Utilitarianism

JOHN STUART MILL

1806–1873

Utilitarianism

The 1863 text

Rendered into modern English with AI (Claude) and edited



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Utilitarianism · John Stuart Mill (1806–1873)

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INTRODUCTION

What makes an action right? John Stuart Mill's answer, in *Utilitarianism* (1861, as a book 1863), is that actions are right as they tend to promote happiness and wrong as they tend to produce the reverse — the "greatest happiness principle."

Mill defends the principle against its critics: that it is a philosophy fit only for swine (some pleasures, he replies, are higher than others: "better to be Socrates dissatisfied than a fool satisfied"), that it is too demanding, or that it leaves no room for justice. His long final chapter argues that justice is the name for the most important and binding kinds of social utility.

It is still the most widely read defense of utilitarian ethics. The right-hand column is Mill in lightly modernized English; the left is his original text.

Chapter I

General Remarks
Mill laments the lack of agreement on the foundation of morality and sets out what he will try to prove.

1.1 Few features of the present state of human knowledge are more unlike what we might have expected, or say more about how backward our thinking on the most important subjects still is, than how little progress has been made in settling the dispute over the criterion of right and wrong. From the dawn of philosophy, the question of the *summum bonum*—or, what amounts to the same thing, of the foundation of morality—has been considered the central problem of speculative thought. It has occupied the most gifted minds and divided them into sects and schools, waging vigorous war on one another.[1] And after more than two thousand years the same debates go on. Philosophers are still lined up under the same rival banners, and neither thinkers nor humanity at large seem any closer to agreement on the subject than when the young Socrates listened to the old Protagoras and defended (if Plato's dialogue is based on a real conversation) the theory of utilitarianism against the popular morality of the so-called sophist.[2]

1.2 It is true that similar confusion and uncertainty—and in some cases similar disagreement—surround the first principles of all the sciences, not excluding the one considered most cer-

1 *Summum bonum*: Latin for "the highest good."
2 Plato's *Protagoras*, in which Socrates argues that the good life rests on correctly measuring pleasures and pains. Protagoras (c. 490–420 BC) was the most famous of the sophists, paid teachers of rhetoric and virtue.

tain of all, mathematics. Yet this does little to weaken, and usually does nothing at all to weaken, the reliability of those sciences' conclusions. The explanation of this apparent anomaly is that the detailed doctrines of a science are not usually deduced from what are called its first principles, nor do they depend on them for their evidence. If they were, no science would be more precarious, or have conclusions less adequately established, than algebra. Algebra draws none of its certainty from what are usually taught to students as its elements, since these, as some of its most eminent teachers present them, are as full of fictions as English law and as full of mysteries as theology. The truths finally accepted as the first principles of a science are really the last results of a metaphysical analysis of the basic notions the science deals with. Their relation to the science is not that of foundations to a building but of roots to a tree: roots can do their job just as well even if no one ever digs down to them and exposes them to the light. But though in science the particular truths come before the general theory, we might expect the opposite with a practical art such as morals or legislation. All action is for the sake of some end, and it seems natural to suppose that rules of action must take their whole character and coloring from the end they serve. When we set out after something, a clear and precise idea of what we are pursuing would seem to be the first thing we need, not the last thing we can hope for. A test of right and wrong, one would think, must be the means of finding out what is right or wrong, not a consequence of having already found it out.

1.3 Appealing to the popular theory of a natural faculty—a sense or instinct that tells us what is right and wrong—does not get around the difficulty. For besides the fact that the existence of such a moral instinct is itself one of the points in dispute, those of its believers who have any claim to be philosophers have had to give up the idea that it perceives what is right or wrong in the particular case at hand, the way our other senses perceive the sight or sound actually in front of them. According to all its interpreters who deserve to be called thinkers, our

moral faculty supplies us only with the general principles of moral judgment. It is a branch of our reason, not of our senses, and we must look to it for the abstract doctrines of morality, not for a perception of morality in concrete cases. The intuitive school of ethics insists on the need for general laws no less than what might be called the inductive school does. Both agree that the morality of an individual action is not a matter of direct perception but of applying a law to an individual case. To a large extent they also recognize the same moral laws, but they differ about the evidence for them and the source of their authority. On one view, the principles of morals are evident *a priori*: nothing is needed to win our assent except that we understand the meaning of the terms. On the other view, right and wrong, like truth and falsehood, are questions of observation and experience. But both hold equally that morality must be deduced from principles, and the intuitive school affirms as strongly as the inductive that there is a science of morals.[3] Yet they rarely try to draw up a list of the *a priori* principles that are to serve as the premises of that science, and still more rarely do they make any effort to reduce those various principles to one first principle, or common basis of obligation. Either they assume that the ordinary precepts of morality have *a priori* authority, or they set down as the common foundation of those maxims some generality that is much less obviously authoritative than the maxims themselves, and that has never managed to win popular acceptance. Yet to back up their claims, there ought to be either one fundamental principle or law at the root of all morality or, if there are several, a definite order of priority among them. And that one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident.

1.4 To ask how far the bad effects of this deficiency have been softened in practice—or how far humanity's moral beliefs have been corrupted or made uncertain by the lack of any clear recognition of an ultimate standard—would require a complete survey and critique of past and present ethical doctrine. It

3 *A priori*: known independently of experience, by reason alone.

would be easy, however, to show that whatever stability or consistency these moral beliefs have achieved has been mainly due to the silent influence of a standard no one acknowledged. The lack of an acknowledged first principle has made ethics less a guide than a way of sanctifying the feelings people already have. Still, people's feelings—of approval and of aversion alike—are strongly influenced by what they believe to be the effects of things on their happiness. So the principle of utility, or, as Bentham later called it, the Greatest Happiness Principle, has played a large part in shaping the moral doctrines even of those who most scornfully reject its authority.[4] Nor is there any school of thought that refuses to admit that the effect of actions on happiness is a highly important, even a predominant, consideration in many of the details of morality—however unwilling it may be to acknowledge that effect as the fundamental principle of morality and the source of moral obligation. I could go much further and say that utilitarian arguments are indispensable to all those *a priori* moralists who think it necessary to argue at all. It is not my purpose here to criticize these thinkers, but I cannot help referring, as an illustration, to a systematic treatise by one of the most illustrious of them: Kant's *Metaphysics of Ethics*.[5] This remarkable man, whose system of thought will long remain one of the landmarks in the history of philosophy, does, in the treatise in question, lay down a universal first principle as the origin and ground of moral obligation. It is this: "Act so that the rule on which you act could be adopted as a law by all rational beings." But when he starts to deduce any of the actual duties of morality from this precept, he fails, almost grotesquely, to show that there would be any contradiction—any logical (not to mention physical) impossibility—in all rational beings adopting even the most outrageously immoral rules of conduct.[6] All he shows is

4 Jeremy Bentham (1748–1832), English philosopher and legal reformer, founder of modern utilitarianism and a mentor to Mill in his youth.

5 Immanuel Kant (1724–1804), German philosopher. The principle Mill quotes next comes from the work now usually called the *Groundwork of the Metaphysics of Morals* (1785).

6 Mill's paraphrase of Kant's "categorical imperative."

that the *consequences* of their universal adoption would be such as no one would choose to bring on themselves.

WHAT KIND OF PROOF IS POSSIBLE

Mill says ultimate ends cannot be proved directly, but reasons can still sway the intellect.

1.5 On this occasion, without discussing the other theories any further, I will try to contribute something toward understanding and appreciating the Utilitarian or Happiness theory, and toward such proof as it admits of. Clearly this cannot be proof in the ordinary, popular sense of the word. Questions about ultimate ends cannot be proved directly. Whatever can be proved to be good must be proved so by showing that it is a means to something accepted as good without proof. The art of medicine is proved to be good by its contributing to health; but how is it possible to prove that health is good? The art of music is good because, among other reasons, it produces pleasure; but what proof can be given that pleasure is good? If, then, someone asserts that there is a comprehensive formula covering all things that are good in themselves—and that whatever else is good is good not as an end but as a means—the formula may be accepted or rejected, but it is not a subject for what is commonly understood by proof. We should not conclude, however, that accepting or rejecting it must depend on blind impulse or arbitrary choice. There is a broader meaning of the word "proof" in which this question is as open to proof as any other disputed question in philosophy. The subject falls within the scope of our reason, and reason does not deal with it solely by intuition. Considerations can be presented that are capable of leading the intellect either to give or to withhold its assent to the doctrine, and this is equivalent to proof.

1.6 We will examine shortly what kind of considerations these are, how they apply to the case, and therefore what rational grounds can be given for accepting or rejecting the utilitarian formula. But a precondition of accepting or rejecting it ration-

ally is that the formula be correctly understood. I believe that the very imperfect idea people ordinarily have of its meaning is the chief obstacle to its acceptance, and that if it could be cleared of even the cruder misconceptions, the question would be much simplified and a large share of its difficulties removed. So before I try to go into the philosophical grounds that can be given for accepting the utilitarian standard, I will offer some illustrations of the doctrine itself. My aim is to show more clearly what it is, to distinguish it from what it is not, and to dispose of those practical objections to it that either arise from, or are closely tied to, mistaken interpretations of its meaning. Having prepared the ground in this way, I will then try to shed what light I can on the question considered as a matter of philosophical theory.

Chapter II

What Utilitarianism Is
Mill states the greatest happiness principle, distinguishes higher and lower pleasures, and answers common objections.

2.1 The ignorant blunder of supposing that those who defend utility as the test of right and wrong use the word in the narrow, merely colloquial sense in which utility is opposed to pleasure deserves only a passing remark. The philosophical opponents of utilitarianism are owed an apology for even the momentary appearance of lumping them together with anyone capable of so absurd a misconception. The misconception is all the more extraordinary because the opposite accusation—of reducing everything to pleasure, and pleasure in its crudest form at that—is another of the common charges against utilitarianism: and, as one able writer has pointedly remarked, the same sort of people, and often the very same people, denounce the theory "as impracticably dry when the word utility precedes the word pleasure, and as too practicably voluptuous when the word pleasure precedes the word utility." Anyone who knows anything about the matter knows that every writer from Epicurus to Bentham who upheld the theory of utility meant by it not something to be contrasted with pleasure, but pleasure itself, together with freedom from pain. Instead of opposing the useful to the agreeable or the ornamental, they have always declared that the useful includes these, among other things.[1] Yet the common herd—including the herd of writers, not only in newspa-

1 Epicurus (341–270 BC), Greek philosopher who taught that pleasure, understood as tranquility and freedom from pain, is the goal of life.

pers and magazines but in books of weight and ambition—constantly fall into this shallow mistake. Having picked up the word "utilitarian" while knowing nothing about it except its sound, they habitually use it to express the rejection or neglect of pleasure in some of its forms: of beauty, of ornament, or of amusement. Nor is the word misused in this ignorant way only to disparage; occasionally it is meant as a compliment, as though it implied being above frivolity and the mere pleasures of the moment. And this distorted use is the only one in which the word is popularly known, and the one from which the new generation is getting its only idea of what it means. Those who introduced the word, but who for many years had stopped using it as a distinctive label, may well feel called on to take it up again, if by doing so they can hope to help rescue it from this utter degradation.[2]

THE PRINCIPLE STATED

Mill defines the Greatest Happiness Principle and answers the charge that it is a doctrine fit for swine.

2.2 The creed that accepts Utility, or the Greatest Happiness Principle, as the foundation of morals holds that actions are right in proportion as they tend to promote happiness, and wrong as they tend to produce the reverse of happiness. By happiness is meant pleasure and the absence of pain; by unhappiness, pain and the lack of pleasure. To give a clear picture of the moral standard this theory sets up, much more needs to be said—in particular, what things it includes in the ideas of pain and pleas-

2 MILL'S NOTE. The author of this essay has reason to believe he was the first person to bring the word "utilitarian" into use. He did not invent it but adopted it from a passing expression in Mr. Galt's *Annals of the Parish*. After using it as a label for several years, he and others gave it up, out of a growing dislike of anything resembling a badge or slogan of sectarian identity. But as a name for one single opinion, not a set of opinions—to denote the recognition of utility as a standard, not any particular way of applying it—the word fills a gap in the language and in many cases offers a convenient way to avoid tiresome roundabout phrasing.

TRANSLATOR'S NOTE. John Galt (1779–1839), Scottish novelist; *Annals of the Parish* appeared in 1821.

ure, and how far this is left an open question. But these further explanations do not affect the theory of life on which this theory of morality is based—namely, that pleasure and freedom from pain are the only things desirable as ends, and that all desirable things (which are as numerous in the utilitarian scheme as in any other) are desirable either for the pleasure inherent in them or as means to promoting pleasure and preventing pain.

2.3 Now, such a theory of life stirs up deep-rooted dislike in many minds, including some of the most admirable in feeling and purpose. To suppose that life has (as they put it) no higher end than pleasure—no better and nobler object of desire and pursuit—they call utterly mean and groveling: a doctrine worthy only of swine, to which the followers of Epicurus were contemptuously compared at a very early date. And modern holders of the doctrine are occasionally treated to equally polite comparisons by its German, French, and English attackers.

2.4 When attacked in this way, the Epicureans have always replied that it is not they but their accusers who portray human nature in a degrading light, since the accusation assumes that human beings are capable of no pleasures except those that swine are capable of. If that assumption were true, the charge could not be denied—but it would then no longer be a reproach. For if the sources of pleasure were exactly the same for human beings and for swine, the rule of life that is good enough for one would be good enough for the other. Comparing the Epicurean life to that of beasts feels degrading precisely because a beast's pleasures do not satisfy a human being's idea of happiness. Human beings have faculties more elevated than the animal appetites, and once they are made aware of them, they do not regard anything as happiness that does not include their gratification. I do not, in fact, consider the Epicureans to have been by any means faultless in working out the consequences of the utilitarian principle. To do this at all adequately, many Stoic as well as Christian elements have to be included. But there is no known Epicurean theory of life that does not assign to the pleasures of the intellect, of the feelings and imagination, and of the

moral sentiments a much higher value as pleasures than to those of mere sensation.[3]

HIGHER AND LOWER PLEASURES

Mill argues that pleasures differ in quality, as judged by those who have experienced both kinds.

