

CHAPTER THREE

MILL ON JUSTICE

In 19th century English Philosopher John Stuart Mill as a substitute way to political evolution upholds a prosperous liberal emendation. Mill was the first innovator who constituted the tradition of utilitarianism in a new dimension. Although former British thinkers (e.g.-Hobbes, Hume) were proto-utilitarianist, organize the components of theory into their own perspectives. The movement about the thought of utilitarianism stems from Jeremy Bentham but Mill resurrects it in a new way. The concept of utilitarianism was supported by many philosophers, but in Victorian era Mill was a leading advocator of utilitarianism. He gives many proposals as he wanted to reform the British society as well as politics and these all proposals are inherent within Principle of Utility. For him, Principle of Utility lies on a highest position and all moral rules are subsidiary under this principle, even it subsumes the principle of justice. But defender of primacy of justice challenged Mill's position by giving priority on Principle of Utility as well as Mill's idea of justice.

Therefore, it is important to know about Mill's concept of utilitarianism. This chapter not only deals with the positive arguments of Mill in favour of proving the primacy of utilitarianism, even it discusses Mill's replications to the critics of utilitarianism. In connection of this explanation, Mill allocates his significant deliberation on justice and the connection between utilitarianism and justice.

To highlight J.S Mill's theory of utilitarianism it is noteworthy that, Mill followed by Jeremy Bentham, but at the same time Mill was not in full agreement with

Bentham's views and he adopted Bentham's doctrine of utilitarianism with some modifications. In this context Mill says that,

Factors like moral motives, sociability, feeling of universal altruism, sympathy and a new concept of justice with the key of idea of impartiality.²⁸

He claims that the main important defect of Bentham's ethics is that, it ignores individual character, but emphasizes on human feelings and imagination as part of a good life. Poetry, dramas, music, paintings are essential elements for happiness and formation of human character and these are tools of human culture. Mill upholds, happiness and dignity are primary ends of human life.

He defined happiness to mean perfection of human nature, cultivation of moral virtues and lofty aspirations, total control over one's appetites and desires, and recognition of individual and collective interests.²⁹

Mill's ethics is important as he has abandoned egoism. He asserts that, social welfare is the matter of good will to all man. According to him, integrity, self-respect, freedom are intrinsic goods for human being. Mill accepts basic premise of utilitarianism, but discriminates between higher and lower pleasures. People intensify their pleasure in respect of quantity as well as quality. He claims, human beings can able to obtain intellectual or mental pleasures which are far superior to physical pleasures. This intellectuality or mental pleasure is differentiating human being from

²⁸. Mukerjee, Subrata, and Ramaswamy, Sushila, A History of Political Thought Plato to Marx (2nd ed), p-409.

²⁹. Ibid, p-409.

animals. Mill considers that, the ultimate end or important element of human happiness is self-development of individuals. These are the chief components of individual and social progress.

Mill used the principle of utility which regarded as the “ultimate appeal on all ethical questions” to support his principle of liberty, but then it was Utilitarianism based on the permanent interests of the individual as a progressive being.³⁰

In ethical theory of Mill’s great essay *Utilitarianism*, where Mill presents his own views about Principle of Utility. According to him,

Utility or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.³¹

He elucidates human happiness as pleasure and unhappiness as pain. According to him, an action is right if it produces more pleasure over pain which makes a person happy and it is greatest good for mankind. On the contrary, an action is wrong if it increase pain over pleasure that makes an individual unhappy and it is greatest evil for human being.

Mill tries to reconcile between the interest of society and an individual person. He narrates that, a good trait is intimately related with altruism and it is a noble character

³⁰. Mukerjee, Subrata, and Ramaswamy, Sushila, A History of Political Thought Plato to Marx (2nd ed), p-410.

³¹. Miller, D.E., *The Basic Writings of J.S. Mill...*, P-239

of all people. By the help of that characteristic people can perform those actions that are good for society rather than themselves. The happiness that one gets from serving the society is gratified his mind. Mill believes, social feelings and conscience are psychological aspects of an individual. He characterized society as being natural and habitual, for the individual as they are the social person.

Mill states, pleasures cannot be measured but Bentham's standard of hedonistic calculus--- the scale for measuring pleasure is congruent. He describes that, the state plays a crucial role in shaping the ends of an individual person.

According to Mill, utilitarianism holds that:

...actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.³²

Here Mill wants to say that the rightness and wrongness of an action is based on ratio. Actions in proportion as they tend to generate happiness or tend to generate pain-- on this basis one can judge right or wrong action. If so, then there is no existence of absolute rightness or absolute wrongness instead of that (i.e. – absolute rightness or absolute wrongness), we talk about the amount of rightness or wrongness. For instance, it is possible to know which action is right or wrong, but one fails to understand how one right act is more or less right rather than another right act.

³². Crisp, Roger (ed.), *Utilitarianism*, p-55.

❖ **3.1 Mill's Principle of Utility:** Mill in his theory of utilitarianism does not mention the word 'utility', then how his theory is named as **"utilitarianism"**?

To reply this question it may be mentioned that, Mill does not accept the word **"utility"** in common sense. To him, the significance or importance of the word **'utility'** and **'happiness'** are same. He accepts this matter in his theory and holds that, utility and happiness are identical. Happiness means presence of pleasure and absence of pain. Therefore, we interpret the significance of the word **"utility"** as: **utility = happiness = presence of pleasure and absence of pain.**

The above theory determines about rightness or wrongness of an action through the presence of pleasure and absence of pain. So, Mill labels this theory as **'Utilitarianism'**.

To Mill, in human life there are two basic needs which everyone want to desire, such as, to obtain the pleasure and to remove the pain. But human being always desire to obtain fame, money, health too--- then are these consider as desirable things? Mill asserts that, these are desirable objects no doubt, but men do not desire the fame for fame, money for money, rather these are desired for pleasure or get rid from pain. On the other hand, pleasures and no pains--- these two desirable things do not use for any other kind of different ends. These two are not considered as means but as ends. So, pleasures and no pains are not only the desirable things, even these are identified as highest desirable things.

Against this doctrine many objections are raised. Mill identifies such objections and respectively refutes them one by one. Thus this theory gradually arrives in its full grown stage.

Now, we are discussing the objections and Mill's answers to them in the following way:

This theory ignores the special ability of men and reduced them to the animal's form. It is the nature of animal to seek pleasure, whatever the means may be. So, those who want to spend his life to achieve the pleasure only by any means are to be regarded as an animal. This theory is applicable on the swine, not to human being.

