is far too extensive for a paper of this size. I will confine my discussion to the arguments in chapter two of On Liberty, "On the Liberty of Thought and Discussion." These arguments are fundamental to Mill's views, and the arguments in all of the other chapters rest on it. Individuality and limitation on societal influence (the topics of Mill's next two chapters) are respectively impossible and irrelevant if not for the liberty of opinion.

My purpose is not to argue against Mill's conclusions as much as it is to explore how his assumptions and the course of his argument shed light on this distinction between ethics and justice. Specifically, I will look at the following areas:

1. Mill's justification for the use of the principle of utility (a fundamentally ethical principle) for the development of a system of justice.
2. The argument that the just society must be ethically competitive, with a variety of opinions at different levels of ethical understanding.
3. Mill predictions for the future of ethics and justice, wherein the most important feature of his system of justice, the free discussion of opinions, is bound to become extinct.

## 2 Attempts to Define Ethics and Justice

First, I need to motivate the following discussion by arguing that the ordinary understandings of what it is that ethics and justice study are incomplete, as are the understandings of how these two interact.

Easton's 1897 Bible Dictionary defined justice succinctly as "rendering to every one that which is his due," whatever that due may be. Webster (7th ed) defines ethics as "the discipline dealing with what is good and bad and with moral duty and obligation," or more simply in the 1913 edition, "the science of human duty."

one understanding of these definitions is that justice is about situations (consequences) while ethics is about actions. People are owed things in situations where they do not have what they deserve. The only meaningful way that people have duties is as active entities— people in relation to time, not in relation to others (as it is with justice). However, the actual assumptions commonly used in theorizing about each throws this distinction into question. Libertarianism, though a system of justice, disregards situations in themselves, defining justice instead by means of just transactions. Utilitarianism, as an ethical system, uses only the consequences of an action as the grounds for determining its rightness, allowing the same action to "turn out" good or bad depending on unpredictable interactions.

The distinction between justice and ethics also cannot be put simply in terms of scale. The

claim that ethics concerns itself with an individual, or with the interaction between people from the context of an individual, while justice is about societal structure and public conduct, is unsatisfactory. An individual can act justly, by rendering to another his due, without any interference from his state. A society can enact an unethical law by creating a law which requires that one not do that which the laws of ethics say what one has a duty to do.

Finally, it is conceivable that justice and ethics most properly are identical. There are simple cases, however, which call this view into question.

Consider the ethical rule that it is wrong to torture human beings, a rule one would expect to find legislated into any just system. However, when the human that is being tortured is identical to the human doing the torturing, that is in the case of self-torture, it is possible that the situation is no less wrong, but completely just.

Negative wrongs, evils of inaction, also find different responses to ethics and justice. A wealthy monopolist is found to have so much money that he could solve all of the worlds hunger problems without significantly decreasing his own standard of living. It may be just that he sit on the wealth that he has earned, but the results are difficult to justify ethically.

To take an example from Utilitarianism, consider the situation in Ursula LeGuin's short story "The Ones Who Walk Away from Omelas," where a single child is tortured for the good of society. The child has done nothing to be put in that situation, and there is no justice in its lot in life. However, by utilitarian principles, such a sacrifice, if it is possible, is a moral imperative.

At least these ideas of the relationship between justice and ethics (and the true meaning of each in themselves) leave the matter open for debate. My understanding of the terms is similar to the definitions at the top of this section, and I will assume those definitions here, but what those definitions actually mean is the question I want to explore.

### 3 The Genesis of Justice and Ethics

Justice and ethics may be found to derive from the same doctrine as our understanding of them reaches completion, but for the time being, they are very distinct. However, in developing his system of justice in On Liberty, Mill uses utilitarian ethics to justify all of his liberties. This suggests that Mill thinks that either the two are identical, or that their relationship consists of right ethical codes spawning right systems of justice.

