LEUPHANA
UNIVERSITÄT LÜNEBURG

Review of Huei-chun Su's Economic justice and liberty

Schefczyk, Michael

Published in:
Erasmus Journal for Philosophy and Economics

DOI:
10.23941/ejpe.v7i1.158

Publication date:
2014

Document Version
Publisher's PDF, also known as Version of record

Link to publication

Citation for pulished version (APA):
Schefczyk, M. (2014). Review of Huei-chun Su's Economic justice and liberty: the social philosophy in John Stuart Mill's utilitarianism. Routledge, 2013, 214 pp. *Erasmus Journal for Philosophy and Economics*, *7*(1), 124-131. https://doi.org/10.23941/ejpe.v7i1.158

General rights
Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy
If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Download date: 19. Apr.. 2024

Erasmus Journal for Philosophy and Economics,
Volume 7, Issue 1,
Spring 2014, pp. 124-131.
http://ejpe.org/pdf/7-1-br-2.pdf

Review of Huei-chun Su's *Economic justice and liberty: the social philosophy in John Stuart Mill's utilitarianism.* Routledge, 2013, 214 pp.

MICHAEL SCHEFCZYK
Leuphana University Lüneburg

For those who are inclined to discount John Stuart Mill as an erratic and eclectic thinker, *Economic justice and liberty* should be required reading. The book belongs to a steadily growing class of scholarly works which interpret Mill with sympathy and a solid cognizance of his writings, and which confirm J. O. Urmson's judgement that if one studies his work diligently, "an essentially consistent thesis can be discovered which is very superior to that usually attributed to Mill and immune to the common run of criticisms" (Urmson 1953, 33). The author of this highly readable book, Huei-chun Su, goes even further than Urmson. Mill's position is not only superior to what sloppy, lazy or nit-picking readers ascribe to him. His social philosophy offers modern readers a serious alternative to that of contemporary luminaries such as Rawls, Sen, and Hayek. By ending the book with the remark that "Mill deserves to be recognized as one of the greatest thinkers in human intellectual history", the author's praise may go a bit over the top. But it is an understandable reaction to the ill-informed dismissiveness towards Mill which is still *de rigueur* in some academic quarters. Many philosophers take liberties with Mill they would never dare to take with G. E. Moore.

Economic justice and liberty was developed from a PhD thesis supervised by John Maloney at the University of Exeter. The later stages of the book, however, took shape at the Bentham Project at University College London, and one gets the impression that this academic environment helped the author to hammer out what utilitarianism was in the 19th century and how it differed from its modern successor, as canonised by J. J. C. Smart. In order to mark the difference between the two as clearly as possible, Frederick Rosen once coined the useful term 'post-utilitarian paradigm' to describe the latter (Rosen 1997). The post-utilitarian paradigm of Smart and others requires the maximisation of total utility and is indifferent to how utility is distributed. Since it conceives utility to be a uniform and summable entity, the post-

utilitarian paradigm seems to open the floodgates for the justification of all kinds of injustices, ranging from imprisoning innocent people for fun to extreme inequalities in the distribution of income and wealth. One of the great merits of *Economic justice and liberty* consists in pointing out that a principle of justice is at the very centre of Mill's utilitarianism and that his conception of justice is surprisingly close to that of Rawls, who did so much to discredit utilitarianism as a theory of political morality.

The book has three parts. The concise first part elucidates important aspects of Mill's moral psychology. Everyone has heard that Mill was both a utilitarian and a radical empiricist. Far less established, though, is how closely Mill linked moral theory with empirical science. The bogus authority of moral intuitions must be replaced by a proper inductive basis for normative and axiological claims. Pursuing an essentially Humean programme, Mill was convinced that moral philosophy had to be based on a science of human nature containing in particular what he called "the laws of mind". As Mill frequently lamented, there was no scientific psychology in his day. This has important implications for the status of Mill's moral philosophy and how modern sympathisers should deal with it. Measured against its own standard his moral theory is based on merely conjectural knowledge. It is thus in the spirit of Mill's approach that Huei-chun Su sketches in the book's concluding remarks what a scientific foundation for utilitarianism might look like if we used the resources of modern psychology.