It must be admitted, though, that utilitarian writers in general have located the superiority of mental over bodily pleasures chiefly in the former's greater permanence, safety, cheapness, and so on—that is, in their circumstantial advantages rather than in their intrinsic nature. On all these points utilitarians have fully proved their case. But they could have taken the other, and what might be called the higher, ground with complete consistency. It is quite compatible with the principle of utility to recognize the fact that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd if, while we consider quality as well as quantity when valuing everything else, the valuation of pleasures were supposed to depend on quantity alone.

2.5 If I am asked what I mean by a difference of quality in pleasures—or what makes one pleasure more valuable than another, merely as a pleasure, apart from its being greater in amount—there is only one possible answer. Of two pleasures, if there is one to which all or almost all who have experienced both give a decided preference, regardless of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is placed so far above the other by those who are competently acquainted with both that they prefer it even knowing it comes with a greater amount of discontent, and would not give it up for any quantity of the other pleasure their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality so far outweighing quantity as to make quantity, by comparison, of little account.

3 The Stoics: a Greek and Roman school of philosophy that taught that virtue alone is sufficient for happiness.

2.6 Now it is an unquestionable fact that those who are equally acquainted with both, and equally capable of appreciating and enjoying both, do show a very marked preference for the way of life that employs their higher faculties. Few human beings would agree to be changed into any of the lower animals in exchange for a promise of the fullest allowance of a beast's pleasures. No intelligent human being would agree to be a fool, no educated person would be an ignoramus, no person of feeling and conscience would be selfish and base, even if they were persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not give up what they have and he lacks for the most complete satisfaction of all the desires they share with him. If they ever imagine they would, it is only in cases of unhappiness so extreme that, to escape it, they would exchange their lot for almost any other, however undesirable in their own eyes. A being with higher faculties needs more to make him happy, is probably capable of more acute suffering, and is certainly open to it at more points than a being of a lower type. But in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may explain this unwillingness however we like. We may attribute it to pride, a name given indiscriminately to some of the most and some of the least admirable feelings that humans are capable of. We may trace it to the love of liberty and personal independence—an appeal to which was, for the Stoics, one of the most effective means of instilling it. We may put it down to the love of power or the love of excitement, both of which really do enter into it and contribute to it. But its most fitting name is a sense of dignity, which all human beings have in one form or another, and in some proportion—though by no means an exact one—to their higher faculties. It is so essential a part of the happiness of those in whom it is strong that nothing that conflicts with it could be, except for a moment, an object of desire to them. Whoever supposes that this preference comes at a sacrifice of happiness—that the superior being, in anything like equal circumstances, is not happier than the

inferior—confuses two very different ideas: happiness and contentment. It is indisputable that a being whose capacities for enjoyment are low has the best chance of having them fully satisfied, and a highly endowed being will always feel that any happiness he can look for, given how the world is made, is imperfect. But he can learn to bear its imperfections, if they are at all bearable. And they will not make him envy the being who is indeed unaware of the imperfections—but only because he has no feeling at all for the good that those imperfections qualify. It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.

2.7 It may be objected that many people who are capable of the higher pleasures occasionally, under the influence of temptation, put them off in favor of the lower. But this is quite compatible with fully appreciating the intrinsic superiority of the higher. People often, out of weakness of character, choose the nearer good even though they know it to be less valuable—and this no less when the choice is between two bodily pleasures than when it is between a bodily and a mental one. They pursue sensual indulgences to the injury of their health, though perfectly aware that health is the greater good. It may further be objected that many who start out with youthful enthusiasm for everything noble sink into laziness and selfishness as they grow older. But I do not believe that those who undergo this very common change voluntarily choose the lower kind of pleasures over the higher. I believe that before they devote themselves exclusively to the one, they have already become incapable of the other. In most natures the capacity for the nobler feelings is a very tender plant, easily killed not only by hostile influences but by mere lack of nourishment. In most young people it quickly dies away if the occupations to which their position in life has committed them, and the society into which it has thrown them, do not favor keeping that higher capacity in use. People lose

their high aspirations as they lose their intellectual tastes: because they have no time or opportunity to indulge them. And they take to inferior pleasures not because they deliberately prefer them, but because these are either the only ones available to them or the only ones they are still capable of enjoying. It may be questioned whether anyone who has remained equally responsive to both kinds of pleasure has ever knowingly and calmly preferred the lower—though many, in every age, have broken down in a vain attempt to combine the two.

2.8 From this verdict of the only competent judges, I believe there can be no appeal. On the question of which of two pleasures is most worth having, or which of two ways of life is more agreeable to the feelings—apart from its moral qualities and its consequences—the judgment of those qualified by knowledge of both, or, if they differ, the judgment of the majority among them, must be accepted as final. And we need hesitate all the less to accept this judgment about the quality of pleasures, since there is no other tribunal to appeal to even on the question of quantity. What means do we have of determining which is the sharper of two pains, or the more intense of two pleasurable sensations, except the general verdict of those who are familiar with both? Neither pains nor pleasures are all of one kind, and pain is always different in kind from pleasure. What is there to decide whether a particular pleasure is worth buying at the cost of a particular pain, except the feelings and judgment of the experienced? So when those feelings and that judgment declare that the pleasures derived from the higher faculties are preferable *in kind*, apart from the question of intensity, to those the animal nature is capable of when cut off from the higher faculties, they are entitled to the same respect on this subject.

2.9 I have dwelt on this point because it is a necessary part of a fully accurate conception of Utility or Happiness, considered as the guiding rule of human conduct. But it is by no means an indispensable condition for accepting the utilitarian standard. For that standard is not the agent's own greatest happiness but the greatest amount of happiness altogether. And even if it may

be doubted whether a noble character is always happier for its nobility, there can be no doubt that it makes other people happier, and that the world in general gains immensely from it. Utilitarianism, therefore, could achieve its end only through the general cultivation of nobility of character—even if each individual benefited only from the nobility of others, and his own, as far as happiness is concerned, were a pure subtraction from that benefit. But merely stating such an absurdity as this last supposition makes refuting it unnecessary.

2.10 According to the Greatest Happiness Principle, as explained above, the ultimate end—with reference to which, and for the sake of which, all other things are desirable (whether we are considering our own good or that of other people)—is an existence as free as possible from pain and as rich as possible in enjoyments, in both quantity and quality. The test of quality, and the rule for measuring it against quantity, is the preference felt by those who are best equipped to compare, thanks to their opportunities for experience combined with their habits of self-awareness and self-observation. Since this, in the utilitarian view, is the end of human action, it is necessarily also the standard of morality. Morality may therefore be defined as the rules and precepts for human conduct by whose observance an existence such as I have described might be secured, to the greatest extent possible, to all humankind—and not to them only, but, so far as the nature of things allows, to the whole of sentient creation.

CAN HAPPINESS BE ATTAINED?

Mill replies that most people could live happily; selfishness and lack of mental cultivation are the main obstacles.

2.11 Against this doctrine, however, another class of objectors arises. They say that happiness, in any form, cannot be the rational purpose of human life and action. First, because it is unattainable—and they ask contemptuously, What right have you to be happy? (a question Mr. Carlyle drives home by adding,

What right, a short time ago, did you have even *to be*?) Next, they say that people can do *without* happiness; that all noble human beings have felt this, and could not have become noble except by learning the lesson of Entsagen, or renunciation; and this lesson, thoroughly learned and accepted, they declare to be the beginning and necessary condition of all virtue.[4]

2.12 The first of these objections would go to the root of the matter if it were well founded. For if human beings can have no happiness at all, attaining it cannot be the end of morality, or of any rational conduct. Even in that case, though, something could still be said for the utilitarian theory, since utility includes not only the pursuit of happiness but the prevention or lessening of unhappiness. And if the first aim is a fantasy, there will be all the more room for the second, and all the more urgent need of it—at least as long as humanity sees fit to go on living, and does not take refuge in the simultaneous act of suicide that Novalis recommended under certain conditions.[5] When, however, people flatly assert that human life cannot possibly be happy, the assertion, if not something like a quibble over words, is at least an exaggeration. If by happiness is meant an unbroken continuity of highly pleasurable excitement, it is obvious enough that this is impossible. A state of exalted pleasure lasts only moments—or in some cases, and with some interruptions, hours or days. It is the occasional brilliant flash of enjoyment, not its permanent and steady flame. The philosophers who taught that happiness is the end of life were as fully aware of this as those who taunt them. The happiness they meant was not a life of rapture, but moments of rapture in an existence made up of few and passing pains and many and varied pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole not expecting more from life than it is able to give. A life made up this way has always

4 Thomas Carlyle (1795–1881), Scottish essayist and historian. The gibe paraphrases his *Sartor Resartus* (1833–34), which also quotes Goethe on *Entsagen* (German, "renunciation").

5 Novalis, pen name of Friedrich von Hardenberg (1772–1801), German Romantic poet and philosopher.

seemed, to those lucky enough to have it, worthy of the name of happiness. And such an existence is even now the lot of many people for a considerable part of their lives. Today's wretched education and wretched social arrangements are the only real obstacle to its being attainable by almost everyone.

2.13 The objectors may perhaps doubt whether human beings, if taught to regard happiness as the end of life, would be satisfied with so moderate a share of it. But great numbers of people have been satisfied with much less. The main ingredients of a satisfied life seem to be two, either of which alone is often found to be enough: tranquility and excitement. With plenty of tranquility, many find they can be content with very little pleasure; with plenty of excitement, many can reconcile themselves to a considerable amount of pain. There is certainly nothing inherently impossible about enabling even the great mass of people to combine the two. Far from being incompatible, they are natural allies: prolonging either one prepares us for the other and awakens a wish for it. Only those in whom laziness amounts to a vice fail to want excitement after a period of rest. Only those in whom the need for excitement is a disease feel the tranquility that follows excitement to be dull and flat, instead of pleasurable in direct proportion to the excitement that came before it. When people who are reasonably fortunate in their outward circumstances do not find enough enjoyment in life to make it valuable to them, the cause is generally that they care for nobody but themselves. For those who have neither public nor private attachments, the excitements of life are much reduced, and in any case they shrink in value as the time approaches when death must end all selfish interests. But those who leave behind them people they love—and especially those who have also cultivated a fellow-feeling with the collective interests of humanity—keep as lively an interest in life on the eve of death as in the vigor of youth and health. Next to selfishness, the main cause that makes life unsatisfying is a lack of mental cultivation. A cultivated mind—I do not mean a philosopher's, but any mind to which the fountains of knowledge have been opened, and

which has been taught to use its faculties to any reasonable degree—finds sources of inexhaustible interest in everything around it: in the objects of nature, the achievements of art, the imaginings of poetry, the events of history, the ways of humankind past and present, and their prospects for the future. It is possible, of course, to become indifferent to all this, and to do so without having exhausted a thousandth part of it. But that happens only when a person has had no moral or human interest in these things from the start, and has looked to them only to gratify curiosity.

2.14 Now there is absolutely no reason in the nature of things why enough mental culture to give an intelligent interest in these objects of contemplation should not be the inheritance of everyone born in a civilized country. Nor is there any inherent necessity that any human being should be a selfish egotist, lacking every feeling or concern except those centered on his own miserable individual self. Something far better than this is common enough even now to give ample promise of what the human species can be made into. Genuine private affections and a sincere interest in the public good are possible, though in unequal degrees, for every properly brought-up human being. In a world where there is so much to interest us, so much to enjoy, and also so much to correct and improve, everyone who has this moderate amount of moral and intellectual equipment is capable of an existence that may be called enviable. Unless such a person is denied the freedom to use the sources of happiness within reach—through bad laws or subjection to the will of others—he will not fail to find this enviable existence, provided he escapes the positive evils of life, the great sources of physical and mental suffering: such as poverty, disease, and the unkindness, worthlessness, or early loss of those he loves. The main difficulty of the problem, therefore, lies in the struggle against these calamities, which it is rare good fortune to escape entirely, which as things now stand cannot be prevented, and which often cannot be lessened to any significant degree. Yet no one whose opinion deserves a moment's consideration can doubt

that most of the great positive evils of the world are removable in themselves, and will, if human affairs continue to improve, eventually be confined within narrow limits. Poverty, in any sense that implies suffering, could be completely abolished by the wisdom of society combined with the good sense and foresight of individuals. Even disease, that most stubborn of enemies, could be reduced indefinitely by good physical and moral education and by proper control of harmful influences, while the progress of science holds out the promise of still more direct victories over this hateful foe in the future. And every advance in that direction frees us from some of the chances that cut short not only our own lives but—what matters to us even more—the lives of those in whom our happiness is bound up. As for reversals of fortune and other disappointments connected with worldly circumstances, these are mainly the result of gross imprudence, of badly regulated desires, or of bad or imperfect social institutions. In short, all the great sources of human suffering can to a large degree—many of them almost entirely—be conquered by human care and effort. Their removal is painfully slow. A long succession of generations will perish in the breach before the conquest is complete and this world becomes all that it could easily be made if will and knowledge were not lacking. Yet every mind intelligent and generous enough to take part in the effort, however small and inconspicuous that part may be, will draw a noble enjoyment from the struggle itself—an enjoyment he would not agree to go without for any bribe in the form of selfish indulgence.

2.15 And this brings us to the true value of what the objectors say about the possibility, and the duty, of learning to do without happiness. Unquestionably it is possible to do without happiness. Nineteen out of twenty people do it involuntarily, even in the parts of today's world that are furthest along in development; and the hero or the martyr often has to do it voluntarily, for the sake of something he values more than his own individual happiness. But this something—what is it, if not the happiness of others, or some of the things happiness requires? It is

noble to be able to give up entirely one's own share of happiness, or one's chances of it. But after all, this self-sacrifice must be for some end; it is not its own end. And if we are told that its end is not happiness but virtue, which is better than happiness, I ask: would the sacrifice be made if the hero or martyr did not believe it would spare others from having to make similar sacrifices? Would it be made if he thought that his renunciation of happiness for himself would bear no fruit for any of his fellow creatures except to make their lot like his, and put them, too, in the position of people who have renounced happiness? All honor to those who can give up the personal enjoyment of life for themselves, when by that renunciation they make a worthy contribution to increasing the amount of happiness in the world. But whoever does it, or claims to do it, for any other purpose deserves no more admiration than the ascetic perched on his pillar. He may be an inspiring proof of what people *can* do, but certainly not an example of what they *should* do.[6]

2.16 It is only in a very imperfect state of the world's arrangements that anyone can best serve the happiness of others by sacrificing his own absolutely. Yet so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue that can be found in a human being. I will add that in this condition of the world, paradoxical as it may sound, the conscious ability to do without happiness offers the best prospect of achieving whatever happiness is attainable. For nothing but that consciousness can lift a person above the accidents of life, by making him feel that, let fate and fortune do their worst, they have no power to conquer him. Once he feels this, he is freed from excessive anxiety about the evils of life, and he can, like many a Stoic in the worst times of the Roman Empire, calmly cultivate the sources of satisfaction

6 Probably an allusion to Simeon Stylites (c. 390–459), the Syrian ascetic who lived for decades on top of a pillar.

open to him, without troubling himself about how long they will last, any more than about their inevitable end.[7]

2.17 Meanwhile, let utilitarians never stop claiming the morality of self-devotion as something that belongs to them by as good a right as to the Stoic or the Transcendentalist. The utilitarian morality does recognize that human beings have the power to sacrifice their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice that does not increase, or tend to increase, the sum total of happiness, it considers wasted. The only self-renunciation it applauds is devotion to the happiness of others, or to some of the means of their happiness—whether of humanity as a whole, or of individuals within the limits set by the collective interests of humanity.[8]

EVERYONE'S HAPPINESS COUNTS

Mill stresses that the standard is everyone's happiness, and separates the rule of action from its motive.