To Mill, it is not a new objection. These objections are raised against the ancient Greek philosopher Epicurus too, who gave an answer to this objection wonderfully. He responds that, while raising the above objection they do not send human greatness into the exile. On the contrary, those who are raising this objection, they are responsible for this situation. Because they think that, there are no difference between swine's pleasure and human's pleasure. Men are capable to attain the superior pleasure than the animals--the objectors do not pay attention to this point. So, the protesters are responsible to reduce the human's position into the animal stage. Like Epicureans Mill says that, animal's happiness never reaches to the stage of human happiness. Humans are rational and conscience being who have those faculties that makes them higher than animals. Since these faculties are not present in animals, so happiness that an animal enjoyed and happiness that a human enjoyed are bound to be different.

Mill mentions that, Epicureans always determinate the differentiation between physical and mental pleasures when they want to ascertain the excellence of human pleasure in comparison of animal pleasure. According to them, those mental pleasures are obtained from rationality, feelings, imagination these have more value than physical pleasure. Therefore, if people admit that, the pleasure is the only desirable thing and

they are degrading themselves into animal stage then this objection does not stand against Epicureans. The objectors understood pleasure as physical pleasure only. They are ignorant about mental pleasure which is much superior to physical pleasure.

But there is a question, why we say that mental pleasure is more valuable and superior than physical pleasure?

Mill noticed that, Utilitarians generally emphasis on the priority of qualitative aspect of mental pleasure and through this consideration they determine the excellence of mental pleasure. Though Mill does not mention any specific Utilitarianist name, but one can easily apprehend that here he talks about the view of Bentham and his followers.

When Bentham compares between mental and physical pleasure, then he does not judge anything except the quantitative amount of two type pleasures (i.e. - mental and physical pleasures). According to Bentham and his followers, pleasure has some quantitative value. For example---intensity, duration, extension, purity etc. A mental pleasure is valuable than a physical pleasure--- to determine this they have take help of every quantitative value. For instance, drinking a glass of wine produces physical pleasure. The intensity of this pleasure is more than any mental pleasure (e.g. - pleasure from friendship).From the point of view of intensity, it is wrong to think that pleasure from drinking is more valuable than pleasure from friendship. In account of durability the pleasure from friendship is more durable than the satisfaction from drinking. Pleasure from drinking is not a pure pleasure. But in true friendship the pleasure is pure and there is a low possibility of dissatisfaction. Thus, in context of quantitative

consideration, it is proved that the pleasure from friendship has more quantity than pleasure from drinking. In fact, Bentham's followers think that, pleasure from friendship is more valuable than pleasure from drinking. Naturally in that field, Bentham's followers are ready to accept that, the mental pleasure is more valuable than physical pleasure.

Here it is noteworthy that, in some cases, though Bentham's followers accept the excellence of mental pleasure, but they do not accept the classification of pleasures. In some cases, though they think that mental pleasures are valuable than physical pleasure, but for that reason they are not ready to admit that, mental pleasure has any separate self-property. Mental pleasure and physical pleasure stand in the same level. If mental pleasure has any excellence, then that excellence is just qualitative. Mental pleasure has qualitative excellence rather than physical pleasure. Mental pleasure is to be considered as much more valuable, if in regard of quantitative considerations, its weight is much more than physical pleasure. To give more value it is not necessary to involve the mental pleasure in higher level category.

Mill presents this above interpretation in regards of Bentham's followers. Mill does not accept nor reject their view. He claims that, Utilitarians are capable to prove their position. Here Mill presents his own perspective or approach. He argues that, as a utilitarian supporter one can accept quantitative disparity of pleasures. As there are both quantity and quality in the world, then why in case of measuring the pleasure one considers only about quantity of the pleasure?

So, Mill does not only accept the quantitative difference of pleasure, even he accepts qualitative pleasures. He believes that, some kinds of pleasures are high in category and some are low in category. He always prefers high category pleasure rather than low category pleasure. Between two pleasures the high category pleasure is desirable and low one is concern as non- desirable.

Now it may be asked: what type of pleasure is said to be a high category pleasure? It seems that, Mill understood the high category pleasure which fulfilled human's highest desire. He thinks that, human nature is such that they seek higher pleasure instead of lower pleasure. If this is not the case, then for getting the animal pleasure men will be ready to sacrifice his human nature and lead an unworried foolish life. But the nature of human being is not like that, they are conscious about qualitative difference of pleasure.

Here we are discussing about human natural faculties. The importance of human life is that they do not follow the animal instinct only. So, when they faces two alternatives (i.e., high and low category life), they always pick the higher one.

Therefore, it follows from the above discussion that, Mill gives more importance on mental pleasure and considers that the mental pleasure is much more valuable than physical pleasure. Here a point must be noted that, there are cases where Benthamians prefer mental pleasure rather than physical pleasure. The question naturally arises, where the difference between Mill and Bentham's vision are stand?

We have already mentioned the above difference. To put it again, Bentham accepts only one standard--- the quantitative difference between physical and mental pleasure. The question of qualitative difference is not important for him. On the other hand, Mill accepts both kinds of standard to determine more desirable pleasure-- quantity and quality. In fact, the difference between physical and mental pleasure is very important to him.

Many philosophers argue that, due to differentiation between higher and lower pleasure Mill deviates from the main root of hedonism. According to hedonism, pleasure is the only desirable thing. But according to Mill, the criterion of pleasure is dependent on qualitative characteristic of that pleasure. It is only on the basis of qualitative difference that one pleasure is considered to be a highest pleasure than other. On account of this matter pleasure is counted as intrinsic valuable thing and it may be called as virtue rather than pleasure. But conventional hedonists remark that, it is the pleasure that only recognized as a most desirable thing on this earth. Therefore, it follows that, Mill is no doubt a hedonist, but not a conventional hedonist.

There is difference between higher and lower pleasure. But how can the ordinary people apprehend which pleasure is higher or which one is lower? Is there any standard through which people can able to discriminate between two types of pleasure? Mill replies that, there is the rule through which they can understand which pleasure is higher or lower. Between two pleasures if all people or almost all people in the world naturally give more preference on one pleasure rather than another, then that pleasure is considered as higher pleasure. In this sense, mental pleasure is definitely identified as higher pleasure rather than physical pleasure. Most of the people on this earth prefer

mental pleasure as superior than physical pleasure. And it must be admitted that there are not many people in this world who are give up their mental pleasure for attaining animal's pleasure.

Here again a question comes up. Are the events of real life follows the above order? In this world there are many instances of forsaking the ideals. There are many people who accept lower propensities and abandoned great propensities of life. Then how does Mill claim that, most people are interested to attain the higher pleasure?