The opposite view also appears conceivable. Right justice is the conditions under which (among other things) the study of ethics can evolve. All philosophical discussions have necessary prerequisites. These include language, that both parties understand the words used in general; logic, that it is possible for truths to contradict other truths and imply other truths; and meaningful purpose, that discussion of the topics has the potential to produce changes outside of the conversation. Discussions on any topic also require the liberty of discussing that topic, or at least the absence of enforcement against its discussion. Mill warns against “the baneful consequences to the intellectual, and through that to the moral nature of man, unless this liberty is conceded, or asserted in spite of prohibition” (64). The proper liberties given under a system of justice are prerequisites for allowing ethics to progress into new areas and take new forms. A system of ethics cannot precede a system of justice.

Moreover, ethical judgments, except when instantiated into laws or social pressures, need have no bearing on the development of justice. A system of justice may allow for any number of ethical systems. However an ethical system, if strongly enacted, displaces justice, and if weakly enacted, has no bearing on the justice of situations.

I believe that the relationship is more complicated, and consists of both of these effects. Any statement of allowance or liberty must be based on ethical assumptions if it is to apply to the world. For example, consider Mill’s first claim of liberty. Mill notes that in all realms of human knowledge, and foremost in ethics, our “knowledge” is insecure, incomplete, and

based on biased understandings. Mill's presumptions are that more complete knowledge of moral duties results in greater happiness (which is the fundamental good). Without this ethical assumption, this implies nothing in the realm of action. Our knowledge of ethics is faulty, but that is not necessarily worse than the alternative (ignorance is bliss), and has no inherent obligation for its own fixing. Moreover, any system of justice is a kind of enforcement of morality, because what is liberty to one may be a violation of another's actions. It may be a natural violation, such as the liberty of life taking away others right to kill, but it nonetheless a restriction on people.

This seems to contradict the above idea that justice precedes ethics, and it is this conflict with which I am most concerned.

## 4 Conflicting Goals of Ethics and Justice

The second point of confusion that I want to address is Mill's description of the progress of ethics on a societal and a personal level. As time passes, Mill claims that "the number of doctrines which are no longer disputed or doubted will be constantly on the increase" (50). In other words, mankind's understanding of right and wrong will improve. This improvement is an ethical good. Oddly, this prospect does not seem to appeal to Mill as a good of justice. The reason for this lies in Mill's belief that self-improvement is an ultimate good.

Mill's overarching claim is that "we can never be sure that the opinion we are endeavoring to stifle is a false opinion; and it we were sure, stifling it would be an evil still" (21). Mill's arguments are to show that discussions of ethics have meaningful purpose. Specifically, Mill argues that the discussions and the potential for these discussions is useful: it will make people ultimately happier and more fulfilled. Specifically, it will do so not only for the people in the discussion, but also for all those who live in the context where such discussions are possible.

For Mill, the meaningful purpose of discussion is found in the *state* that results from the *means* of the discussion, not a state that results from its ends. The result of discussion, Mill thinks, is progress— the more complete and truer understanding of the universe. However, potentially at least, this end improves the happiness and improvement of others not at all. Improvement is an individual process which is gleaned from engaging in challenging discussion.

This argument only makes sense when self-improvement is an ultimate good. For Mill it is because self-improvement is the mechanism for becoming capable of experiencing higher quality pleasures. Higher quality pleasures are found in the pursuit of those things which engage the human capacities. Opinions “received” from others, such that the receiver has only cursory knowledge of the motivations for the idea, are essentially useless. In a sense, such receivers do not know the opinion at all, because they have not been changed by it.

If everyone were a true utilitarian, in that each pursued the highest quality pleasures he was aware of, each decided his actions based on what would improve the happiness of everyone around him, Mill would believe that his ideas on justice had in part failed. If everyone is a Utilitarian, debate and conflict between ethical systems would be impossible. Meaningful discussion would become impossible, and it is in meaningful discussion that Mill thinks good is found.