2.18 I must repeat once more what the attackers of utilitarianism seldom have the fairness to acknowledge: the happiness that forms the utilitarian standard of right conduct is not the agent's own happiness, but that of all concerned. Between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbor as yourself, make up the ideal perfection of utilitarian morality. As the means of coming as close as possible to this ideal, utility would require, first, that laws and social arrangements should bring the happiness—or, practically speaking, the interest—of every individual as nearly as possible into

7 Under emperors such as Nero and Domitian, Stoics like Seneca and Epictetus faced death or exile.

8 "Transcendentalist" here means moralists who ground duty in a priori principles rather than in experience and consequences, as in the tradition of Kant.

harmony with the interest of the whole; and second, that education and opinion, which have such vast power over human character, should use that power to establish in every individual's mind an unbreakable association between his own happiness and the good of the whole; especially between his own happiness and the practice of the kinds of conduct, negative and positive, that regard for the universal happiness prescribes. The aim is not only that he should be unable to conceive of being happy himself while acting against the general good, but also that a direct impulse to promote the general good should be one of every individual's habitual motives of action, and that the feelings connected with it should fill a large and prominent place in every human being's conscious life. If the critics of the utilitarian morality pictured it to themselves in this, its true character, I do not know what merit of any other morality they could possibly claim it lacks: what more beautiful or more exalted development of human nature any other ethical system could be supposed to foster, or what sources of motivation, unavailable to the utilitarian, such systems rely on to put their commands into effect.

2.19 The objectors to utilitarianism cannot always be accused of presenting it in a discreditable light. On the contrary, those among them who have anything like a fair idea of its unselfish character sometimes find fault with its standard as being too high for humanity. They say it demands too much to require that people should always act from the motive of promoting the general interests of society. But this is to mistake the very meaning of a moral standard, and to confuse the rule of action with the motive for it. It is the business of ethics to tell us what our duties are, or by what test we can know them. But no system of ethics requires that the sole motive of everything we do should be a feeling of duty. On the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so, if the rule of duty does not condemn them. It is all the more unfair to utilitarianism that this particular misunderstanding should be made a ground of objection to it, since utilitarian moralists have

gone further than almost anyone in affirming that the motive has nothing to do with the morality of the action, though it has much to do with the worth of the agent. Someone who saves a fellow creature from drowning does what is morally right, whether his motive is duty or the hope of being paid for his trouble; someone who betrays a friend who trusts him is guilty of a crime, even if his aim is to serve another friend to whom he owes more.[9] But to speak only of actions done from the motive of duty, in direct obedience to principle: it is a misunderstanding of the utilitarian way of thinking to suppose it implies that people should fix their minds on something as vast and general as the world, or society at large. The great majority of good actions are intended not for the benefit of the world but for that

9 MILL'S NOTE. An opponent whose intellectual and moral fairness I am glad to acknowledge (the Rev. J. Llewellyn Davis) has objected to this passage, saying: "Surely the rightness or wrongness of saving a man from drowning does depend very much on the motive with which it is done. Suppose that a tyrant, when his enemy jumped into the sea to escape him, saved him from drowning simply so that he could inflict still more exquisite tortures on him—would it make things clearer to call that rescue 'a morally right action'? Or suppose again, to take one of the stock examples in ethical discussions, that a man betrayed a trust received from a friend because carrying it out would fatally harm that friend himself or someone close to him—would utilitarianism force us to call the betrayal 'a crime' just as much as if it had been done from the meanest motive?"

My reply is that someone who saves another from drowning in order to kill him by torture afterward does not differ only in motive from someone who does the same thing out of duty or kindness; the act itself is different. In the case supposed, rescuing the man is only the necessary first step of an act far more atrocious than leaving him to drown would have been. Had Mr. Davis said, "The rightness or wrongness of saving a man from drowning does depend very much"—not on the motive, but—"on the *intention*," no utilitarian would have disagreed with him. Mr. Davis, through an oversight too common to be anything but forgivable, has in this case confused the very different ideas of Motive and Intention. There is no point that utilitarian thinkers (and Bentham above all) have taken more trouble to explain than this. The morality of the action depends entirely on the intention—that is, on what the agent *wills to do*. But the motive—that is, the feeling that makes him will to do it—when it makes no difference to the act, makes none to its morality. It does, though, make a great difference to our moral assessment of the agent, especially if it points to a good or bad habitual *disposition*: a bent of character from which useful, or harmful, actions are likely to arise.

TRANSLATOR'S NOTE. John Llewelyn Davies (1826–1916), English clergyman and writer; Mill's text spells his name "Llewellyn Davis."

of individuals, out of whom the good of the world is made up. On these occasions the thoughts of even the most virtuous person need not travel beyond the particular people concerned, except as far as necessary to make sure that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of anyone else. According to utilitarian ethics, the multiplication of happiness is the object of virtue. But the occasions on which anyone (except one person in a thousand) has the power to do this on a large scale—in other words, to be a public benefactor—are only exceptional; and on these occasions alone is he called on to consider public utility. In every other case, private utility—the interest or happiness of a few people—is all he needs to attend to. Only those whose actions influence society in general need concern themselves habitually with so large an object. In the case of abstentions, it is true—things people refrain from doing on moral grounds, even though in the particular case the consequences might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action belongs to a class which, if practiced generally, would be generally harmful, and that this is the ground of the obligation to refrain from it. The amount of regard for the public interest implied in this recognition is no greater than every moral system demands, for they all require us to refrain from whatever is plainly harmful to society.

ACTIONS AND CHARACTERS

Mill answers the charges that utilitarianism is cold, unsympathetic, and godless.

2.20 The same considerations dispose of another charge against the doctrine of utility, based on a still cruder misunderstanding of the purpose of a moral standard, and of the very meaning of the words right and wrong. It is often claimed that utilitarianism makes people cold and unsympathetic; that it chills their moral feelings toward individuals; that it makes them look only at the dry, hard consideration of the consequences of actions, leaving

out of their moral assessment the qualities from which those actions spring. If the claim means that utilitarians do not let their judgment of whether an action is right or wrong be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism but against having any moral standard at all. For certainly no known ethical standard judges an action good or bad because it is done by a good or bad person—still less because it is done by someone kind, brave, or benevolent, or the opposite. These considerations bear on the assessment not of actions but of persons; and nothing in utilitarian theory conflicts with the fact that other things interest us in people besides the rightness and wrongness of their actions. The Stoics, it is true, with the paradoxical misuse of language that was part of their system, and by which they tried to raise themselves above all concern for anything but virtue, liked to say that whoever has virtue has everything—that he, and only he, is rich, is beautiful, is a king. But utilitarian doctrine makes no claim of this kind for the virtuous person. Utilitarians are well aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to grant all of them their full worth. They also know that a right action does not necessarily indicate a virtuous character, and that blameworthy actions often come from praiseworthy qualities. When this is evident in a particular case, it changes their assessment—certainly not of the act, but of the agent. I grant that they nonetheless hold that in the long run the best proof of a good character is good actions, and they firmly refuse to regard as good any cast of mind whose predominant tendency is to produce bad conduct. This makes them unpopular with many people. But it is an unpopularity they must share with everyone who takes the distinction between right and wrong seriously, and the charge is not one that a conscientious utilitarian need be anxious to rebut.

2.21 If the objection means no more than that many utilitarians look at the morality of actions, as measured by the utilitarian standard, too exclusively, and do not put enough emphasis on

the other beauties of character that go into making a human being lovable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies or their artistic perceptions, do fall into this mistake; and so do all other moralists in the same circumstances. Whatever can be said in excuse for other moralists applies equally to them: namely, that if there is to be an error, it is better for it to be on that side. As a matter of fact, we can say that among utilitarians, as among followers of other systems, there is every imaginable degree of strictness and laxity in applying their standard. Some are even puritanically rigorous, while others are as indulgent as any sinner or sentimentalist could wish. But on the whole, a doctrine that puts in the foreground humanity's interest in restraining and preventing conduct that violates the moral law is likely to be second to none in turning the sanctions of opinion against such violations. It is true that the question, What does violate the moral law? is one on which people who recognize different moral standards are likely now and then to disagree. But disagreement on moral questions was not first brought into the world by utilitarianism, and that doctrine does offer a way of settling such disagreements that is, if not always easy, at any rate tangible and intelligible.

2.22 It may not be superfluous to take note of a few more of the common misunderstandings of utilitarian ethics, even ones so obvious and crude that it might seem impossible for any fair-minded and intelligent person to fall into them. For people, even of considerable mental gifts, often take so little trouble to understand the implications of any opinion they are prejudiced against, and people in general are so little aware of this willful ignorance as a defect, that the crudest misunderstandings of ethical doctrines keep turning up in the considered writings of people who make the loftiest claims both to high principle and to philosophy. We not infrequently hear the doctrine of utility denounced as a *godless* doctrine. If anything at all needs to be said against so bare an assumption, we may say that the question depends on what idea we have formed of the moral charac-

ter of the Deity. If it is true that God desires, above all things, the happiness of his creatures, and that this was his purpose in creating them, then utility is not only not a godless doctrine, but more profoundly religious than any other. If it is meant that utilitarianism does not recognize the revealed will of God as the supreme law of morals, I answer that a utilitarian who believes in the perfect goodness and wisdom of God necessarily believes that whatever God has seen fit to reveal on the subject of morals must fulfill the requirements of utility to the highest degree. But others besides utilitarians have held that the Christian revelation was intended, and is suited, to fill the hearts and minds of humanity with a spirit that would enable them to find out for themselves what is right, and incline them to do it once found, rather than to tell them what it is, except in a very general way; and that we need a doctrine of ethics, carefully worked out, to *interpret* the will of God for us. Whether this opinion is correct or not, there is no need to discuss it here, since whatever help religion, whether natural or revealed, can give to ethical inquiry is as available to the utilitarian moralist as to any other.[10] He can use it as God's testimony to the usefulness or harmfulness of any given course of action, with as good a right as others can use it as pointing to a transcendental law that has no connection with usefulness or with happiness.

UTILITY AND EXPEDIENCY

Mill distinguishes utility from mere expediency, using the rule against lying as his example.

2.23 Again, Utility is often brushed aside and branded an immoral doctrine by being called Expediency, and by taking advantage of the popular use of that word to set it against Principle. But the Expedient, in the sense in which it is opposed to the Right, generally means what is expedient for the agent's own particular interest—as when a government minister sacrifices his country's

10 "Natural" religion is knowledge of God attainable by reason and observation of nature; "revealed" religion is what is known through scripture and revelation.

interest to keep himself in office. When it means anything better than this, it means what is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient to a much higher degree. The Expedient, in this sense, rather than being the same thing as the useful, is a branch of the harmful. Thus it would often be expedient to tell a lie, in order to get past some momentary embarrassment or to gain some object immediately useful to ourselves or others. But cultivating in ourselves a sensitive feeling about truthfulness is one of the most useful things our conduct can promote, and weakening that feeling one of the most harmful. And any deviation from truth, even an unintentional one, does that much toward weakening the trustworthiness of human assertion—which is not only the main support of all present social well-being, but whose inadequacy does more than any other single thing to hold back civilization, virtue, and everything on which human happiness on the largest scale depends. So we feel that violating a rule of such overriding expediency for a present advantage is not expedient; and that whoever, for the sake of a convenience to himself or some other individual, does what is in his power to deprive humanity of the good, and inflict on them the evil, involved in the greater or lesser reliance they can place on one another's word, acts the part of one of their worst enemies. Yet all moralists acknowledge that even this rule, sacred as it is, admits of possible exceptions. The chief one is when withholding some fact (such as information from a criminal, or bad news from someone dangerously ill) would save someone (especially someone other than oneself) from great and undeserved harm, and when the withholding can only be done by denial. But so that the exception does not stretch beyond the need, and has the least possible effect in weakening reliance on truthfulness, it ought to be recognized and, if possible, its limits defined. And if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the area within which one or the other outweighs.

NO TIME TO CALCULATE?

Mill answers that humanity has long experience of actions' effects, embodied in secondary rules of morality.