Mill acknowledges that, it is true that there are many incidents of pursuing lower pleasures. But he thinks, those human beings are willingly choosing the lower enjoyments. The environment and situation are responsible for such kind of acts. As a seed needs proper nourishment for growing up, similarly human nature needs proper care during their upbringing. In hostile situation the good faculties are dried up for lack of cares. People are not responsible for that, circumstances and societies are responsible for that.

However, if one noticed the standard that determines higher or lower pleasure (which is prepared by Mill), then it is clear that, in case of judging pleasure he is interested to get the verdict of most peoples. In other words, on the basis of like or dislike of an individual, those pleasures are more desirable, which was favoured by most people. Here the only judge is not the individual person, but the aggregate of peoples. According to this criterion, each people's duty is to find such type of pleasure, which is not only adorable for him, but adorable to other people. Greatest happiness meant not only for an individual, but for the maximum number of people--- this is the

main tenet of utilitarianism. While judging the pleasure Mill gives priority to maximum people's interest rather than an individual's interest, so he is a perfect altruistic or successful utilitarian.

To understand the importance of maximum's interest Mill mentions about the life of great seers. It is not necessary that, every moment of the seer must be happy. But on account of facing problems a seer does not give up to exercise his great propensities or virtues. His practice is helpful to increase most people's happiness and that enriches the world. The conducts which are followed by the great men those are not for individual interest, but for the interest of maximum people. Conduct is the prime aspect of character.

In Mill's Utilitarian theory there are two types of ideal life--- (a) as far as possible the ideal life must be free from pain and (b) the ideal life is spent for the sake of enriched pleasure (which is enriched from both side- quality and quantity).

The critics argue that, happiness could not be the highest end of life, as it is not possible for anyone to enjoy an uninterrupted happiness life. Misery, agonies are parts of our life. Moreover, without engaging himself to find the happiness one cannot obtain an ideal life. There are many instances of great persons who relinquish themselves for the noble cause. In this connection Mill remarks that---

(i) Logically it is not possible to enjoy a ceaseless happy life; still it cannot prove the insensitiveness of utilitarianism. Utilitarianism does not only search the happiness,

it also endeavours to eradicate pain. Though it is possible to prove that, quest for happiness is meaningless, but it is not possible to get rid from pain.

(ii)The point cannot be proved that, there are many incidents of sacrifices in the world. But what are the intentions of these sacrifices? According to Mill, to increase the other's happiness such sacrifices are happened. A noble person sacrifices his life for well-being of mankind. He was not sacrificing himself for his own happiness but for the others. Therefore, Utilitarian's claim cannot be refuted.

(iii)There is another objection that, Utilitarian theory preaches an ideal theory which is very lofty and ordinary people cannot reach there. According to Utilitarianism, an act is to be right only if that act is executed for universal interest. But there are few men who always perform those acts which spring from their noble motive. We donate money to flood relief-fund, but most of the time we are not do so for the help of flood-stricken people, we do this for sake of our own prestige. It is right that, one respects his neighbour not for the universal interest, they do this for maintaining the fellow-feelings. Judging from the Utilitarian perspectives it may be remarked that, these kinds of acts are wrong. The result of this Utilitarian theory is impractical, so it has no value in our practical lives.

Mill replies that, the argument on which the objectors are giving weight is as following-

If utilitarian's claim is true, then an act is to be right only if that act is executed from the intension of saving universal interest. But there has some acts which are

considered as right acts even though these are not performed from the intension of saving universal interest. Therefore, the assertion of Utilitarian theory is not true.

Mill does not accept the substantiality of above argument. According to him, first premise is erroneous. The motive of an act is not a subject matter of utilitarianism. Utilitarianism prepares a code of conduct and claim that an act is to be right if that act follow this code of conduct. What kind of motive works behind this act is not the main question. Mill points out that, objectors do not understand the difference between code of conduct and motive. That's why they are commenting like that. Mill argues, on the basis of intension an act is not considered as right, on contrary every right act is save the universal interest.

There is another objection that, due to time-constraints we could not follow Utilitarian code of conduct in our life. According to code of conduct, before doing any act we have to concern about probable consequences and observe that what will the utility of an act produced for society? Is there any other act which will produce more utility for society than the first act? But most of the time due to time restriction, it is not possible to calculate about probability of consequence of an act. For instance, an accident may happen in front of a person but there are other persons who are watching that accident too. In this case, if he has to go with the Utilitarian code of conduct and calculate what is his duty then he could not save the person. Here one needs to take a quick decision, so Utilitarian code of conduct is not applicable here.

Mill's answer is: it is unnecessary to calculate what should be done in an emergency situation. Men are not foolish; they know what to do in a particular situation. Here experience plays the role of a teacher. Being an experienced person, one

has known what to be done in a particular situation to increase happiness for maximum numbers. There is no novelty in Utilitarian code of conduct. Since for long period people are familiar with these codes. So, when they face an accident then at that time there has no necessity of calculation. Since people are habituated with those rules through which they can take quick decision and select the right way that is helpful to most people.

This above answer of Mill directs our attention towards another point. Here he gives prime importance on code of conduct. So, what he wants to say is: an act is considered to be right if it is done in accordance with Utilitarian code of conduct. Here not the act but rule is the only considerable subject of matter.

By nature human being are egoistic, then how they give importance to pleasure for others instead of his own pleasure? In this context, Bentham offers four types of external sanctions--- social sanction, political sanction, religious sanction, natural sanction), but Mill adds one more sanction that is internal sanction. So, Mill admits five types of sanction.

According to Mill, by external sanctions (social, political, religious, natural sanction) one could not be able to explain altruism. Though external sanctions force a person to produce pleasure for others, but he could not do this by his own will. In case of well- being for others moral action should be voluntary or self- motivated. So, Mill adds internal sanction with the external sanctions. Internal sanction means conscience or rule of conscience or sympathy for fellow-feelings. However, due to internal sanction human being aspire to pleasure for others.

In favour of utilitarianism Mill offers psychological argument---- transference of interest from end to means. If an act repeatedly executed then unconsciously the means transform into an end. For example, human being normally desires to earn money and money is the means through which they can buy a desire thing and as a result they feel pleasure. Here end uses in terms of obtain pleasure and means consider as earn money. But in some cases we may find that, by successively engaging himself to earn money, the feeling of pleasure connects with the earning of money (means) and then the end (enjoy the pleasure) changed. It may happen that, while enjoying pleasure, a man feels pleasure only in earning the money and thus he completely forget about his desire thing. A miser wants to get money for its own sake, not for enjoyment of pleasure. Similarly, in this society for his own pleasure one may want to desire pleasure for others. Thus human being gradually accepts other's pleasure as a means for their own pleasure. But in course of time the end (desire of our own pleasure) got disappeared and the means (desire of the others pleasure) becomes into the end. Therefore, Mill's argues that, for this transference of interest people wants to desire pleasure for others.