Mill is certainly not to blame for the lack of a scientific psychology in his day, but he could have presented his ideas about moral psychology in a more systematic fashion. The author gathers "views scattered in different places of his work" and accurately pieces them together. It goes without saying that Mill's moral psychology cannot be dealt with comprehensively in a few pages. But the author ably explains the crucial points, such as Mill's backing away from his father's (and Bentham's) view that people are motivated solely by expectations of pleasure or pain. Mill agrees with his mentors that pleasure and pain play a crucial role in explaining actions. But unlike them Mill argues that the pursuit of pleasure or the avoidance of pain may trigger actions without necessarily being their object. For example, a virtuous person finds the thought of being malicious painful and the thought of being benevolent pleasant, but this does not mean that such a person

performs a virtuous action in order to obtain pleasure or avoid pain. In other words, mental states like pleasure and pain are necessary parts of the total cause of an action, but obtaining pleasure and avoiding pain is not necessarily the aim of what one does. This deviation from his mentors' views enabled Mill to give his theory of human motivation in general, and of moral motivation in particular, a much richer texture.

The second part, on utilitarianism and the theory of justice, is the linchpin of the book. The reader is in safe hands when the author explains the architecture of Mill's moral and social philosophy. Among other things, she gives a crisp survey of the contentious discussion of whether Mill was an act or rule utilitarian.

After the author has climbed this ladder, she kicks it away in order to show "what we can achieve in understanding Mill's utilitarianism with this liberation". One achievement, and no small one, consists in spotlighting Mill's claim in *Utilitarianism* that the "highest standard of social justice" is a "direct emanation from the first principle of morals" (Mill 1967 [1861], 257). In other words, in Mill's understanding, the utility principle contains a principle of justice which requires society to treat "all equally well who have deserved equally well of it". This makes a surprisingly simple defence available against the notorious criticism that utilitarianism, under certain empirical conditions, would justify imprisoning, or even torturing, innocents for the amusement of the masses. Mill's retort would simply be that innocents do not deserve to be imprisoned or tortured.

Many a critic will object that this is just another example of how readily Mill took eclectic and inconsistent positions. When Mill says that the utility principle demands that "one person's happiness, supposed equal in degree […], is counted for exactly as much as another's" (Mill 1967 [1861], 257), this instructs us how we have to calculate the sum total of individual pleasures and pains. The innocent person's pain does count for one unit, as do the pleasures of every individual spectator. Like Bentham, Mill makes a point of forgoing an appeal to abstract rights. Hence, a critic may argue, if Mill only stringently applied the logic of utilitarian thinking the innocent's 'right to equality of treatment' would simply mean 'the right to be counted for one, like anybody else'. From this perspective, despite Mill's asseverations to the contrary his highest standard of justice is by no means a "direct emanation from the first principle of morals" but an independent deontological side-constraint.

What does Huei-chun Su have to say in Mill's defence? The crux of her reasoning is that Mill distinguishes and ranks different kinds of pleasures and pains. Following in Bentham's footsteps, he calls security "the most vital of all interests" and an "extraordinarily important and impressive kind of utility" (Mill 1967 [1861], 250-251). One purpose of legal rights consists in protecting this most vital interest in security. Thus, transgressing the legal rights of an innocent person by imprisoning her for fun would amount to a violation of an extraordinarily important kind of utility. How does this affect the utilitarian calculation? Since the interest of an individual in her security is infinitely more important than the interest of a mass of people in being mightily amused by the despair of an innocent prisoner, the balance of pleasures and pains speaks against imprisoning innocent people. Generally speaking, in order to count everybody for one and nobody for more than one, adequate utility assessments have to account for the different, and differently important, types of utility involved. This sets classical utilitarianism apart from the post-utilitarian paradigm.