2.24 Again, defenders of utility often find themselves called on to answer objections like this one: that there is no time, before acting, to calculate and weigh the effects of any course of conduct on the general happiness. This is exactly as if someone were to say that it is impossible to guide our conduct by Christianity, because there is no time, every time something has to be done, to read through the Old and New Testaments. The answer to the objection is that there has been ample time—namely, the whole past existence of the human species. During all that time humanity has been learning by experience what tendencies actions have; and all the prudence, as well as all the morality, of life depends on that experience. People talk as if the start of this course of experience had been put off until now, and as if, at the moment a man feels tempted to interfere with another's property or life, he had to begin considering for the first time whether murder and theft are harmful to human happiness. Even then I do not think he would find the question very puzzling; but in any case, the work has by now been done for him. It is truly a fanciful supposition that if humanity agreed in taking utility as the test of morality, they would remain without any agreement about what is useful, and would take no steps to have their ideas on the subject taught to the young and enforced by law and opinion. It is easy to prove that any ethical standard whatever works badly if we suppose it combined with universal idiocy. But on any assumption short of that, humanity must by now have acquired definite beliefs about the effects of some actions on their happiness; and the beliefs that have come down to us in this way are the rules of morality for the multitude—and for the philosopher, until he has managed to find better ones. That philosophers could easily do this, even now, on many subjects; that the accepted code of ethics is by no means of divine

right; and that humanity still has much to learn about the effects of actions on the general happiness—all this I admit, or rather earnestly maintain. The corollaries of the principle of utility, like the precepts of every practical art, can be improved without limit, and while the human mind is progressing, their improvement goes on constantly. But to regard the rules of morality as improvable is one thing; to skip the intermediate generalizations entirely, and try to test each individual action directly by the first principle, is another. It is a strange notion that acknowledging a first principle is inconsistent with admitting secondary ones. To tell a traveler where his final destination is does not forbid him to use landmarks and signposts along the way. The proposition that happiness is the end and aim of morality does not mean that no road ought to be laid out to that goal, or that people heading there should not be advised to take one direction rather than another. People really ought to stop talking a kind of nonsense on this subject that they would neither talk nor listen to on other practical matters. Nobody argues that the art of navigation is not founded on astronomy because sailors cannot wait to calculate the Nautical Almanac.[11] Being rational creatures, they go to sea with it already calculated; and all rational creatures set out on the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far harder questions of wise and foolish. And as long as foresight remains a human quality, we may presume they will go on doing so. Whatever we adopt as the fundamental principle of morality, we need subordinate principles to apply it by. Since the impossibility of doing without them is common to all systems, it can furnish no argument against any one system in particular. But to argue seriously as if no such secondary principles could be had, and as if humanity had remained until now, and must always remain, without drawing any general conclusions from the experience of human life, is, I think, as

11 The *Nautical Almanac*, published annually by the British Admiralty since 1767, gives precomputed tables of the positions of the sun, moon, planets, and stars for navigators.

high a pitch as absurdity has ever reached in philosophical controversy.

2.25 The rest of the stock arguments against utilitarianism mostly consist of charging it with the common weaknesses of human nature, and the general difficulties that trouble conscientious people as they chart their course through life. We are told that a utilitarian will be inclined to make his own particular case an exception to moral rules, and, when tempted, will see more utility in breaking a rule than in keeping it. But is utility the only creed that can supply us with excuses for wrongdoing and ways of cheating our own conscience? Such excuses are supplied in abundance by every doctrine that recognizes, as a fact of morals, the existence of conflicting considerations—which every doctrine does that sane people have believed. It is the fault not of any creed but of the complicated nature of human affairs that rules of conduct cannot be framed so as to need no exceptions, and that hardly any kind of action can safely be declared either always obligatory or always wrong. There is no ethical creed that does not soften the rigidity of its laws by allowing a certain latitude, under the agent's moral responsibility, for adapting to the particulars of circumstances; and under every creed, through the opening this makes, self-deception and dishonest casuistry creep in. There is no moral system under which clear cases of conflicting obligation do not arise. These are the real difficulties, the knotty points, both in the theory of ethics and in the conscientious guidance of personal conduct.[12] In practice they are overcome with more or less success according to the intellect and virtue of the individual. But it can hardly be claimed that anyone will be less equipped to deal with them for having an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be called on to decide between them when their demands are incompatible. Though the standard may be hard to apply, it is better than none at all. In other sys-

12 Casuistry: the application of general moral rules to particular cases—often, as here, in the pejorative sense of specious reasoning that explains rules away.

tems, by contrast, the moral laws all claim independent authority, and there is no common umpire entitled to step in between them. Their claims to take precedence over one another rest on little better than sophistry, and unless they are settled—as they generally are—by the unacknowledged influence of considerations of utility, they leave free play to personal desires and biases. We must remember that it is only in these cases of conflict between secondary principles that we need to appeal to first principles. There is no case of moral obligation in which some secondary principle is not involved; and if only one is involved, there can seldom be any real doubt which one it is in the mind of anyone who recognizes the principle itself.

Chapter III

Of the Ultimate Sanction of the Principle of Utility
Mill asks what makes people feel bound by the principle, and finds the answer in conscience and social feeling.

3.1 The question is often asked, and rightly so, about any proposed moral standard: What is its sanction? What are the motives for obeying it? Or, more specifically, what is the source of its obligation? Where does it get its binding force? It is a necessary part of moral philosophy to answer this question. Though it often takes the form of an objection to the utilitarian morality, as if it applied to that morality especially, it really arises for all standards. In fact, it arises whenever a person is asked to adopt a standard, or to rest morality on any basis on which he has not been used to resting it. For customary morality—the kind that education and opinion have made sacred—is the only one that presents itself to the mind with the feeling of being obligatory *in itself*. And when a person is asked to believe that this morality *derives* its obligation from some general principle around which custom has not cast the same halo, the claim strikes him as a paradox. The supposed corollaries seem to have more binding force than the original theorem; the building seems to stand better without what is presented as its foundation than with it. He says to himself: I feel that I am bound not to rob or murder, betray or deceive; but why am I bound to promote the general happiness? If my own happiness lies in something else, why may I not give that the preference?

3.2 If the utilitarian philosophy's view of the nature of the moral sense is correct, this difficulty will always arise until the

influences that form moral character have taken the same hold of the principle that they have taken of some of its consequences—until, through improved education, the feeling of unity with our fellow creatures is (as Christ undoubtedly intended it to be) as deeply rooted in our character, and in our own awareness as fully a part of our nature, as the horror of crime is in an ordinarily well-brought-up young person. In the meantime, however, the difficulty does not apply especially to the doctrine of utility. It is inherent in every attempt to analyze morality and reduce it to principles; for unless the principle is already invested in people's minds with as much sacredness as any of its applications, such an attempt always seems to strip the applications of part of their sanctity.

3.3 The principle of utility either has, or there is no reason why it should not have, all the sanctions that belong to any other moral system. Those sanctions are either external or internal. Of the external sanctions there is no need to speak at length. They are the hope of favor and the fear of displeasure from our fellow creatures or from the Ruler of the Universe, together with whatever sympathy or affection we may have for them, or love and awe of Him, inclining us to do His will regardless of selfish consequences. There is evidently no reason why all these motives for compliance should not attach themselves to the utilitarian morality as completely and as powerfully as to any other. Indeed, those that relate to our fellow creatures are sure to do so, in proportion to the general level of intelligence. For whether or not there is any ground of moral obligation other than the general happiness, people do desire happiness; and however imperfect their own practice may be, they desire and praise all conduct by others toward themselves that they think promotes their happiness. As for the religious motive: if people believe, as most profess to, in the goodness of God, then those who think that promoting the general happiness is the essence, or even only the test, of good must necessarily believe that it is also what God approves. So the whole force of external reward and punishment, whether physical or moral, and whether com-

ing from God or from our fellow human beings, together with all the capacity human nature has for disinterested devotion to either, becomes available to enforce the utilitarian morality in proportion as that morality is recognized—and all the more powerfully, the more the tools of education and general cultivation are directed to that purpose.

THE INTERNAL SANCTION

Mill identifies conscience, a feeling of pain at violating duty, as the ultimate sanction of all morality.

3.4 So much for external sanctions. The internal sanction of duty, whatever our standard of duty may be, is one and the same: a feeling in our own mind—a pain, more or less intense, that accompanies the violation of duty, and that in properly cultivated moral natures rises, in the more serious cases, into a shrinking from such a violation as an impossibility. This feeling, when it is disinterested and attaches to the pure idea of duty, not to some particular form of it or to any merely incidental circumstances, is the essence of Conscience. In that complex phenomenon as it actually exists, however, the simple fact is generally encrusted all over with secondary associations—drawn from sympathy, from love, and still more from fear; from all the forms of religious feeling; from memories of childhood and of our whole past life; from self-esteem, the desire for others' esteem, and occasionally even self-abasement. This extreme complexity is, I believe, the origin of the sort of mystical character that, by a tendency of the human mind of which there are many other examples, tends to be attributed to the idea of moral obligation, and that leads people to believe the idea cannot possibly attach itself to any objects other than those which, by some supposed mysterious law, we find in our present experience to arouse it. Its binding force, however, consists in the existence of a mass of feeling that must be broken through in order to do what violates our standard of right, and that, if we nevertheless violate that standard, will probably have to be faced afterward

in the form of remorse. Whatever theory we hold about the nature or origin of conscience, this is what essentially constitutes it.

3.5 Since the ultimate sanction of all morality (external motives aside) is thus a subjective feeling in our own minds, I see nothing awkward for those whose standard is utility in the question, What is the sanction of that particular standard? We may answer: the same as that of all other moral standards—the conscientious feelings of humanity. Undoubtedly this sanction has no binding force on those who lack the feelings it appeals to; but neither will such people obey any other moral principle more than the utilitarian one. Morality of any kind has no hold on them except through the external sanctions. Meanwhile, the feelings exist, a fact of human nature; their reality, and the great power with which they can act on those in whom they have been properly cultivated, are proved by experience. No reason has ever been shown why they may not be cultivated to as great an intensity in connection with the utilitarian rule of morals as with any other.

3.6 I am aware that some are inclined to believe that a person who sees moral obligation as a transcendental fact, an objective reality belonging to the realm of "things in themselves," is likely to obey it more faithfully than someone who believes it is entirely subjective, located only in human consciousness. But whatever a person's view on this point of ontology, the force that actually drives him is his own subjective feeling, and that force is measured exactly by the feeling's strength. No one believes more firmly that duty is an objective reality than that God is; yet belief in God, apart from the expectation of actual reward and punishment, affects conduct only through the subjective religious feeling, and only in proportion to it. The sanction, insofar as it is disinterested, is always in the mind itself. So the transcendental moralists must think that this sanction will not exist *in* the mind unless it is believed to have its root outside the mind. Their worry is that if a person can say to himself, "What is restraining me, and what is called my conscience, is only a feel-

ing in my own mind," he may conclude that when the feeling stops, the obligation stops; and that if he finds the feeling inconvenient, he may disregard it and try to get rid of it. But is this danger confined to utilitarian morality? Does believing that moral obligation is located outside the mind make the feeling of it too strong to get rid of? So far from it that all moralists admit, and lament, how easily conscience can be silenced or stifled in most minds. People who have never heard of the principle of utility ask themselves "Must I obey my conscience?" just as often as its followers do. Those whose conscientious feelings are weak enough to let them ask this question will, if they answer yes, do so not because they believe in the transcendental theory but because of the external sanctions.

3.7 For our present purpose we need not decide whether the feeling of duty is innate or instilled. Assuming it is innate, it remains an open question what objects it naturally attaches to; for the philosophical defenders of that theory now agree that what we perceive intuitively are the principles of morality, not its details. If anything here is innate, I see no reason why the innate feeling should not be regard for the pleasures and pains of others. If any moral principle is intuitively binding, I would say it must be that one. If so, intuitive ethics would coincide with utilitarian ethics, and there would be nothing more for them to quarrel about. Even as things stand, the intuitive moralists, though they believe there are other intuitive moral obligations, already believe this is one of them; for they all hold that a large part of morality turns on the consideration we owe to the interests of our fellow creatures. So if belief in a transcendental origin of moral obligation gives the internal sanction any extra force, it seems to me that the utilitarian principle already has the benefit of it.

3.8 On the other hand, if the moral feelings are not innate but acquired, as I myself believe, they are no less natural for that. It is natural for human beings to speak, to reason, to build cities, and to farm the land, even though these are acquired abilities. The moral feelings are not, indeed, part of our nature in the

sense of being present to any noticeable degree in all of us. But this, unfortunately, is a fact admitted even by those who believe most strongly in their transcendental origin. Like the other acquired capacities just mentioned, the moral faculty, if not part of our nature, is a natural outgrowth of it. Like them, it can spring up spontaneously to a certain small degree, and it can be brought by cultivation to a high degree of development. Unfortunately, it can also be cultivated in almost any direction, given enough use of the external sanctions and the force of early impressions. There is hardly anything so absurd or so harmful that it cannot, through these influences, be made to act on the human mind with all the authority of conscience. To doubt that the same means could give the same power to the principle of utility, even if it had no foundation in human nature, would fly in the face of all experience.

3.9 But moral associations that are wholly artificial creations gradually give way, as intellectual culture advances, to the dissolving force of analysis. Suppose the feeling of duty, when associated with utility, seemed just as arbitrary. Suppose there were no leading part of our nature, no powerful class of sentiments, with which that association would harmonize, so that we felt it congenial and were inclined not only to foster it in others (for which we have plenty of self-interested motives) but also to cherish it in ourselves. Suppose, in short, there were no natural basis of sentiment for utilitarian morality. Then it might well happen that this association too, even after education had implanted it, would be analyzed away.

THE SOCIAL FEELINGS

Mill argues that the desire for unity with others gives utilitarian morality a natural basis in human feeling.