Mental pleasure is far superior to physical pleasures; in accepting this notion Mill mentions about the “**verdict of the competent judge**”. Competent judge is one who thinks that mental pleasures are far better than physical pleasure. To Mill, ‘competent judge’ means who experienced almost all pleasures and give preference to intellectual pleasures. They appreciate intellectual pleasure that known as mental pleasure.

❖ **3.2 Mill's "Proof" of the Principle of Utility:** Bentham believes that the principle of utility is not capable to proof. It cannot be proved by any reference or anything else. **"Is it susceptible of any direct proof?"** Bentham thinks, the proof through which others are being proved that itself cannot be proved:

A chain of proofs must have their commencement somewhere.³³

Bentham holds that, sometimes offer a proof is not only impossible but unnecessary. Mill is not in agreement with this position and gives some good reasons to prove principle of utility. These are:

Mill asserts that, the question of ends is the question of what is desirable and according to utilitarian theory only happiness is desirable as an ultimate end. In this context, Mill gives a suitable analogical argument:

The only proof capable of being given that a thing is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it; and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it.³⁴

"The general happiness is desirable"-----here no reason can be given but it can be achieved for individual's own happiness. Mill upholds happiness is good: each person's happiness is good to that person. So, it can be said that general happiness is

³³ Scarre, G., *Utilitarianism*, p-96

³⁴ Moore, G.E., *Principia Ethica*, p-66

good for society. Therefore, human being can realize that, happiness is the ultimate end and it is one of the criteria of morality.

Many philosophers believe that, a person does not only want to happiness, even there are many things which he like to desire. For example, they desire virtue, absence of vice, pleasure unmixed with pain. But the desire of virtue is an authentic fact for desire of happiness. Mill infers that, men want to desire virtue for getting happiness. So, virtues are the means of happiness.

Here it may be observed that, virtue is not the only thing as a means of desire, there are many other things which are means of desire. For instance, human being loves money, but money is valuable for its extrinsic quality. It is a means for gratify one's physical pleasure. It is truly desired as part of an end, not for the sake of end.

From being a means to happiness, it has come to be itself a principal ingredient of the individual's conception of happiness.³⁵

In other words, sometimes most of the people desire money for sake of obtains power, fame and it is the only way through which one may reach to his expected goal.

In these cases the means have become a part of the end, and a more important part of it than any of the things which they are means to.³⁶

From above discussion it may be reflected that, in reality people desire nothing but the happiness.

³⁵. West Henry R., *The Blackwell Guide to Mill's Utilitarianism*, p-92

³⁶. *Ibid*, p-92.

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.³⁷

People desire virtue for its own sake, as they know it gives pleasure. If one feels pleasure through virtue then he attains it, but instead of pleasure if he gets pain or the virtue gives pain to others whom he wants to take care then he does not love this virtue. The principle of utility is proved if it is psychologically true that, human nature is such that it does not desire the thing which was not a part of happiness or a means of happiness then no other proof is required. If it is true, then happiness is the sole end of human activity.

One can decide that this is really true that human being wants to get only those things that give pleasure that exempt from pain.

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.³⁸

Some philosophers contend that, often desire may not arise from pleasure, but from the willingness of getting pleasure. Will is the child of desire, but it is different from desire. There are many different things which are done from one's conscious

³⁷. West Henry R., *The Blackwell Guide to Mill's Utilitarianism*, p-93.

³⁸. *Ibid.*, p-93

volition or will and if any act is spontaneously performed then these becomes a habitual act to everyone.

In other words, this state of the will is a means to good, not intrinsically a good; and does not contradict the doctrine that nothing is a good to human beings but in so far as it is either itself pleasurable, or a means of attaining pleasure or averting pain.³⁹

Lastly, Mill claims that, if the above doctrine is true, then principle of utility is to be definitely proved. He shared the responsibility to the thoughtful reader whether the above analysis is true or not.

❖ **3.3 Relation between Utility and Justice:** This section focuses on the connection between utility and justice. After discussing utilitarian theory, Mill turns his attention towards justice in connection with utility. He admits that, “utilitarianism” is a general and persevere ‘obstacle to the reception’ of the notion of utility which is not identical with just. The concept of justice has more moral force than utility. He shows his sympathy with this objection and it is remarkable for two reasons. In the first position, he himself acknowledges that, there is an important difference between absolutely wrong thing and simply inexpedient thing. But if principle of utility is a core ultimate standard through which value of actions could be evaluated then some subordinate principle is to be required to resolve where this distinction occurs. In the second place, often there is a possibility of confliction between demands of justice and utility. For instance, breaking one’s trust or abuse a commitment is generally regarded

³⁹. West Henry R., *The Blackwell Guide to Mill's Utilitarianism* , Pp-94-95..

to be unjust, but often in some occasion this may enhance general happiness. So, here an important question arises, does utilitarianism sometimes allow to perform unjust act?

To figure out this matter, Mill starts by making a difference between two senses of expression of 'unjust'. When an act is considered as unjust that means it infringes legal rights of a person and these rights are those that protect him by the laws of his respective state. But, concept of justice and injustice are used in a further sense, through which one can describe a thing as unjust. In moral sense, all human laws are not designated as just and a person may occasionally hold some legal right which concerns him only by assertion of a morally bad law. To Mill, such rights cannot be considered as absolute, as these may suitably be overridden by a stronger obligation of justice. However, he states that, such laws should preferably be revoked rather than violate.

From Mill's perspective, the relationship between justice and utility is that, in the moral sense, justice is basically one and same with the utility, though through the standard of utility justice of laws always be determined.

Our sense about justice is a strong motive to us. If we try to make a partial distribution of chocolate among the students in a school, then it may be the case that, this is an unjust motive. But Mill admits that, rather than strong motive often it will be granted for the sake of general good.