## 5 The Future of Justice

All this meaningful purpose for discussions produces another problem. As discussion ensues among people who are “do[ing] their utmost” to defend their views, people’s natural aversion to conflict will encourage them to come to agreement (43). Over time, Mill argues, the diversity of opinions will slowly disappear. Mill furthermore warns that “teachers and learners go to sleep at their posts, as soon as there is no enemy in the field,” but it is exactly this perception of an “enemy” in the other opinion which will both fuel and then extinguish the

arguments Mill holds so dear (49). That is, the future holds a victory of ethics, and in that the fall of the system of justice as described by Mill.

It has been said that justice is a kind of translation of ethics into practice. Whereas ethics may concern ideals, justice is supposed to be directly tied to implementation. How then, in Mill's view, is the argumentative, suboptimal state to be maintained, if it is to be maintained? Note that I believe Mill ultimately decides that its maintenance is not of the utmost importance, but he discusses the issue at length. One solution that Mill mentions is to say that as time goes on, conflicts will be resolved, but other conflicts will remain. This solution, however, is unsatisfactory because it will make the truths so opined less distinct, because lost will be "the clearer perception and livelier impression of truth, produced by its collision with error" (21).

Another option for maintaining what I have called the suboptimal state of justice is by stifling some true opinions. Under Mill's Utilitarianism, perhaps it can be good to place a false belief in the place of a true one if people acting under the false belief are happier, and particularly if it causes them to engage in more meaningful discussion.

However, Mill has an additional assumption about how knowledge in the world works: that although it can be difficult to grasp any piece of the stuff which forms human knowledge, together all that stuff forms a coherent whole. By this, it is impossible to stifle even one truth without a thinker being constrained in their pursuit from "follow[ing] his intellect to whatever conclusions it may lead" (40). In other words, one cannot fence off one realm of knowledge without obstructing the roads through the rest of it. If one opinion is not taken, others with reflections of its truth must be.

Mill refuses any of these options to save his system of justice. I believe the reason he does this is because of the following understanding of the relationship between justice and ethics, which is implied by each of the interactions I have discussed in this essay. The simplest

terms of this solution is to write it mathematically, as a set of differential equations:

$$\begin{aligned} Justice(t) &= f(Ethics(t)) \\ \frac{\partial Ethics}{\partial t} &= g(Justice(t)) \end{aligned}$$

(These equations are meant to be a conceptual aid, not a mathematically precise, predictive mechanism). In words, the state of justice is determined by the state of ethics. However, the improvement of the state of ethics— its progress toward a more complete understanding of good and evil— is a function of the level and completeness of justice. According to this understanding, any progress made in ethics may be made to any of the systems held by individuals pursuing ethical progress, and the ethics which determines justice is most properly a synthesis of the truths found in all concurrent ethical systems.

The confusion arises from assuming that the justice/ethics interaction is taking place on a society level, which Mill denies. The reason that society level solutions to these problems do not work is not because of society level complications. These solutions do not work, as above, because the true conflict takes place within each individual.

Mill believes that good is found in self-improvement, on an individual level. Applying similar mathematical intuition as before,

$$\begin{aligned} Self - Improvement &= h\left(\frac{\partial Ethics}{\partial t}\right) \\ &= h(g(Justice)) \end{aligned}$$

In other words, the greater the level of justice, the greater the potential for self-improvement.

In summary, the following points are difficulties in Mill's understanding of the interactions between ethics and justice: First, ethics is not only a foundation of justice, because justice is equally fundamental as a foundation for ethics. Second, Mill holds a concept of justice which undermines its own ethical foundation, and in which the very undermining is justified by means of undermined ethical code. Third, Mill's concept of justice seems impossible to



implement in a way which results in a society which can maintain that sense of justice. However, when one realizes that justice is a foundation for the *improvement* of ethics and that Mill's interest is in *discussion*, not its results, then a clearer picture arises, of justice as the direct foundation for self-improvement, jointly an ultimate good.