3.10 But there is such a basis of powerful natural sentiment, and it is this that, once the general happiness is recognized as the ethical standard, will make up the strength of utilitarian morality. This firm foundation is the social feelings of humankind: the

desire to be in unity with our fellow creatures. It is already a powerful principle in human nature, and fortunately one of those that tend to grow stronger under the influence of advancing civilization, even without being deliberately taught. The social state is at once so natural, so necessary, and so habitual to human beings that, except in some unusual circumstances or by a deliberate effort of abstraction, a person never thinks of himself as anything but a member of a group. This association becomes more and more firmly fixed the further humankind moves from the independence of people living without government. So any condition that is essential to a state of society becomes more and more an inseparable part of every person's idea of the state of things he is born into, which is the destiny of a human being. Now, society between human beings, except in the relation of master and slave, is plainly impossible on any basis other than that the interests of all are to be taken into account. Society between equals can exist only on the understanding that the interests of all are to be counted equally. And since in every state of civilization everyone except an absolute monarch has equals, everyone is obliged to live on these terms with somebody. And in every age some progress is made toward a state in which it will be impossible to live permanently on other terms with anybody. In this way people grow up unable to imagine, as a possibility for themselves, a state of total disregard for other people's interests. They must at least think of themselves as refraining from all the grosser injuries, and (if only for their own protection) as living in a state of constant protest against them. They are also used to cooperating with others and to setting themselves a collective, not an individual, interest as the aim of their actions, at least for the time being. As long as they are cooperating, their ends are identified with those of others; there is at least a temporary feeling that the interests of others are their own interests. Every strengthening of social ties, and all healthy growth of society, not only gives each individual a stronger personal interest in actually looking after the welfare of others; it also leads him to identify his feelings more and

more with their good, or at least with an ever greater degree of practical consideration for it. He comes, almost instinctively, to be aware of himself as a being who *of course* pays attention to others. The good of others becomes to him something that naturally and necessarily has to be attended to, like any of the physical conditions of our existence. Now, whatever amount of this feeling a person has, he is urged by the strongest motives, both of self-interest and of sympathy, to show it, and to encourage it in others as much as he can. Even if he has none of it himself, he has as great an interest as anyone else in others having it. As a result, the smallest seeds of the feeling are seized on and nourished by the contagion of sympathy and the influence of education, and the powerful agency of the external sanctions weaves around it a complete web of reinforcing associations. As civilization advances, this way of conceiving ourselves and human life comes to feel more and more natural. Every step of political progress makes it more so, by removing the sources of conflicting interests and by leveling those inequalities of legal privilege between individuals or classes that still make it possible to disregard the happiness of large portions of humankind. As the human mind improves, there is a steady increase in the influences that tend to create in each individual a feeling of unity with everyone else. This feeling, if it were perfect, would make him never think of, or want, any benefit for himself from which they were excluded. Now suppose this feeling of unity were taught as a religion, and the whole force of education, institutions, and opinion were directed, as it once was in the case of religion, to make every person grow up from infancy surrounded on all sides by both the profession and the practice of it. I think no one who can grasp this idea will have any doubt that the ultimate sanction for the morality of happiness is sufficient. Any student of ethics who finds it hard to grasp, I refer, as an aid, to the second of M. Comte's two principal works, the *Système de Politique Positive*.[1] I have the strongest objections to the sys-

1 Auguste Comte (1798–1857), French founder of positivism; his *System of Positive Polity* (1851–54) proposed a "Religion of Humanity."

tem of politics and morals set out in that treatise. But I think it has more than amply shown that it is possible to give the service of humanity, even without belief in a Providence, both the psychological power and the social effectiveness of a religion: to make it take hold of human life and color all thought, feeling, and action, in a way of which the greatest dominance ever exercised by any religion may be only a pattern and a foretaste. And the danger is not that it would be insufficient but that it would be so excessive as to interfere unduly with human freedom and individuality.[2]

3.11 Nor does the feeling that makes up the binding force of utilitarian morality, for those who recognize it, need to wait for the social influences that would make its obligation felt by humankind at large. In the comparatively early stage of human progress in which we now live, a person cannot, indeed, feel such complete sympathy with everyone else that any real conflict in the general direction of their conduct in life would be impossible. But even now, a person in whom the social feeling is at all developed cannot bring himself to think of the rest of his fellow creatures as rivals struggling with him for the means of happiness, whom he must want to see defeated in their aims so that he can succeed in his. The deep-rooted idea that every individual already has of himself as a social being tends to make him feel it as one of his natural needs that his feelings and aims should be in harmony with those of his fellow creatures. Differences of opinion and of intellectual culture may make it impossible for him to share many of their actual feelings, and may even lead him to denounce and defy those feelings. Even so, he still needs to be aware that his real aim and theirs do not conflict: that he is not opposing what they really want, namely their own good, but is, on the contrary, promoting it. In most individuals this feeling is much weaker than their selfish feelings, and it is often missing altogether. But to those who have it, it has all the marks of a natural feeling. It does not appear to

2 Mill's text reads "physical power"; the sense seems to be a religion's hold on the mind, so it is rendered "psychological power" here.

their minds as a superstition drilled in by education, or a law imposed tyrannically by the power of society, but as a quality they would be worse off without. This conviction is the ultimate sanction of the greatest-happiness morality. It is this that makes any mind with well-developed feelings work with, and not against, the outward motives to care for others that are supplied by what I have called the external sanctions. And when those sanctions are missing, or push in the opposite direction, this conviction is itself a powerful internal binding force, in proportion to how sensitive and thoughtful the person's character is. For hardly anyone, except those whose minds are a moral blank, could bear to plan their lives on the principle of paying no attention to others except so far as their own private interest forces them to.

Chapter IV

Of What Sort of Proof the Principle of Utility Is Susceptible
Mill argues that happiness is desirable, and the only thing desirable as an end.

4.1 It has already been noted that questions about ultimate ends cannot be proved, in the ordinary sense of the word. Being unprovable by reasoning is common to all first principles, to the first premises of our knowledge as well as to those of our conduct. But the first premises of knowledge, being matters of fact, can be the subject of a direct appeal to the faculties that judge facts, namely our senses and our inner consciousness. Can an appeal be made to the same faculties on questions of practical ends? Or by what other faculty are they known?

4.2 Questions about ends are, in other words, questions about what things are desirable. The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things are desirable only as means to that end. What should be required of this doctrine—what conditions must it meet—to justify its claim to be believed?

4.3 The only proof that can be given that an object is visible is that people actually see it. The only proof that a sound is audible is that people hear it; and so with the other sources of our experience. In the same way, I take it, the only evidence it is possible to produce that anything is desirable is that people actually do desire it. If the end that the utilitarian doctrine sets for itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince anyone that it was one. No reason can be given why the general happiness is desirable, except that

each person, so far as he believes it attainable, desires his own happiness. But since this is a fact, we have not only all the proof the case allows but all it is possible to demand that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the sum of all persons. Happiness has established its claim to be *one* of the ends of conduct, and consequently one of the criteria of morality.

VIRTUE AS PART OF HAPPINESS

Mill argues that virtue, like money or fame, can be desired for itself as part of happiness.

4.4 But this alone has not proved it to be the only criterion. To do that, it seems, by the same rule, we would need to show not only that people desire happiness but that they never desire anything else. Now, it is obvious that they do desire things that ordinary language clearly distinguishes from happiness. They desire, for example, virtue and the absence of vice just as really as pleasure and the absence of pain. The desire for virtue is not as universal as the desire for happiness, but it is just as genuine a fact. And so the opponents of the utilitarian standard think they are entitled to infer that there are other ends of human action besides happiness, and that happiness is not the standard of approval and disapproval.

4.5 But does the utilitarian doctrine deny that people desire virtue, or maintain that virtue is not something to be desired? Quite the reverse. It maintains not only that virtue is to be desired, but that it is to be desired disinterestedly, for its own sake. Utilitarian moralists may hold whatever opinion they like about the original conditions that make virtue virtue. They may believe (as they do) that actions and dispositions are virtuous only because they promote some end other than virtue. Yet once this is granted, and once it has been decided on such grounds what *is* virtuous, they not only put virtue at the very top of the things that are good as means to the ultimate end; they also

recognize as a psychological fact that it can be, for the individual, a good in itself, without looking to any end beyond it; and they hold that the mind is not in a right state—not in a state that accords with utility, not in the state most conducive to the general happiness—unless it does love virtue in this way: as something desirable in itself, even if, in a particular case, it should fail to produce the other desirable consequences that it tends to produce, and on account of which it is considered virtue. This opinion is not in the least a departure from the happiness principle. The ingredients of happiness are very varied, and each of them is desirable in itself, not merely as adding to a total. The principle of utility does not mean that any given pleasure, such as music, or any given freedom from pain, such as health, is to be regarded as a means to some collective thing called happiness, and to be desired on that account. They are desired, and desirable, in and for themselves; besides being means, they are part of the end. Virtue, according to the utilitarian doctrine, is not naturally and originally part of the end, but it is capable of becoming so. In those who love it disinterestedly it has become so, and it is desired and cherished not as a means to happiness but as a part of their happiness.

4.6 To illustrate this further, we may recall that virtue is not the only thing that was originally a means, and that would be and remain a matter of indifference if it were not a means to something else, but that comes, through association with what it is a means to, to be desired for itself, and with the utmost intensity at that. What, for example, shall we say of the love of money? There is nothing originally more desirable about money than about any heap of glittering pebbles. Its value is solely that of the things it will buy: the desires for things other than itself that it is a means of satisfying. Yet the love of money is not only one of the strongest driving forces of human life; money is, in many cases, desired in and for itself. The desire to possess it is often stronger than the desire to use it, and keeps growing even as all the desires that point to ends beyond it, to be achieved by means of it, are fading away. So it may truly be said that money

is desired not for the sake of an end but as part of the end. From being a means to happiness, it has become itself a principal ingredient of the individual's idea of happiness. The same may be said of most of the great objects of human life—power, for example, or fame—except that each of these carries a certain amount of immediate pleasure that at least seems to be naturally part of it, which cannot be said of money. Still, the strongest natural attraction of both power and fame is the immense help they give in achieving our other wishes. And it is the strong association thus created between them and everything else we desire that gives the direct desire for them the intensity it often takes on, so that in some characters it surpasses all other desires in strength. In these cases the means have become part of the end, and a more important part of it than any of the things they are means to. What was once desired as a tool for achieving happiness has come to be desired for its own sake. But in being desired for its own sake, it is desired as part of happiness. The person is made happy, or thinks he would be, by simply possessing it, and is made unhappy by failing to get it. The desire for it is no more a different thing from the desire for happiness than the love of music or the desire for health is. They are included in happiness. They are some of the elements that make up the desire for happiness. Happiness is not an abstract idea but a concrete whole, and these are some of its parts. And the utilitarian standard sanctions and approves of their being so. Life would be a poor thing, very badly supplied with sources of happiness, if nature had not made this provision: that things originally indifferent, but conducive to or otherwise associated with the satisfaction of our primitive desires, become in themselves sources of pleasure more valuable than the primitive pleasures—in permanence, in how much of human life they can cover, and even in intensity. Virtue, on the utilitarian view, is a good of this kind. There was originally no desire for it, or motive toward it, except that it led to pleasure, and especially to protection from pain. But through the association thus formed, it may be felt as a good in itself, and desired as such as intensely as any

other good. And there is this difference between it and the love of money, power, or fame: all of these can, and often do, make the individual harmful to the other members of his society, whereas nothing makes him so much a blessing to them as cultivating the disinterested love of virtue. Consequently, the utilitarian standard tolerates and approves those other acquired desires up to the point beyond which they would do more harm than good to the general happiness; but it commands and requires the cultivation of the love of virtue to the greatest possible strength, as being important above all things to the general happiness.

4.7 It follows from these considerations that in reality nothing is desired except happiness. Whatever is desired otherwise than as a means to some end beyond itself, and ultimately to happiness, is desired as itself a part of happiness, and is not desired for itself until it has become so. Those who desire virtue for its own sake desire it either because being conscious of it is a pleasure, or because being conscious of lacking it is a pain, or for both reasons together. In truth, the pleasure and the pain seldom exist separately but almost always together: the same person feels pleasure in the degree of virtue he has attained, and pain at not having attained more. If the one gave him no pleasure and the other no pain, he would not love or desire virtue, or would desire it only for the other benefits it might bring to himself or to people he cared about.

4.8 So we now have an answer to the question of what sort of proof the principle of utility admits of. If the view I have just stated is psychologically true—if human nature is so constituted as to desire nothing that is not either a part of happiness or a means to happiness—then we can have no other proof, and we need no other, that these are the only things desirable. If so, happiness is the sole end of human action, and promoting it is the test by which all human conduct is to be judged. From this it necessarily follows that it must be the criterion of morality, since a part is included in the whole.

4.9 And now, to decide whether this is really so—whether human beings desire nothing for itself except what is a pleasure to them, or whose absence is a pain—we have clearly arrived at a question of fact and experience, which, like all such questions, depends on evidence. It can be settled only by practiced self-awareness and self-observation, aided by the observation of others. I believe that these sources of evidence, consulted impartially, will show that desiring a thing and finding it pleasant, and being averse to it and thinking of it as painful, are phenomena that are entirely inseparable—or rather, two parts of the same phenomenon; strictly speaking, two different ways of naming the same psychological fact. They will show that to think of an object as desirable (unless for the sake of its consequences) and to think of it as pleasant are one and the same thing; and that to desire anything except in proportion as the idea of it is pleasant is a physical and metaphysical impossibility.

WILL AND DESIRE

Mill grants that will can become independent of desire through habit, but holds that it begins in desire.

4.10 This seems so obvious to me that I expect it will hardly be disputed. The objection will not be that desire can possibly be directed ultimately to anything except pleasure and freedom from pain, but that the will is a different thing from desire. A person of settled virtue, it will be said, or anyone else whose purposes are fixed, carries out those purposes without any thought of the pleasure he takes in contemplating them or expects to get from fulfilling them. And he persists in acting on them even when these pleasures are much reduced, by changes in his character or the decline of his capacity for feeling, or are outweighed by the pains that pursuing those purposes may bring on him. All this I fully admit, and I have said so elsewhere as positively and emphatically as anyone. Will, the active phenomenon, is a different thing from desire, the state of passive feeling. Though it starts as an offshoot of desire, it may in time

take root and detach itself from the parent stem—so much so that, in the case of a habitual purpose, instead of willing the thing because we desire it, we often desire it only because we will it. This, however, is just one instance of that familiar fact, the power of habit, and it is in no way confined to virtuous actions. Many indifferent things that people originally did from some motive or other, they go on doing from habit.[1] Sometimes this happens unconsciously, and the awareness comes only after the action. At other times it happens with conscious volition, but volition that has become habitual and is set in motion by the force of habit, perhaps against the person's deliberate preference, as often happens with those who have fallen into habits of vicious or harmful indulgence. Third and last comes the case in which the habitual act of will in a particular instance does not contradict the general intention that prevails at other times but fulfills it, as with the person of settled virtue and with everyone who deliberately and consistently pursues some definite end. The distinction between will and desire, understood in this way, is a genuine and highly important psychological fact. But the fact consists solely in this: that the will, like every other part of our makeup, is subject to habit, and that we may will from habit what we no longer desire for itself, or desire only because we will it. It is no less true that the will, in the beginning, is produced entirely by desire, including in that term the repelling influence of pain as well as the attracting influence of pleasure. Let us consider no longer the person who has a settled will to do right, but someone in whom that virtuous will is still weak, able to be overcome by temptation, and not fully to be relied on. How can it be strengthened? Where the will to be virtuous is not strong enough, how can it be implanted or awakened? Only by making the person *desire* virtue—by making him think of it in a pleasurable light, or of its absence in a painful one. It is by associating doing right with pleasure, or doing wrong with pain, or by drawing out, impressing, and bringing home to the person's experience the pleasure naturally involved in the one or the

1 Mill had made the point in his *System of Logic* (1843), book 6, chapter 2.

pain in the other, that it is possible to call forth the will to be virtuous—a will that, once settled, acts without any thought of either pleasure or pain. Will is the child of desire, and it leaves the rule of its parent only to come under the rule of habit. The fact that something results from habit is no reason to presume it is good in itself. And there would be no reason to wish that the purpose of virtue should become independent of pleasure and pain, were it not that the influence of the pleasurable and painful associations that prompt us to virtue cannot be depended on for unfailing consistency of action until it has gained the support of habit. In feeling and in conduct alike, habit is the only thing that gives certainty. It is because it matters to others that they can rely absolutely on one's feelings and conduct, and matters to oneself that one can rely on one's own, that the will to do right ought to be cultivated into this habitual independence. In other words, this state of the will is a means to good, not intrinsically a good. And it does not contradict the doctrine that nothing is a good to human beings except insofar as it is either itself pleasurable or a means of obtaining pleasure or averting pain.