He also grant that we experience as a simple unity the sense that our duty demands the justice be served-- and that serving justice as our duty is *not* the same as serving virtue, seeking after the general good. ⁴⁰

Mill affirms, our duty of justice is adequately demanding and strong, but in question of utilitarian, claims of general good can singly justifies any type of actions. To Mill, idea of justice is a combination of different ideas; such as, feeling of pleasure or strong motive towards actions. So, he states that, justice is a strong motive that pleases us and injustice is something that gives us pain. He explains the concept of justice into its primitive components and these reciprocal parts are not separable from the concord and simple idea of justice. The concept of justice is a case where we felt a sense of obligation that just is obligatory to us. But Whewell claims that, in Mill's analysis of justice there is no priori validity. It truly feels as if acts are done from unconditional precision. It is exactly what makes it apparent as if just is preceding to the principle of utility. But earlier it has already been seen that, Mill has given '*proof*' in favour of principle of utility and from moral point of view we have seen that, justice could not precede to utility. Mill comments, the conventional idea of justice is not the only one that abandoned all moral force. He attempted to show that,

The Principle of Utility justifies morally our having this concept--- our customary concept of justice--which has the appearance of being a concept conformity which is felt to be prior to the Principle of Utility.⁴¹

⁴⁰ . Kahn, L., *Mill on Justice*, p-95.

⁴¹. Ibid, p-96

Whewell asserts, the idea of justice is simple and we are unable to analysis this concept. But on the basis of principles of associationist psychology Mill wants to show that, though concept of justice is simple as well as a felt unity, but still it is possible to analyse this concept. Whewell further claims that, simplicity is the benchmark of unconditional validity as well as it is thoroughly obtain to have; on the other hand, Mill rejoins that, when this is suitably qualified and justified by principle of utility then it obtained unconditional validity.

To illustrate the above task by asking what justice is, Mill begins by bringing out several modes of action which are considered to be the matter of justice. To find out the common element of these acts, it is essential to know about these in a concrete sense. So, we have to turn our attention on different sorts of action and conduct of human affairs which are classified by universal or widely spread opinion as just or unjust. Mill identified six popular maxims of justice and without perusing any special collocation he has passed them swiftly in review. These are as following:

- (a) Legal right:** By law it is considered as unjust not to allow someone from his pertain properties, personal liberty or any other things which are possessed by him. So, we perfectly apply the term just and unjust in a definite sense by saying that, it is just to respect someone's *legal rights* and unjust to breach this. But this adjudication includes some exceptions which are getting in from the other forms where the concept of justice and injustice present themselves. For instance, a man who suffers from deprivation may have *forfeited* the rights from which he has been deprived.

(b) Moral right: The legal right ought not to pertain to him or it can be said that the law through which he has possessed this right, it may be a bad law. If this type of case will happen then people's opinion about concept of justice or injustice differ from each other. Some people think, each and every individual should obey and respect the laws, whether it is bad or good. This opinion holds on the basis of expedience and those who maintains this gives priority on common interest of mankind. On the contrary, most people who maintains that, if any law is to be judged as bad then anyone can be disobeyed this without any guilt, even though it is not considered as unjust, but only injudicious. Some holds that, disobedience presence only in the field of unjust laws. But again there are few people who have considered laws as unjust on the basis of inexpediency. Some people believe that, laws resigns some restrictions on natural liberty of the people and this restriction be treated as unjust if it not take care of their good.

From these different views, it seems there are some unjust laws, though these types of laws are giving benefit to a person by imposing evil on another person. This kind of attitude may not be treated as absolute standard of justice rather justice is denouncing this. However, there are some laws which are thought to be unjust, in the same way if anyone violate a law is judged as unjust. For example, everyone should respect each one's rights and not hinder in anyone's rights. But if a person tries to hinder someone's right then it is regarded as an unjust act and it is not the case of legal rights, yet it has received a different name, called *moral right*.

(c) Moral desert: Generally it is envisaged as just, if each individual gets those things which he deserves whether it's good or evil. On the contrary, it is unjust if he gets

good things and suffers from evil, what he does not deserve. In a general way we believe that, an individual deserves good if he do the right thing and if anyone do the wrong act then he deserves to get evil. In fact, this is the most powerful and clear form of justice which was conceived by human mind.

(d) **Break faith:** It is considered as unjust to *break faith* of anyone. If a man failing to keep his promise or expectation of someone or violates his contract knowingly and voluntarily which he promised someone is generally considered as contrary with the requirements of justice. Though, like other obligations of justice this obligation is not accounted to be an absolute one. But it is a necessary obligation for just society and without it we are not performing our obligation or duties towards the society.

(e) **Impartiality:** It is generally admitted that, *partiality* is inconsistent with justice. To give priority or favour one over another person is not appropriate for the treatment of justice. So, though impartiality is not considered as a duty in itself, but it is treated as a conducive element for several duties. But there are some exceptional cases where favour and preference are not taken as discreditable act. In this connection Mill argues that,

Impartiality where rights are concerned is of course obligatory, but this is involved in the more general obligation of giving to everyone his right.⁴²

⁴². Miller, D.E., *The Basic Writings of J.S. Mill...*, p-281.

For example, a judge of tribunal must be impartial and gives his verdict in favour of the party who is right. There is another aspect where in respect of public interest impartiality means, select the deserving candidate among large number of candidates for Government employment. According to Mill,

Impartiality, in short, as an obligation of justice, may be said to mean, being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand; and resisting the solicitation of any motives which prompt to conduct different from what those considerations would dictate.⁴³

(f) Equality: The concept of impartiality is related with the idea of equality and it is one of the essential components of doctrine of justice. The concept of justice is different from the perspective of various persons as they always consider it as alternatives with their idea of utility. Each person believes that, equality is commanded by the concept of justice, except some cases where they think that, sometimes expediency demands equality. People think that, there are extreme inequalities happen with their rights and believe that, justice gives equal protection to all and right to all.

It is true that, people deem that, justice and its obligations are applicable on many aspects and these are regulated by laws. No one wants that, the laws are interfering in their personal matters, though in their daily life they pretend themselves as a just or unjust person with their activities or personal conduct. All people hold that, each and everyone is bound by justice to do any kind of things that means every person ought to do it. They all should be pleased to see that the

⁴³. Op.cit., p-281.

obligations are compelled by the person who has the power, but if this enforcement of law becomes inconvenient for the society then that makes them dissatisfied.

Thus the idea of legal constraint is still the generating idea of the notion of justice, though undergoing several transformations before that notion, as it exists in an advanced state of society, becomes complete.⁴⁴

As far as, the above account of the origin and dynamic progress of idea of justice is true. But if we carefully observe then we can see that, in general there is nothing to differentiate obligation from moral obligation. It is true that, the penal sanctions of the law are the essence of law. But it not only enters into the concept of injustice even it enters into any sorts of wrong activities. But a person punished by some way, if not by law then by the outlook of his fellow-being or his own discretion. We do not claim anything to be wrong for that person. It may be the real turning point of the dissimilation between morality and simple expediency.

It is one of the parts of the concept of duty for everyone what they rightfully coerced to fulfil it. Duty is exacted from the person; if it does not come from himself then we do not call it as his duty. Interest of the other people or the reasons of prudence may hinder to execute the duty, but the person himself understood this and tries to avoid this complain and focus on his duty.