As Huei-chun Su points out, the right to equal treatment is just a formal condition of justice. It requires *inter alia* a system of secondary principles which specifies the extraordinarily important and impressive kinds of utility that must be protected by legal rights. The liberty principle is the best known of these secondary principles. Moreover, Mill declared that "the highest abstract standard of social and distributive justice" is a "direct emanation from the first principle of morals". Since this standard employs the idea of desert, Mill's admittedly sketchy theory of justice argued that the way in which economic and social institutions distribute material advantages must respond to individual merit or exertion. He thus pioneers the idea that a just society will not tolerate undeserved inequalities due to social disadvantages or natural differences in talent. Spelling out in more detail how one could judge whether an institutional setting is sufficiently responsive to desert is one of the great challenges for Mill scholarship. Interestingly, Mill was opposed to a progressive income tax since he believed that the assumption of a diminishing marginal utility of money was "not true to a sufficient extent". Below a certain amount, though, incomes should be exempted from taxation altogether.

It is a bit surprising for a book with the title *Economic justice and liberty* that the author pays relatively little attention to Mill's

Principles of political economy. This is particularly striking in the chapter examining Mill's account of the relation between justice and liberty. As the author repeatedly emphasises, Mill was committed to the idea that normative claims must be underpinned by empirical science. Large chunks of the *Principles* are devoted to the 'art' of economic policy, meaning an outline of the institutional structure which best promotes the end of national wealth. In this context Mill advocates, among other things, a particular version of the laissez-faire principle, and it is, of course, a vital question how this core principle of the art of economic policy aligns with his views on justice. The lack of a sufficiently detailed discussion of Mill's laissez-faire principle is not the only peculiarity of this chapter. Given that earlier in the book the author emphasised the significance of desert for Mill's theory of justice, one wonders why she now claims that his principle of economic liberty is restricted only by others' rights to subsistence. Does Mill's highest standard of social justice, being a "direct emanation from the first principle of morals", not have more bite than that? Does it not demand wages which are appropriately responsive to merit or exertion, for instance? In the *Principles*, does Mill not call land "the original inheritance of the whole species" (Mill 1965 [1848], 230)? And does he not write that "the state is at liberty to deal with landed property as the general interests of the community may require" (Mill 1965 [1848], 231)? Simply put, Mill seems to argue that the laissez-faire principle must operate within a framework of just property institutions, supplemented by the right of workers to strike. Sufficient power for collective bargaining should ensure that wages grow in line with productivity so that the labouring classes get what they deserve.

Let me underline that the book's interpretative thrust goes in just this direction; however, a closer inspection of the *Principles* would have made it even more evident how central and far-reaching considerations of social justice were for Mill's moral theory. Another topic that might have deserved more attention in a book on *Economic justice and liberty* is Mill's speculation about the future of the labouring classes. Mill believed that wage labour involves a form of dependence that is incompatible with the desire to determine the conditions of one's work on equal terms with one's co-workers. The author is absolutely right to emphasise the compatibility of justice and liberty, but Mill's account of 'real freedom for all' requires, it can be argued, decidedly more than a right to subsistence.

In the third part, the author confronts Mill's attempt to reconcile social justice and individual liberty with supposedly superior modern approaches. The comparison of Mill and Rawls is of particular interest for two interrelated reasons. On the one hand, Rawls is probably responsible more than anyone else for the wide-spread view that utilitarianism provides a deficient conception of justice; on the other hand, in his *Lectures on the history of political philosophy* Rawls went so far as to claim that "the content of Mill's principles of political and social justice is very close to the content of the two principles of justice as fairness" (Rawls 2007, 267). According to Rawls, Mill arrived at the right principles of justice by using an incurably flawed theoretical framework; *A theory of justice* delivers what is right and valuable in Mill without the flaws. Consequently, we have little reason to care about Mill's theory of justice apart from an interest in the history of moral and political philosophy.

How does Huei-chun Su counter this challenge? Firstly, she argues that the target of Rawls's criticism is the post-utilitarian paradigm, which differs from Mill's position in crucial respects. Secondly, she argues that Rawls, in contrast to Mill, offers no first principle which would allow conflicts between basic liberties or other high-order normative requirements to be resolved.