4.11 But if this doctrine is true, the principle of utility is proved. Whether it is true or not must now be left for the thoughtful reader to consider.

Chapter V

Of the Connexion between Justice and Utility
Mill analyzes the sentiment of justice and argues that justice rests on utility.

5.1 In every age of philosophical inquiry, one of the strongest obstacles to accepting the doctrine that utility, or happiness, is the criterion of right and wrong has been drawn from the idea of justice. The powerful feeling, and the apparently clear perception, that the word calls up with a speed and certainty like an instinct have seemed to most thinkers to point to an inherent quality in things. They have seemed to show that the just must exist in nature as something absolute, different in kind from every variety of the expedient and, in idea, opposed to it—though (as is commonly acknowledged) never, in the long run, separated from it in fact.

5.2 In the case of this feeling, as of our other moral feelings, there is no necessary connection between the question of its origin and the question of its binding force. The fact that nature has given us a feeling does not necessarily make all its promptings legitimate. The feeling of justice might be a distinct instinct and still need, like our other instincts, to be controlled and enlightened by a higher reason. If we have intellectual instincts that lead us to judge in a particular way, as well as animal instincts that prompt us to act in a particular way, there is no reason why the former should be more infallible in their sphere than the latter in theirs. It may just as easily happen that the former occasionally suggest wrong judgments as that the latter suggest wrong actions. But though it is one thing to believe that

we have natural feelings of justice, and another to accept them as an ultimate criterion of conduct, in practice these two opinions are very closely connected. People are always inclined to believe that any subjective feeling not otherwise explained is a revelation of some objective reality. Our present aim is to determine whether the reality to which the feeling of justice corresponds is one that needs any such special revelation: whether the justice or injustice of an action is something intrinsically unique and distinct from all its other qualities, or only a combination of some of those qualities, presented in a particular light. For the purposes of this inquiry, it is of practical importance to consider whether the feeling of justice and injustice itself is *sui generis*, like our sensations of color and taste, or a derivative feeling, formed by a combination of others. And this is all the more essential to examine because people are generally willing enough to grant that, objectively, the dictates of justice coincide with a part of the field of general expediency. But since the subjective feeling of justice is different from the one that usually attaches to simple expediency, and, except in extreme cases of expediency, is far more imperative in its demands, people find it hard to see justice as only a particular kind or branch of general utility, and think that its superior binding force requires a totally different origin.

5.3 To shed light on this question, we need to try to establish what the distinguishing character of justice, or of injustice, is: what quality, if any, is attributed in common to all kinds of conduct called unjust (for justice, like many other moral attributes, is best defined by its opposite), and distinguishes them from kinds of conduct that are disapproved of but without having that particular term of disapproval applied to them. If, in everything people usually describe as just or unjust, some one common attribute or set of attributes is always present, we can judge whether this particular attribute or combination of attributes could gather around itself a feeling of that distinctive character and intensity through the general laws of our emotional makeup, or whether the feeling is inexplicable and has to be

regarded as a special provision of nature. If we find the former to be the case, then in settling this question we will also have settled the main problem. If the latter, we will have to look for some other way of investigating it.

5.4 To find the common attributes of a variety of objects, we must begin by surveying the objects themselves in the concrete. So let us turn in succession to the various kinds of action, and arrangements of human affairs, that are classed as just or unjust by universal or widespread opinion. The things known to arouse the feelings associated with those names are of a very varied character. I will review them quickly, without following any particular order.

WHAT PEOPLE CALL UNJUST

Mill surveys what people call unjust: violating rights, ignoring desert, breaking faith, partiality, and inequality.

5.5 In the first place, it is generally considered unjust to deprive anyone of their personal liberty, their property, or anything else that belongs to them by law. Here, then, is one case where the terms just and unjust are used in a perfectly definite sense: it is just to respect, and unjust to violate, anyone's *legal rights*. But this judgment admits of several exceptions, which arise from the other forms in which the ideas of justice and injustice present themselves. For example, the person who is deprived may (as the saying goes) have *forfeited* the rights of which he is deprived—a case we will return to shortly. But also,

5.6 Second, the legal rights of which he is deprived may be rights that *ought* not to have belonged to him. In other words, the law that gives him these rights may be a bad law. When it is—or, what comes to the same thing for our purpose, when it is believed to be—opinions will differ about whether it is just or unjust to break it. Some hold that no law, however bad, should be disobeyed by an individual citizen; that if he opposes it at all, he should do so only by trying to get it changed by the proper authority. This opinion condemns many of the most illustrious

benefactors of humanity, and would often protect harmful institutions against the only weapons that, in the circumstances of the time, have any chance of succeeding against them. Those who hold it defend it on grounds of expediency—chiefly on the grounds that it matters to the common interest of humanity that the habit of submitting to law be kept intact. Others hold the exact opposite: that any law judged to be bad may be disobeyed without blame, even if it is judged not unjust but only inexpedient. Others would limit the license to disobey to unjust laws. Others again say that all inexpedient laws are unjust, since every law places some restriction on people's natural liberty, and that restriction is an injustice unless it is justified by tending to their good. Amid all these differences of opinion, it seems to be universally admitted that there can be unjust laws. Law, therefore, is not the ultimate standard of justice: it may give one person a benefit, or impose a harm on another, that justice condemns. When a law is thought to be unjust, however, it always seems to be regarded as unjust in the same way that breaking a law is unjust—namely, by infringing somebody's right. And since in this case it cannot be a legal right, it gets a different name: it is called a moral right. We may say, therefore, that a second kind of injustice consists in taking from anyone, or withholding from them, something to which they have a *moral right*.

5.7 Third, it is universally considered just that each person should get what he *deserves* (whether good or bad), and unjust that he should receive a good, or be made to suffer an evil, that he does not deserve. This is perhaps the clearest and most emphatic form in which people in general conceive the idea of justice. Since it involves the idea of desert, the question arises: what makes someone deserving? Speaking generally, a person is understood to deserve good if he does right and evil if he does wrong. More specifically, he deserves good from those to whom he does or has done good, and evil from those to whom he does or has done evil. The precept of returning good for evil has never been regarded as fulfilling justice, but as a case where the

claims of justice are waived in deference to other considerations.

5.8 Fourth, it is admittedly unjust to *break faith* with anyone: to violate an agreement, whether explicit or implied, or to disappoint expectations raised by our own conduct—at least if we raised those expectations knowingly and voluntarily. Like the other obligations of justice already mentioned, this one is not regarded as absolute. It can be overruled by a stronger obligation of justice on the other side, or by conduct on the part of the person concerned that is judged to release us from our obligation to him and to amount to a *forfeiture* of the benefit he was led to expect.

5.9 Fifth, it is universally admitted to be inconsistent with justice to be *partial*—to show favor or preference to one person over another in matters where favor and preference have no proper place. Impartiality, however, does not seem to be regarded as a duty in itself, but rather as a means to some other duty. For it is admitted that favor and preference are not always blameworthy; indeed, the cases in which they are condemned are the exception rather than the rule. A person would be more likely to be blamed than praised for giving his family or friends no more of his kindness than strangers, when he could do so without violating any other duty. And no one thinks it unjust to choose one person over another as a friend, relation, or companion. Impartiality where rights are concerned is of course obligatory, but this is part of the more general obligation to give everyone their right. A court, for example, must be impartial, because it is bound to award a disputed object to whichever of the two parties has the right to it, without regard to any other consideration. In other cases, impartiality means being influenced only by desert—as with those who, as judges, teachers, or parents, hand out reward and punishment as such. In still other cases, it means being influenced only by the public interest—as in choosing among candidates for a government post. In short, impartiality as an obligation of justice may be said to mean being influenced only by the considerations that are supposed

to govern the particular case at hand, and resisting the pull of any motives that urge conduct different from what those considerations would dictate.

5.10 Closely related to the idea of impartiality is that of *equality*. It often enters as a component into both the conception of justice and its practice, and in the eyes of many people it is the very essence of justice. But here, even more than in any other case, the idea of justice varies from person to person, and its variations always follow each person's idea of utility. Everyone holds that equality is what justice dictates, except where he thinks expediency requires inequality. The justice of giving equal protection to everyone's rights is upheld by people who support the most outrageous inequality in the rights themselves. Even in slaveholding countries it is admitted in theory that the rights of the enslaved, such as they are, ought to be as sacred as those of the master, and that a court that fails to enforce them just as strictly falls short of justice. Yet institutions that leave the enslaved hardly any rights to enforce are not considered unjust, because they are not considered inexpedient. Those who think utility requires distinctions of rank do not consider it unjust that wealth and social privileges should be distributed unequally; but those who think this inequality inexpedient think it unjust as well. Whoever thinks government is necessary sees no injustice in the degree of inequality involved in giving officials powers not granted to other people. Even among those who hold leveling doctrines, there are as many questions of justice as there are differences of opinion about expediency. Some communists consider it unjust for the product of the community's labor to be shared on any principle other than exact equality. Others think it just that those whose needs are greatest should receive the most. Still others hold that those who work harder, or produce more, or whose services are more valuable to the community, may justly claim a larger share of the product. And the sense of natural justice can be plausibly invoked in support of every one of these opinions.

JUSTICE AND LAW

Mill traces justice to law, and finds that deserved punishment separates duty from what is merely desirable.

5.11 With so many different applications of the word justice—which is nevertheless not regarded as ambiguous—it is rather difficult to grasp the mental link that holds them together, and on which the moral feeling attached to the word essentially depends. Perhaps, in this difficulty, some help can be had from the history of the word, as shown by its etymology.

5.12 In most languages, if not all, the etymology of the word corresponding to "just" points to an origin connected either with positive law or with what was, in most cases, the earliest form of law: authoritative custom. *Justum* is a form of *jussum*, "that which has been ordered." *Jus* has the same origin. *Dichanou* comes from *dichae*, whose principal meaning, at least in the historical ages of Greece, was a lawsuit. Originally, in fact, it meant only the way or *manner* of doing things, but it soon came to mean the *prescribed* manner—the one that the recognized authorities, whether patriarchal, judicial, or political, would enforce. *Recht*, from which came *right* and *righteous*, is synonymous with law.[1] The original meaning of *recht*, it is true, had nothing to do with law, but meant physical straightness—just as *wrong* and its Latin equivalents meant twisted or crooked. From this it is argued that right did not originally mean law, but that, on the contrary, law meant right. But however that may be, the fact that *recht* and *droit* came to be restricted to positive law—even though much that the law does not require is just as necessary to moral straightness, or rectitude—tells us as much about the original character of moral ideas as if the derivation had run the other way. Courts of justice and the administration of justice are the courts and the administration of law. In French, *la justice* is

1 Mill's transliterations of the Greek *dikaion* ("just") and *dikē* ("custom, right, lawsuit"). *Justum, jussum, jus*: Latin "just," "ordered," "law/right." *Recht*: German "right, law."

the established term for the judicial system. There can be no doubt, I think, that the *idée mère*—the original element in forming the idea of justice—was conformity to law. It made up the whole idea among the Hebrews up to the birth of Christianity. That is what one would expect of a people whose laws tried to cover every subject on which rules were needed, and who believed those laws came directly from the Supreme Being.[2] But other peoples—the Greeks and Romans in particular—knew that their laws had originally been made by human beings, and were still being made by them. So they were not afraid to admit that those human beings might make bad laws, and might do by law the same things, from the same motives, that would be called unjust if done by individuals without legal sanction. Hence the feeling of injustice came to be attached not to all violations of law, but only to violations of laws that *ought* to exist (including those that ought to exist but do not), and to laws themselves, if they were thought contrary to what ought to be law. In this way the idea of law and its commands remained dominant in the idea of justice, even after the laws actually in force stopped being accepted as its standard.

5.13 It is true that people consider the idea of justice and its obligations to apply to many things that are not regulated by law, and that no one wants regulated by law. Nobody wants laws to interfere in every detail of private life. Yet everyone agrees that in all their daily conduct people can and do show themselves to be either just or unjust. But even here the idea of breaking what ought to be law still lingers in modified form. It would always please us, and fit our sense of what is fitting, if acts we consider unjust were punished, though we do not always think it expedient for the courts to do it. We give up that satisfaction because of the incidental drawbacks. We would be glad to see just conduct enforced and injustice suppressed, even in the smallest details, if we were not—with good reason—afraid of trusting officials with such unlimited power over individuals. When we think a person is bound in justice to do something, it

2 *Idée mère*: French, "mother idea," the germinal idea.

is an ordinary way of speaking to say that he ought to be compelled to do it. We would be glad to see the obligation enforced by anyone who had the power. If we see that enforcing it by law would be inexpedient, we regret that it cannot be done, we regard the impunity this gives to injustice as an evil, and we try to make up for it by bringing the strong disapproval of ourselves and the public to bear on the offender. So the idea of legal constraint is still the idea that generates the notion of justice, although it goes through several transformations before that notion, as it exists in an advanced society, is complete.