⁴⁴. Mill, J.S., *Utilitarianism*, p-76.

In terms of duties, rights and obligation Mill wants utility of the rules of justice in his doctrine of justice. To Mill, duty means obligation, which is attributed by rules of customary morality. He begins by classifying all rules of customary morality into two obligations---one is those which ascribes as a perfect obligation and another is that which impose an imperfect obligation. Those duties that are assigned by customary morality to do or not to do something for some particular individual are known as 'perfect obligation'. On the other hand, in those kind of duties where no particular individual is in mind is known as 'imperfect obligation'.

After that, Mill tries to examine from the recipient's view point that the 'perfect obligation' is a right. Each perfect obligation attributed on an agent involves a right due to the recipient. For instance, paying one's due is a perfect obligation, because there is a particular lender who is the recipient. The recipient has a similar right to stipulate the accomplishment of the duty. But charity is an imperfect obligation. There is no particular recipient here. There is no person who has similar right to claim the completion of the duty.

Now, perfect obligation as a property of the recipient is a kind of perceptible utility for the receiver. According to Mill, men's rational abilities permit them to appreciate that the net aggregative utilities will increase when imperfect obligations are commonly accomplished and this stimulates corresponding systems of formal and informal reward and punishment to reinforce their satisfaction. Thus it turns to increase the net aggregative utility of their general satisfaction.

Mill considers that, this distinction is exactly coinciding just like the difference exists between justice and other obligation of morality.

After observing different types of acceptance of justice, it usually seems justice involves the concept of personal right (i.e.-claims of an individual or individuals) that a man get by the law on the basis of individual's property or other kinds of legal right. But injustice deprived a person from his own possession or does not treat him as he deserved or treated him worse rather than those who are not deserve as like him. So, injustice implies two things--- wrong act and those alienable persons who are wronged (i.e., wrongdoer) and those persons who are competitors of the deprived persons. But in respect of justice Mill asserts that --

Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right.⁴⁵

Mill thinks that our sentiment of justice does not come from expediency, but the sentiment comes from those things whatever is moral. It has been seen that there are two fundamental elements worked in sentiment of justice, these are-- desires to punish those person who has reached harm and belief that there is a particular person or persons who has done this harm. To Mill, the first one is a spontaneous outgrowth between these two sentiments and this type of instinct arises from the impingement of self- defence and feeling of sympathy. It is our natural instinct that we offend and prevent or revenge against those who reached harm to us with those people with whom we are sympathetically attached in the society. There is nothing moral in the sentiment

⁴⁵. Lindsay, A.D., *J.S. Mill: Utilitarianism, Liberty, Representative Government*, p-46.

in itself; here the moral is the exclusive subservience of it to the social sympathies. This natural feeling or sentiment towards the people tends to lead us resent towards those persons who are done harms, but when our feelings moralized by the social feeling then it works into the direction towards general good.

We all are aware that, Utility is a precarious standard and everyone explains it in different way, but justice which is known as irreversible, indelible or unequivocal is bearing their evidence in themselves and it is independent of the changeability of views of the people. In question of justice one can presume that, there does not any confliction, but if we accept it for our rule, then its appliance to any case could permit us in a little uncertainty as a mathematical demonstration. So far as we seen that, there has several variety of opinions about what is just in terms of as about what is useful to our society. Therefore, to the individual, justice is not only one rule, maxim or principle rather it has many kinds of maxim. It is not always concur with their dictates and the individual guided either by some external standard or by his person predilections. For instance, there are some people who pretend that, for set an example to others, it is unjust to punish someone rather than it is just when punishment render for the good of the accused himself. Others affirm that, it is not just to punish anyone as the circumstances which are surrounded to the accused are responsible to become him a criminal. He is not responsible for his own character or education or any other things, it is the circumstances that make him to a criminal. According to Mill-

No one of them can carry out his own notion of justice without trampling upon another equally binding. ⁴⁶

⁴⁶. Mill, J.S., *Utilitarianism*, p-87.

So, they are facing many difficulties to carry their own notion of justice and it is difficult to overcome these problems. To escape from these difficulties and upcoming difficulties which may be faces in future, it is better to accept the contrivance where all members of society are engaged to obey the laws and punishment are given those persons who disobey any kinds of laws and it is good for the individual and for the society.

When Mill strife to pretend of any concept which stands on a fictitious standard of justice and that was not grounded by the utility then he wants to mean that justice is grounded by utility. It is the major part and most righteous as well as compulsion part of all moralities. Justice stands for certain categories of moral rules which concern about human well-being than any other rules which are guided our life, justice is an absolute obligation. The essence of idea of justice which we have found in an individual is implies and bear as a witness about this more binding obligation.

The moral rules teach people do not harm to each other and it's include with each other's freedom and these are more essential to human well- being than any other maxims. However, these maxims have its importance to point out the proper tactics to manage some of the sections of human affairs and these are major components that specifying social feelings of entire mankind. According to Mill---

Thus the moralities which protect every individual from being harmed by others, either directly or by being hindered in his freedom of pursuing his own good...⁴⁷

Primarily, morality ascertains the obligations of justice. But in case of injustice there are many numbers of cases which give feelings of aversion to people and characterize their sentiment in this sense. Some people are doing those acts which are done from wrongful aggression or wrongful practice of power over others. And some people are wrongfully withholding something from someone which is his due. In these cases some people are hurt to someone in form of direct affliction or deprive him from some good.

The potent motives order us to practice the primary moralities and it includes punishment for those who breach these moralities. For self-defence or defence of others or revenge such person like to prefer retaliation or evil for evil that are closely related with sentiment of justice. One of the most popular dictates of justice is good for good and it has a social utility. Though this type of thought is a natural feeling for human being, but it does not obviously related with hurt or injury which subsist in the most primitive cases of just or unjust and it is the source of feature severity of sentiment. But the relation is not less real, though it less obvious. Therefore, the principle holds good for good and evil for evil. In short, giving those things to each person what they deserve as we defines for idea of justice, it's not only includes this but it is a precise object of

⁴⁷. Lindsay, A. D., *J.S. Mill: Utilitarianism, Liberty, Representative Government*, p-56.

intensity of the sentiment that places sense of just in human discretion or thought above just expediency.