The first response might work for Rawls's critique in his *Theory,* but it does not cover his critical appreciation of Mill's account in the *Lectures*, a book which the author does not list in the bibliography. In the *Lectures*, Rawls's main criticism is that Mill's principles are overly dependent on a disputable "psychological account of human nature" (Rawls 2007, 269). Just institutions of society should be based on a more robust theory, a theory which is not exposed to reasonable disagreements. Personally, I am convinced that reasonable disagreements about the empirical underpinnings of normative theories are difficult to avoid and that the kind of robustness Rawls wants to obtain is an illusionary ideal for political philosophy. Huei-chun Su is right, I think, to support Mill's idea that we should base our normative conceptions on the best available scientific theories instead of trying to avoid contact with controversial empirical claims as much as possible. Alas, *Economic justice and liberty* does not confront Rawls's political liberalism on this ground, probably because the author did not consult his *Lectures* and is thus unaware of Rawls's most developed discussion of Mill's utilitarianism.

The last chapters offer two more comparisons with contemporary philosophers. Amartya Sen's writings seem to be far less influenced by or close to Mill's positions than Rawls's, but his work has certainly had strong repercussions on the way Mill's theory is now perceived. In particular, his theorem about the impossibility of a Paretian liberal comes to mind (Sen 1970). The author defends Mill against Sen's critique of utilitarianism in two steps. In the first step, she follows the lead of Robert Sugden (2006) and uses a *tu quoque* argument to the effect that Sen's capability approach does not "do better than utilitarianism in terms of protecting individual liberty". In the second step, she argues that Mill's utility principle enables us to draw a line between the moral and the non-moral sphere and thus to avoid the transgression of individual liberty.

Finally, turning to Hayek, the man who accused Mill of being the intellectual vanguard of totalitarian socialism, the author argues that Mill's position on liberty was uncompromising. More than once, she points out, Mill declared freedom to be "the first and strongest want of human nature". Real freedom, however, requires a minimum level of material means, hence Mill's right to subsistence. Moreover, Mill's advocacy of a highly progressive *inheritance* tax followed from his views about the "spirit of private property", namely granting individuals the "fruits of their own labour and abstinence". A related point can be made with regard to Mill's defence of equality of opportunity. Once again the author arrives at the conclusion that Mill's utilitarianism withstands modern scepticism, successfully reconciles the ideals of social justice and liberty and offers us a principle with the help of which we can balance conflicting normative requirements.

In sum, this is a fine book that not only guides the reader through the complexities of Mill's works but also makes a convincing case for considering Mill as a viable option for contemporary political philosophising. It is not entirely without flaws, but then what is?

REFERENCES

Mill, John Stuart. 1965 [1848]. *Principles of political economy with some of their applications to social philosophy*, Vols. 2-3 of *The Collected Works of John Stuart Mill*, ed. John Robson. Toronto: Toronto University Press.

Mill, John Stuart. 1967 [1861]. *Utilitarianism*, Vol. 10 of *The Collected Works of John Stuart Mill*, ed. John Robson. Toronto: Toronto University Press.

Rawls, John. 2007. *Lectures on the history of political philosophy*, ed. Samuel Freeman. Cambridge (MA): Belknap Press.

Rosen, Frederick. 1997. Utilitarianism and the punishment of the innocent: the origins of a false doctrine. *Utilitas*, 9 (1): 23-37.

Sen, Amartya. 1970. The impossibility of a Paretian liberal. *Journal of Political Economy*, 78 (1): 152-57.

Sugden, Robert. 2006. What we desire, what we have reason to desire, whatever we might desire: Mill and Sen on the value of opportunity. *Utilitas*, 18 (1): 31-55.

Urmson, J. O. 1953. The interpretation of the moral philosophy of J. S. Mill. *Philosophical Quarterly*, 3 (10): 33-39.

Michael Schefczyk is professor of philosophy and dean of the philosophy faculty at Leuphana University Lüneburg, Germany. He is also honorary senior research associate at the Bentham Project at University College London (UCL); visiting professor at the Department of Philosophy, University of Zurich; liaison officer of the Friedrich Ebert Foundation; and member of Amnesty International.
Contact email <michael.schefczyk@leuphana.de>