5.14 That, I think, is a true account, as far as it goes, of the origin and gradual growth of the idea of justice. But we must note that it contains, so far, nothing to distinguish that obligation from moral obligation in general. For the truth is that the idea of a penal sanction, which is the essence of law, enters not only into the conception of injustice but into that of any kind of wrong. We do not call anything wrong unless we mean to imply that a person ought to be punished in some way for doing it—if not by law, then by the opinion of his fellow human beings; if not by opinion, then by the reproaches of his own conscience. This seems to be the real turning point of the distinction between morality and simple expediency. It is part of the notion of duty, in every one of its forms, that a person may rightfully be compelled to fulfill it. Duty is something that may be *exacted* from a person, as one exacts payment of a debt. Unless we think it might be exacted from him, we do not call it his duty. Reasons of prudence, or the interests of other people, may count against actually exacting it; but it is clearly understood that the person himself would have no right to complain. On the other hand, there are other things that we wish people would do, that we like or admire them for doing, and perhaps dislike or despise them for not doing, but that we admit they are not bound to do. That is not a case of moral obligation. We do not blame them—that is, we do not think they are proper objects of punishment. How we arrive at these ideas of deserving and not deserving punishment may become clear later on. But I think there is no

doubt that this distinction lies at the root of the ideas of right and wrong. We call a piece of conduct wrong, or use instead some other term of dislike or disparagement, depending on whether we think the person ought or ought not to be punished for it. And we say that it would be right to do such and such, or merely that it would be desirable or praiseworthy, depending on whether we would wish to see the person concerned compelled to act that way, or only persuaded and urged to.[3]

JUSTICE AND RIGHTS

Mill argues that justice differs from other duties in involving a right held by some identifiable person.

5.15 This, then, is the characteristic difference that sets apart not justice but morality in general from the remaining domains of expediency and worthiness. We still have to find the feature that distinguishes justice from the other branches of morality. Now, as is well known, ethical writers divide moral duties into two classes, labeled by the poorly chosen terms duties of perfect and of imperfect obligation. The latter are duties where the act is obligatory but the particular occasions for performing it are left to our choice—as with charity or beneficence, which we are indeed bound to practice, but not toward any particular person, nor at any set time. In the more precise language of philosophical jurists, duties of perfect obligation are those duties by virtue of which some person or persons have a corresponding right. Duties of imperfect obligation are moral obligations that do not give rise to any right. I think it will be found that this distinction coincides exactly with the one between justice and the other obligations of morality. In our survey of the various popular

3 MILL'S NOTE. See this point argued and illustrated by Professor Bain in an admirable chapter (titled "The Ethical Emotions, or the Moral Sense") of the second of the two treatises that make up his thorough and profound work on the mind.

TRANSLATOR'S NOTE. Alexander Bain (1818–1903), Scottish philosopher and psychologist; the treatises are *The Senses and the Intellect* (1855) and *The Emotions and the Will* (1859).

meanings of justice, the term generally seemed to involve the idea of a personal right—a claim by one or more individuals, like the claim the law gives when it confers a property right or other legal right. Whether the injustice consists in depriving a person of a possession, or breaking faith with him, or treating him worse than he deserves, or worse than other people who have no greater claims, in each case the assumption involves two things: a wrong done, and some identifiable person who is wronged. Injustice can also be done by treating a person better than others; but in that case the wrong is to his competitors, who are also identifiable persons. It seems to me that this feature of the case—a right held by some person, corresponding to the moral obligation—is what specifically distinguishes justice from generosity or beneficence. Justice implies something that it is not only right to do and wrong not to do, but that some individual person can claim from us as his moral right. No one has a moral right to our generosity or beneficence, because we are not morally bound to practice those virtues toward any particular individual. And it will be found here, as with every correct definition, that the cases that seem to conflict with it are the ones that confirm it most. For if a moralist tries, as some have, to argue that humanity in general, though not any particular individual, has a right to all the good we can do for them, that thesis immediately brings generosity and beneficence into the category of justice. He is forced to say either that our utmost efforts are owed to our fellow human beings, which makes them like a debt; or that nothing less can be a sufficient *repayment* for what society does for us, which makes it a case of gratitude—and both of these are acknowledged cases of justice. Wherever there is a right, the case is one of justice, not of the virtue of beneficence. And anyone who does not draw the line between justice and morality in general where we have now drawn it will be found to draw no line between them at all, but to merge all of morality into justice.

THE SENTIMENT OF JUSTICE

Mill derives the sentiment of justice from self-defense and sympathy, and grounds rights in general utility.

5.16 Having thus tried to identify the distinctive elements that make up the idea of justice, we are ready to ask whether the feeling that accompanies the idea is attached to it by a special provision of nature, or whether it could have grown out of the idea itself by any known laws—and in particular, whether it could have originated in considerations of general expediency.

5.17 My view is that the feeling itself does not arise from anything that would commonly, or correctly, be called an idea of expediency; but that, although the feeling does not, whatever is moral in it does.

5.18 We have seen that the two essential ingredients in the sentiment of justice are the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals who have been harmed.

5.19 Now it seems to me that the desire to punish a person who has harmed some individual grows spontaneously out of two feelings, both natural in the highest degree, which either are instincts or resemble them: the impulse of self-defense and the feeling of sympathy.

5.20 It is natural to resent, and to repel or retaliate against, any harm done or attempted against ourselves or against those we sympathize with. We need not discuss the origin of this feeling here. Whether it is an instinct or a product of intelligence, it is, as we know, common to all animals: every animal tries to hurt those who have hurt it or its young, or who it thinks are about to. On this point human beings differ from other animals in only two respects. First, they are capable of sympathizing not just with their offspring, or—like some of the nobler animals—with some superior animal that is kind to them, but with all human beings, and even with all sentient beings. Second, they have a more developed intelligence, which widens the range of all their

feelings, whether self-regarding or sympathetic. By virtue of his superior intelligence, even apart from his wider range of sympathy, a human being can grasp that there is a community of interest between himself and the human society he is part of. So any conduct that threatens the security of society in general threatens his own, and calls up his instinct (if it is an instinct) of self-defense. The same superior intelligence, combined with the power of sympathizing with human beings in general, enables him to attach himself to the collective idea of his tribe, his country, or humanity, in such a way that any act harmful to them rouses his instinct of sympathy and urges him to resist.

5.21 The sentiment of justice, then, in the element that consists of the desire to punish, is, I believe, the natural feeling of retaliation or vengeance, made applicable by intellect and sympathy to those injuries—that is, those hurts—that wound us through society at large, or along with it. This sentiment in itself has nothing moral in it. What is moral is its exclusive subordination to the social sympathies, so that it waits on them and obeys their call. For the natural feeling tends to make us resent, indiscriminately, whatever anyone does that is unpleasant to us. But when it is moralized by social feeling, it acts only in directions that fit the general good. Just people resent a hurt to society even when it is not otherwise a hurt to themselves; and they do not resent a hurt to themselves, however painful, unless it is the kind that society shares their interest in suppressing.

5.22 It is no objection to this theory to say that when we feel our sentiment of justice outraged, we are not thinking of society at large or of any collective interest, but only of the individual case. It is common enough, certainly—though far from admirable—to feel resentment merely because we have suffered pain. But a person whose resentment is truly a moral feeling—who considers whether an act is blameworthy before allowing himself to resent it—does feel, even if he does not say explicitly to himself that he is standing up for the interest of society, that he is asserting a rule that benefits others as well as himself. If he does not feel this—if he regards the act solely as it affects him

personally—he is not consciously just; he is not concerned with the justice of his actions. Even anti-utilitarian moralists admit this. When Kant (as noted earlier) proposes as the fundamental principle of morals, "So act that your rule of conduct could be adopted as a law by all rational beings," he in effect acknowledges that the interest of humanity collectively, or at least of humanity without distinction, must be in the agent's mind when he conscientiously decides on the morality of an act. Otherwise Kant is using words without meaning. For no one can even plausibly maintain that a rule of utter selfishness could not *possibly* be adopted by all rational beings—that there is some insurmountable obstacle in the nature of things to its adoption. To give Kant's principle any meaning, it must be taken to mean that we ought to shape our conduct by a rule that all rational beings could adopt *with benefit to their collective interest*.

5.23 To sum up: the idea of justice presupposes two things—a rule of conduct, and a sentiment that sanctions the rule. The first must be assumed to be common to all humanity and intended for their good. The second (the sentiment) is a desire that those who break the rule should suffer punishment. In addition, it involves the idea of some definite person who suffers from the violation—whose rights (to use the term reserved for the case) are violated by it. And the sentiment of justice seems to me to be the animal desire to repel or retaliate against a hurt or injury to oneself, or to those one sympathizes with, widened to include all persons by the human capacity for enlarged sympathy and the human conception of intelligent self-interest. From these latter elements the feeling gets its morality; from the former, its peculiar forcefulness and its energy of self-assertion.

5.24 Throughout, I have treated the idea of a *right* belonging to the injured person, and violated by the injury, not as a separate element in the makeup of the idea and the feeling, but as one of the forms the other two elements take on. These elements are, on the one hand, a hurt to some identifiable person or persons, and on the other, a demand for punishment. An examination of our own minds will show, I think, that these two things include

everything we mean when we speak of violating a right. When we call anything a person's right, we mean that he has a valid claim on society to protect him in possessing it, either by the force of law or by that of education and opinion. If he has what we consider a sufficient claim, on whatever grounds, to have something guaranteed to him by society, we say that he has a right to it. If we want to prove that something does not belong to him by right, we think we have done so as soon as it is admitted that society ought not to take steps to secure it for him, but should leave it to chance or to his own efforts. Thus a person is said to have a right to what he can earn in fair professional competition, because society ought not to let anyone else prevent him from trying to earn as much as he can in that way. But he has no right to three hundred pounds a year, even if he happens to be earning it, because society is not called on to ensure that he earns that sum. On the other hand, if he owns ten thousand pounds of three-percent government stock, he *has* a right to three hundred a year, because society has taken on an obligation to provide him with an income of that amount.[4]

5.25 To have a right, then, is, I believe, to have something that society ought to defend me in possessing. If the objector goes on to ask why it ought to, I can give him no other reason than general utility. If that phrase does not seem to convey a strong enough sense of the obligation, or to account for the peculiar energy of the feeling, it is because the feeling is made up not only of a rational element but also of an animal one—the thirst for retaliation. And this thirst gets its intensity, as well as its moral justification, from the extraordinarily important and impressive kind of utility that is at stake. The interest involved is security, which everyone feels to be the most vital of all interests. Nearly all other earthly benefits are needed by one person and not by another, and many of them can, if necessary, be cheerfully given up or replaced by something else. But security is something no human being can possibly do without. On it

4 "Three per cent. stock": British government bonds (consols) paying 3 percent interest a year.

we depend for all our protection from harm, and for the whole value of each and every good beyond the passing moment—since nothing but the satisfaction of the instant could be worth anything to us if we could be stripped of everything the next instant by whoever happened to be stronger than us at the moment. Now this most indispensable of all necessities, after physical food, cannot be had unless the machinery that provides it is kept continuously running. So our idea of the claim we have on our fellow human beings to join in making safe for us the very foundation of our existence gathers around it feelings so much more intense than those involved in the more ordinary cases of utility that the difference in degree (as often happens in psychology) becomes a real difference in kind. The claim takes on that character of absoluteness, that apparent infinity and incommensurability with all other considerations, which marks the difference between the feeling of right and wrong and that of ordinary expediency and inexpediency. The feelings involved are so powerful, and we count so confidently on finding a matching feeling in others (since all are equally interested), that *ought* and *should* grow into *must*, and recognized indispensability becomes a moral necessity—analogous to physical necessity, and often no weaker in binding force.

DISPUTES OVER JUSTICE

Mill shows that appeals to justice alone cannot settle disputes about punishment, pay, and taxation.

5.26 If the preceding analysis, or something like it, is not the correct account of the idea of justice—if justice is entirely independent of utility, and is a standard *in itself* that the mind can recognize by simple introspection—it is hard to understand why that inner oracle is so ambiguous, and why so many things appear just or unjust depending on the light in which they are seen. We are constantly told that utility is an uncertain standard, which each person interprets differently, and that there is no safety except in the unchangeable, indelible, and unmistak-

able dictates of justice, which carry their own evidence and are independent of the ups and downs of opinion. One would suppose from this that there could be no controversy about questions of justice—that if we took justice as our rule, its application to any given case would leave us in as little doubt as a mathematical proof. So far is this from being the case that there is as much difference of opinion, and as fierce debate, about what is just as about what is useful to society. Not only do different nations and individuals have different ideas of justice, but even in the mind of one and the same individual justice is not a single rule, principle, or maxim, but many. These do not always agree in what they dictate, and in choosing among them he is guided either by some outside standard or by his own personal preferences.

5.27 For instance, some say it is unjust to punish anyone in order to set an example to others—that punishment is just only when it is intended for the good of the person punished. Others maintain the exact opposite: they argue that punishing people who have reached the age of discretion for their own benefit is despotism and injustice, since if the matter at issue is solely their own good, no one has a right to overrule their own judgment of it; but that they may justly be punished to prevent harm to others, since this is an exercise of the legitimate right of self-defense. Mr. Owen, again, asserts that it is unjust to punish at all, since the criminal did not make his own character: his upbringing and the circumstances around him made him a criminal, and he is not responsible for these. All these opinions are extremely plausible. And as long as the question is argued simply as one of justice, without going down to the principles that lie beneath justice and are the source of its authority, I cannot see how any of these reasoners can be refuted. For in truth, each of the three builds on rules of justice that are admittedly true.[5] The first appeals to the acknowledged injustice of singling out an individual and sacrificing him, without his consent, for

5 Robert Owen (1771–1858), Welsh industrialist and socialist reformer, who held that character is formed by circumstance.

other people's benefit. The second relies on the acknowledged justice of self-defense and the admitted injustice of forcing one person to conform to another's ideas of what is good for him. The Owenite invokes the admitted principle that it is unjust to punish anyone for what he cannot help. Each wins as long as he is not forced to take into account any maxims of justice besides the one he has chosen. But as soon as their respective maxims are brought face to face, each disputant seems to have exactly as much to say for himself as the others. None of them can carry out his own idea of justice without trampling on another that is equally binding. These are difficulties; they have always been felt to be difficulties; and many devices have been invented to get around them rather than overcome them. As a refuge from the last of the three, people invented what they called the freedom of the will. They imagined that they could not justify punishing a man whose will is in a thoroughly hateful state unless it was supposed to have come into that state without any influence from prior circumstances. To escape the other difficulties, a favorite device has been the fiction of a contract, by which at some unknown time all the members of society agreed to obey the laws and consented to be punished for any disobedience. This supposedly gave their legislators the right—which it is assumed they would not otherwise have had—to punish them, either for their own good or for that of society. This happy idea was thought to remove the whole difficulty and to legitimize inflicting punishment on the strength of another accepted maxim of justice, *volenti non fit injuria*: what is done with the consent of the person supposedly harmed by it is not unjust.[6] I hardly need point out that even if the consent were not a mere fiction, this maxim has no more authority than the others it is brought in to override. On the contrary, it is an instructive example of the loose and haphazard way in which supposed principles of justice grow up. This one evidently came into use to serve the rough needs of courts of law, which sometimes have to be content with very uncertain presumptions, because any

6 *Volenti non fit injuria*: Latin legal maxim, "no injury is done to one who consents."

attempt on their part to draw finer lines would often lead to greater evils. But even courts of law cannot stick to the maxim consistently, for they allow voluntary agreements to be set aside on grounds of fraud, and sometimes on grounds of mere mistake or misinformation.