Most of the principles of justice which present in this world are usually apply for completion of our work and these are merely subsidiary to conveyance into effect the principles of justice. Morality considers these actions which are done by an individual by his own will or morality considers only about the voluntary action. So, an individual is only responsible for those actions which he has voluntarily done or voluntarily avoided. In accordance of maxim for just principle is evil for evil and it ought to give punishment to those people who done the offensive acts. The main portion of these common maxims are usually inflict into the practice of courts of justice which always moved to a more complete acknowledgement and reformation that was apparently recommended itself to others. The rules are extremely effort to accomplish their two-fold activity--- one is to give punishment when it will be need and another is rewarding to each individual according to his right.

Impartially is an obligation of justice and it is the first judicial virtues which is a necessary condition through which other obligations of justice are fulfilled. And for the fulfilment of other obligations of justice it plays an important role, so it is a necessary condition. Among various human obligations impartiality is not the only maxim which has an exalted rank, there is another maxim which calls equality. These two maxims --- equality and impartiality both are most enlightened and both are included in the precepts of justice. If it is a duty to do certain things for each individual in accordance to his deserts (good for good and evil for evil) then we should necessarily behave to all as equally well who have deserved equally well from us. As like that society should

treat equally well to those people who deserved equally well. This is the absolute discrete standard of distributive justice as well as social justice and towards this direction all of the institutions and exertion of all virtuous people should made the absolute possible dimension that they able to converge. But this eminent degree of moral duty is still stands upon a deeper ground or directly originates from first principle of morals. The first principle of morals is none other than the Principle of Greatest Happiness or the Utility. That principle supposed, one person's happiness is counted exactly as much as another person's happiness. This supposition is similar with the Bentham's dictum that is-- '*everybody to count for one, nobody for more than one*'. So, in the sense of equality for general interest, moralist and legislator both are claim to happiness for everyone. Mill says that, this is—

...involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim; and those limits ought to be strictly construed. ⁴⁸

Like others maxim of justice, it does not apply or applicable universally by any means; on the contrary, Mill comment that, it turns to every individual's ideas of social expediency.

It appears from the above explanation that, in general Justice is a name for certain moral needs which stand on a paramount position over scale of social utility. Justice is a more elevated obligation than any other obligation. But there are some particular

⁴⁸. Miller, D.E., *The Basic Writings of J.S. Mill...*, p-299.

cases where other social duty is so important for us as we often compel to overrule the general maxims of justice. Therefore, to save someone's life is not only admissible but it also our duty. There are some other instances where for the necessity of food, medicine a person coerce to steal or using his force on other person or for the medical emergencies kidnap the only eligible medical practitioner and compel to officiate him or her-- these are not calls as virtue and in such cases these are not regarded as justice. In this context Mill said that---

We usually say, not that justice must give way to some other moral principle, but that what is just in ordinary cases is, by reason of that other principle, not just in the particular case.⁴⁹

So, by use this effective adaptability of language, the characteristic or nature of infallibility incumbent to justice is maintained or protected and we are saved, for the essentiality of preserving that there will be some commendable or admirable injustice.

Mill attempts to resolve the only real obstruction of his utilitarian theory of morals. According to him, it has always been evident that all cases of justice are the cases of expediency:

...the difference is in the peculiar sentiment which attaches to the former, as contradistinguished from the latter.⁵⁰

If this type of sentiment is sufficiently responsible or if it is merely a natural feeling of annoyance, moralized by being complied coextensive with the demands of

⁴⁹ . Op.cit., p-300.

⁵⁰ . Op.cit., p-300.

human good. Further if this feeling is present in all of the cases to which the notion of justice conform, then that idea of justice is no longer treated as a stumbling block in utilitarian theory of morals. Therefore, Mill says that—

Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative...⁵¹

❖ ***3.4 Justice as serving people's common interest in security:***

People consider that, who violates moral rights they must get punishment. There are two possibilities to punish someone. The first one is the primary motive of punishment that is nothing but the revenge. To give pain someone who has forcefully or illegally taken one's properties (what he rightfully possessed), has been reaching harm on him or his family members or his close relatives. On the other hand, another possibility of punishment is human sympathy. If someone inflicted by a person then like that inflicted person due to our human sympathies we feel pain for that person.

According to Mill, the concept of justice has a motivational aspect and descriptive content. Among integrant components of idea of justice this motivational aspect plays an important role. Since every rules call as moral and it includes punishment if any rule is violated. The common element which is present in all cases of moral rules is nothing but the connotative element. It does not differentiate among the rules of justice within the group of moral rule. Particularly it does not illustrate the idea

⁵¹ . Crisp, R. (ed.), *J.S. Mill: Utilitarianism*, p-107.

of justice in our customary moral code. So, there is another reciprocal part of concept of justice that is customary moral rules.

Mill upholds, according to customary idea of justice, a just person does not drive by fear from punishment in case of some less or more insignificant or personal wrong act. For instance, just person does not like to inflict someone in terms of punishment in case of one's brother who purloined a piece of cake which he had committed. Here the rule 'promises ought to be kept' has been infringed and in fact it deserves to get punishment. In fact, this act is not really an unjust act but a wrong act. It is a personal matter and here we can rebuke the wrongdoer. One does not expect that, community interfere in this matter and render any type of punishment. But other than personal act which may reach harm someone, there is no doubt that the wrongdoer should deserve punishment. There is another example, when we hear that one of our colleagues gives his book to a student and he has promised to return this book, but he fails to do so or he disappeared then our sympathy goes with our colleague and we can feel his pain as he suffered from a wrong act as his student fails to keep promise. Both of these cases are merely personal where community has not any interest or plays any role. According to Mill, both cases are the examples of perfect obligation and it holds that, the wrongdoers who fails to do the right thing is worthy of punishment. In fact, in these cases people feel that, it is punishable if one fails to do what is morally right; we know that, according to our idea of justice the wrongdoer in some way ought to be punished.

It is part of our customary notion of justice that neither of these kinds of act is an instance of something having been done that is contrary to what justice requires. ⁵²

Some person feels that the wrongdoer who took a piece of cake or the student who wrongly possessed the book of his teacher at least he should deserve a slap or a good scolding. They left a negative impression by their character among those people with whom in future they may live or work together.

But, to common people each of these cases is clearly an unjust act, that violates the expectation of perfect obligation and this act is worthy for punishment. Here a question may arise, what's makes these instances as unjust act? To answer this question Mill said that, one feels that, these cases are not merely a trivial thing and these type of acts prevent to create a broader social world. The moral sentiment present in society as a whole or aggregate, here each member of this society feels the wrong and they have a common interest in preventing these types of acts. So, everyone of this society or society as a whole thinks that the wrongdoers who has done this sort of acts, they must be punished.

To Mill, in society all members shared a common interest to prevent such kinds of acts that may reach harm to someone as well as they have a common interest in punishing someone who has done such type of act. Our concept of justice and a just person does not allow any sort of harm. Throughout the community there has some sort of common interest and there must have a rule that made certain class of act as an act of

⁵². Leonard, K., *Mill on Justice*, p-103.

perfect obligation. This is a rule that ascertain rights to all that deserve protection for each member in the society. So, as a member of society everyone shares a common expectation that the rule must be secured for each and all member's right.

Therefore, it may be seen that, the rules of justice is that kind of rules where if one violates any rule then he deserves to get punishment and these are rules of perfect obligation. These rules share some special features and these emerge from a common interest of each member of the social aggregate. All members of society who share a common interest think that, since many times rules of justice confer rights that protect us and that is why each member of society can feel secure. This common interest precedes all other interest that motivates a certain set of rules. Mill assert that---

These are those rules which render each and all of us secure as members of our community in the possession of the necessities of life.⁵³

Mill claims that, no one can survive apart from other person of the community and it is a crucial aspect of life. There are another things which are necessary for life; such as food, sharing equal burdens and live together and protection. One can be a part of community when he or she being able to trust on another people of the community and peacefully live together as the rule is equally applicable to all. Mill added that, to secure these necessary things for healthy and peaceful life rules of justice plays an important role. Thus, rules of justice secure our possession what we produce for ourselves and equally distribute those things which are jointly produced by the people.

⁵³ . Op.cit.,p-104.

These rules play as a mechanism of promising as well as truth-telling that makes it possible for people to live peacefully and collectively in a community.

❖ **3.5 *The idea of Justice uncovers the fact of motivation:*** Justice and morality are not a set of propositions. Justice implies that, one ought to keep promises and morality implies that, one ought to be charitable. As our sense of justice moves us, so it works as a motive to us. It strongly demands that, one can secure himself or defend himself with the help of others. If one and each forming society as a whole in concern secures their own rights then they can live peacefully and securely without any fear. So, right to justice and motivation protect us and our property as well as ensures our equality. This protection is strengthened by the punishment for violating one's rights.

Human being has various passions which help to move them towards a better life. Among these passions, justice is the strongest one. Mill proposes that, if we analyse our idea of justice or motive then we find that there are some parts which are roots of this strength. Such as, urge for self-protection or self-defence, revenge and restoration (which are common with the lower beast) and on the other hand, human sympathy for family, friends, relatives and others people are connected with us and these give strength to us. It is our duty to respect other's rights which are conferred by rules of justice. Through threat of punishment, some rights and duties are assured, secured and reliable and some are assured by strength of our sense of justice. The rules of justice assure some of our scare resources that nature produces for us and gives security against threats by others. We share these rules with each other and we all are ready to

resist and punish those unjust acts and this passion is a strongest part that helps us to move forward.

Mill asserts, justice is an end in-itself as because it is done for its own sake and it works for what is just. So, it can be said that, justice is one of the parts of our happiness and not an instinct motive that comes through a process of alignment. To understand this, Mill used to give some example, such as, doing something for our friend as he or she is my friend has become a part of happiness to us and it done for its own sake and it is an end-in-itself. Similarly doing something for the vengeance is a part of one's happiness. This happiness is a unification of some other happiness. Search for justice out of the unification of this happiness and motives are arbitrary. In this regard Mill asserts---

The happiness at which it aims is also a fusion, different from the happinesses of which it is the fusion but retaining their strength as motivating powers.⁵⁴

❖ **3.6 Conclusion:** Mill sets justice as a powerful motive. Though it is a combination of many simple ideas, but it's a unique feeling with its simplicity. He refuses Whewell's argument that, simplicity as well as uniqueness of justice is not a matter of its metaphysical status as a transcendental entity. Mill asserts, justice as a virtue is wholly a natural phenomenon and the worldly mode of association of simple ideas is not mechanical in nature rather it is chemical. He argues, powerful motive

⁵⁴. Op.cit., p-107.

(justice) emerges from more primitive urges to act and more or less it moves us as like as any naturalistic motive (e.g., hunger, friendship etc. as moves us to do an act).

Mill gives two points where he shows us how principle of utility solved such problems when principle of justice does not solve them. These are as follows:

(i) Mill listed six principles for theory of justice and for just it needs conformity among these different principles. But he knows that, often these are come into conflict. We know stealing is not permissible, but if a poor and unemployed person who has no public advantage, for his hungry family theft a loaf of bread then this kind of act might be treated as justified. In accordance with principle of justice, stealing is a wrong act, but on the other hand, principle of justice states that, one has a right to live his life. From social perspective, in our life we find many sorts of conflict; for instance, one ought not to sleep under bridges and this is equitably applies to rich and poor people, but it inequitably affects the poor people who have no shelter to live. Therefore, Mill argues that, when rules come into conflict, justice does not give any path to adjudicate with it. To avert this problem he suggests that, when someone faces this type of problem then he should think about the overall social good, that is principle of utility. To Mill, rules of justice are not a priori.

And what he has argued is that his principle of utility *alone has any sort of 'proof' that it defines what ought to be and therefore what we ought to do, that is, it alone defines the end at which we ought to aim.*⁵⁵

⁵⁵. Op.cit., p-110.

Mill asserts that, this principle alone can play the role of adjudicator. So, by the help of this principle (that gives preference to the social utility) one can resolve such dilemmas or conflicts.

(ii) According to Mill, utility does not only justify the confliction among principles of justice, rather it operates whole system of justice. Justice is not self-evident or a valid a priori, in short, it cannot justify itself. So, we need to a principle that can defend as identifying what we ought to be. Utility is the principle which alone can satisfy all this condition. Though utility could not established as a priori by some deductive proof or by intuition, but it has a sort of proof through which principle of utility is susceptible.

Principle of utility justifies several rules which establish the system of justice. And these rules give assurance to each of us that, as an individual or as a member of a society we have those things which are necessary to survive in a society. Each and everyone want to secure universal harmony for these rules as this harmonious system serves the general interest of people. These rules define what is essential for our existence in society and utility justifies their compulsion through the threat of punishment if anybody violates any principle of justice. By the help of utility one can determines the appropriate mode of punishment for different types of violations of principle of justice.

Mill and Whewell both of them are agreed in one point that, the sentiment or passion of justice is one of the strongest motives. Mill claims that, passion of justice comes from our desire for retaliation as well as our social sympathies with our fellow-

men and others people. The motive to secure the universal conformity of the rules of justice is very strong and it gets the strength from the great Utility which gives so much importance on this conformity. In this connection Mill conveys,

The strength of the motive is itself also justified by the Principle of Utility ⁵⁶

.....

⁵⁶. Op.cit., p-111.