5.28 Again, even once the legitimacy of punishment is granted, how many conflicting ideas of justice come to light when we discuss how punishment should be matched to offenses. No rule on this subject appeals so strongly to the primitive, spontaneous sentiment of justice as the *lex talionis*: an eye for an eye and a tooth for a tooth. This principle of Jewish and Muslim law has generally been abandoned in Europe as a practical rule. Yet most people, I suspect, have a secret longing for it; and when retribution happens to strike an offender in exactly that form, the general satisfaction people show proves how natural is the feeling that welcomes this repayment in kind.[7] For many, the test of justice in punishment is that the punishment should be proportioned to the offense—meaning that it should be measured exactly by the offender's moral guilt (whatever their standard for measuring moral guilt may be). On this view, the question of how much punishment is needed to deter the offense has nothing to do with justice. For others, that question is everything. They hold that it is not just—at least not for human beings—to inflict on a fellow creature, whatever their offenses, any more suffering than the least that will prevent them from repeating their misconduct and others from imitating it.

5.29 To take another example, from a subject already mentioned once. In a cooperative industrial association, is it just or not that talent or skill should entitle someone to higher pay? Those who say no argue as follows. Whoever does the best they can deserves equally well, and in justice ought not to be put in an inferior position through no fault of their own. Superior abilities already bring more than enough advantages—in the admiration they inspire, the personal influence they carry, and the inner satisfaction that comes with them—without adding a lar-

7 *Lex talionis*: Latin, "the law of retaliation."

ger share of the world's goods. And justice obliges society to compensate the less favored for this undeserved inequality of advantages, rather than to make it worse. The other side argues that society gets more from the more productive worker. Since his services are more useful, society owes him a larger return for them. A greater share of the joint result really is his work, and to deny his claim to it is a kind of robbery. If he is to receive only as much as others, then he can justly be required to produce only as much, and to give a smaller amount of time and effort, in proportion to his greater efficiency. Who is to decide between these appeals to conflicting principles of justice? In this case justice has two sides, which cannot possibly be brought into harmony, and the two disputants have taken opposite sides. One looks at what it is just for the individual to receive; the other at what it is just for the community to give. Each, from his own point of view, is unanswerable, and any choice between them on grounds of justice must be completely arbitrary. Social utility alone can decide which to prefer.

5.30 Again, how many—and how irreconcilable—are the standards of justice people appeal to when discussing how taxation should be divided up. One opinion is that payments to the state should be in strict numerical proportion to financial means. Others think justice calls for what they term graduated taxation: taking a higher percentage from those who have more to spare. In terms of natural justice, a strong case could be made for ignoring means altogether and taking the same absolute sum from everyone (whenever it could be collected)—just as members of a dining society or a club all pay the same fee for the same privileges, whether or not they can all equally afford it. Since the protection of law and government (it might be said) is given to all, and is equally needed by all, there is no injustice in making everyone buy it at the same price. It is considered just, not unjust, for a merchant to charge all customers the same price for the same item, rather than a price that varies with their ability to pay. As applied to taxation, this doctrine finds no advocates, because it clashes sharply with people's feelings of

humanity and their sense of what is socially expedient. But the principle of justice it invokes is as true and as binding as those that can be appealed to against it. And so it has a quiet influence on the arguments used to defend other ways of assessing taxes. People feel obliged to argue that the state does more for the rich than for the poor, to justify taking more from them. In reality this is not true: without law or government, the rich would be far better able to protect themselves than the poor, and indeed would probably succeed in turning the poor into their slaves. Others, again, defer so far to the same idea of justice as to hold that everyone should pay an equal head tax for the protection of their persons (since these are of equal value to all), and an unequal tax for the protection of their property, which is unequal. To this others reply that one person's all is as valuable to him as another person's all is to him. There is no way out of these confusions except the utilitarian one.

JUSTICE GROUNDED ON UTILITY

Mill concludes that justice names the most important and binding kinds of social utility.

5.31 Is the difference between the just and the expedient, then, merely imaginary? Has humanity been deluded in thinking that justice is more sacred than policy, and that policy should be listened to only after justice has been satisfied? By no means. The account we have given of the nature and origin of the sentiment of justice recognizes a real distinction. No one among those who profess the loftiest contempt for consequences as an element of morality attaches more importance to the distinction than I do. I dispute the claims of any theory that sets up an imaginary standard of justice not grounded in utility. But I consider the justice that is grounded in utility to be the chief part—and incomparably the most sacred and binding part—of all morality. Justice is the name for certain classes of moral rules that bear more closely on the essentials of human well-being, and are therefore more absolutely obligatory, than any other rules for

guiding life. And the notion we found to be the essence of the idea of justice—that of a right residing in an individual—implies and testifies to this more binding obligation.

5.32 The moral rules that forbid people to harm one another (and we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, that merely point out the best way of managing some area of human affairs. They are also peculiar in being the main factor in shaping all of humanity's social feelings. Only their observance keeps peace among human beings. If obeying them were not the rule and disobeying them the exception, everyone would see everyone else as a likely enemy, against whom they must constantly be on guard. Hardly less important, these are the precepts that people have the strongest and most direct motives for impressing on one another. By merely giving each other prudent advice or encouragement, they may gain nothing, or think they gain nothing. In urging on each other the duty of active benevolence they have an unmistakable interest, but a much smaller one: a person may not need the benefits others could give him, but he always needs them not to harm him. So the moral rules that protect every individual from being harmed by others—either directly, or by being hindered in his freedom to pursue his own good—are at once the ones he himself cares about most and the ones he has the strongest interest in proclaiming and enforcing by word and deed. It is by whether a person observes these that his fitness to exist as a member of the human fellowship is tested and decided; for on that depends whether or not he is a menace to those he comes into contact with. And it is these moral rules, above all, that make up the obligations of justice. The most striking cases of injustice—the ones that set the tone for the feeling of repugnance characteristic of the sentiment—are acts of wrongful aggression, or the wrongful exercise of power over someone. Next come those that consist in wrongfully withholding from someone something that is his due. In both cases a positive harm is inflicted on him, either as direct suffering or as the

loss of some good, physical or social, that he had reasonable grounds to count on.

5.33 The same powerful motives that require us to observe these primary moral rules also demand that those who violate them be punished. And since the impulses of self-defense, of defending others, and of vengeance are all roused against such people, retribution—evil for evil—becomes closely connected with the sentiment of justice and is universally included in the idea. Good for good is also one of the demands of justice. Its social utility is evident, and it carries a natural human feeling with it; but at first sight it lacks that obvious connection with harm or injury which, present in the most basic cases of just and unjust, is the source of the sentiment's characteristic intensity. But the connection, though less obvious, is no less real. Whoever accepts benefits and then refuses to return them when needed inflicts a real harm, by disappointing one of the most natural and reasonable of expectations—one he must at least tacitly have encouraged, or the benefits would seldom have been given. How highly the disappointment of expectations ranks among human evils and wrongs is shown by the fact that it is the chief criminality of two such deeply immoral acts as betraying a friendship and breaking a promise. Few harms human beings can suffer are greater, and none wounds more, than when something they have habitually and confidently relied on fails them in their hour of need. And few wrongs are greater than this mere withholding of good; none arouses more resentment, whether in the person who suffers or in a sympathetic onlooker. The principle of giving each person what they deserve—good for good as well as evil for evil—is therefore not only included in the idea of justice as we have defined it, but is a proper object of that intense feeling which, in human estimation, places the just above the merely expedient.

5.34 Most of the maxims of justice current in the world, and commonly appealed to in its affairs, are simply means of carrying out the principles of justice we have just discussed. That a person is responsible only for what he has done voluntarily, or

could voluntarily have avoided; that it is unjust to condemn anyone without a hearing; that punishment ought to be proportioned to the offense; and the like—these are maxims meant to keep the just principle of evil for evil from being perverted into inflicting evil without that justification. Most of these common maxims came into use through the practice of courts of justice. Courts were naturally led to recognize and work out, more fully than others would likely have thought to, the rules they needed to fulfill their double function: inflicting punishment when it is due, and awarding each person his right.

5.35 Impartiality, the first of judicial virtues, is an obligation of justice partly for the reason just mentioned: it is a necessary condition for fulfilling the other obligations of justice. But this is not the only source of the high rank among human obligations held by those maxims of equality and impartiality which, both in popular opinion and in that of the most enlightened, are counted among the precepts of justice. From one point of view they may be seen as corollaries of the principles already laid down. If it is a duty to treat each person according to his deserts, returning good for good as well as repressing evil with evil, it necessarily follows that we should treat equally well (when no higher duty forbids) all who have deserved equally well of us, and that society should treat equally well all who have deserved equally well of it—that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice. All institutions, and the efforts of all virtuous citizens, should be made to converge toward it as far as possible. But this great moral duty rests on a still deeper foundation. It flows directly from the first principle of morals, and is not a mere logical corollary of secondary or derived doctrines. It is contained in the very meaning of Utility, or the Greatest Happiness Principle. That principle is a mere form of words without rational meaning unless one person's happiness, assumed equal in degree (with proper allowance made for kind), counts for exactly as much as another's. Given those conditions, Bentham's dictum, "everybody to count for one, nobody for more than

one," might be written under the principle of utility as an explanatory commentary.[8] Everyone's equal claim to happiness, in the judgment of the moralist and the legislator, involves an equal claim to all the means of happiness—except insofar as the unavoidable conditions of human life, and the general interest (which includes that of every individual), set limits to the maxim; and those limits ought to be strictly interpreted. Like every other maxim of justice, this one is by no means applied, or held to be applicable, universally. On the contrary, as I have already remarked, it bends to each person's ideas of social

8 MILL'S NOTE. Mr. Herbert Spencer (in his *Social Statics*) regards this implication of perfect impartiality between persons, contained in the first principle of the utilitarian scheme, as a disproof of utility's claim to be a sufficient guide to right. For (he says) the principle of utility presupposes a prior principle: that everybody has an equal right to happiness. It would be more accurate to describe it as supposing that equal amounts of happiness are equally desirable, whether felt by the same person or by different people. This, however, is not a presupposition—not a premise needed to support the principle of utility—but the very principle itself. For what is the principle of utility, if not that "happiness" and "desirable" are synonymous terms? If any prior principle is implied, it can only be this: that the truths of arithmetic apply to the valuation of happiness, as they do to all other measurable quantities.

[In a private letter about the preceding note, Mr. Herbert Spencer objects to being considered an opponent of Utilitarianism. He states that he regards happiness as the ultimate end of morality, but holds that this end can be only partly reached through empirical generalizations from the observed results of conduct, and fully reached only by deducing, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness and what kinds tend to produce unhappiness. Apart from the word "necessarily," I have no disagreement with this doctrine; and (leaving out that word) I know of no modern advocate of utilitarianism who thinks differently. Certainly Bentham, whom Mr. Spencer referred to specifically in *Social Statics*, is of all writers the least open to the charge of being unwilling to deduce the effects of actions on happiness from the laws of human nature and the universal conditions of human life. The usual charge against him is that he relies too exclusively on such deductions, and refuses altogether to be bound by the generalizations from specific experience to which Mr. Spencer thinks utilitarians generally confine themselves. My own opinion (and, as I gather, Mr. Spencer's) is that in ethics, as in every other branch of scientific study, the two processes must converge, each confirming and verifying the other, to give any general proposition the kind and degree of evidence that amounts to scientific proof.]

TRANSLATOR'S NOTE. Herbert Spencer (1820–1903), English philosopher; *Social Statics* appeared in 1851.

expediency. But wherever it is thought to apply at all, it is held to be the command of justice. All people are considered to have a *right* to equal treatment, except when some recognized social expediency requires the reverse. And so all social inequalities that are no longer considered expedient take on the character not merely of inexpediency but of injustice. They come to seem so tyrannical that people wonder how they could ever have been tolerated—forgetting that they themselves may be tolerating other inequalities under an equally mistaken notion of expediency. Correcting that mistake would make what they now approve seem just as monstrous as what they have finally learned to condemn. The whole history of social progress has been a series of transitions in which one custom or institution after another, once supposed to be a basic necessity of social existence, has passed into the rank of a universally condemned injustice and tyranny. So it has been with the distinctions between slaves and free people, nobles and serfs, patricians and plebeians. And so it will be, and in part already is, with the aristocracies of color, race, and sex.

5.36 It appears from what has been said that justice is the name for certain moral requirements which, taken together, stand higher on the scale of social utility, and are therefore more overriding in their obligation, than any others. Still, particular cases may arise in which some other social duty is so important that it overrules one of the general maxims of justice. Thus, to save a life, it may be not only permissible but a duty to steal, or take by force, the necessary food or medicine, or to kidnap the only qualified doctor and compel him to treat the patient. In such cases, since we call nothing justice that is not a virtue, we usually say—not that justice must give way to some other moral principle—but that what is just in ordinary cases is, because of that other principle, not just in this particular case. This convenient adjustment of language preserves the inviolable character we attribute to justice, and saves us from having to maintain that there can be praiseworthy injustice.

5.37 The considerations now presented resolve, I believe, the only real difficulty in the utilitarian theory of morals. It has always been evident that all cases of justice are also cases of expediency. The difference lies in the special sentiment attached to the former, as distinct from the latter. Suppose this characteristic sentiment has been adequately explained; suppose there is no need to assign it any special origin; suppose it is simply the natural feeling of resentment, made moral by being extended to match the demands of social good; and suppose this feeling not only does but ought to exist in all the classes of cases to which the idea of justice corresponds. Then that idea no longer stands as a stumbling block for utilitarian ethics. Justice remains the fitting name for certain social utilities that are vastly more important—and therefore more absolute and imperative—than any others as a class (though not more so than others may be in particular cases). They therefore ought to be, as they naturally are, guarded by a sentiment different not only in degree but also in kind: one distinguished from the milder feeling attached to the mere idea of promoting human pleasure or convenience, both by the more definite nature of its commands and by the sterner character of its sanctions.