

Book Review

doi:[10.1017/S0953820815000217](https://doi.org/10.1017/S0953820815000217)

Huei-chun Su, *Economic Justice and Liberty: The Social Philosophy in John Stuart Mill's Utilitarianism* (London and New York: Routledge, 2013), pp. xx + 214.

Huei-chun Su's *Economic Justice and Liberty* is a splendid addition to the growing scholarly literature on Mill. It makes excellent use of Mill's central theoretical framework of the Art of Life in order to advance understanding of his moral and social philosophy. Students and researchers alike will appreciate this book for its readable style and its distinctive and comprehensive investigation of Mill's utilitarianism and theory of justice. The book has two major goals. The first is to argue for an interpretation of Mill in which the internal harmony of his utilitarianism with his theories of justice and liberty is quite evident. The second is to present a concise comparison of Mill's theory of justice with those of contemporary theorists John Rawls, Amartya Sen and Friedrich von Hayek. Here Su's argument is designed to display how Mill's theory is well equipped to respond to some standard objections from contemporary theorists.

The opening chapters of the book feature an insightful examination of Mill's utilitarian moral philosophy. Here I can only indicate some highlights, but readers will be richly rewarded with Su's in-depth and up-to-date exploration of Mill's system. In part I, chapter 1, she looks at the epistemological and social scientific foundation of Mill's utilitarianism. She indicates that the core lies in his study of the laws of mind or moral psychology. She highlights one of Mill's central objections to his ethical intuitionist opponents. Mill argues in *A System of Logic* that an adequate moral theory requires one first principle to act as arbitrator and that intuitionism lacks such a principle (Mill, *CW*, VIII: 951). In part II, chapter 2, Su looks at Mill's utilitarian system of moral philosophy as a whole and the place of morality within it. One of her main claims is that Mill's nineteenth-century utilitarianism is distinct from contemporary consequentialism. Critics of twentieth-century utilitarianism often take the view that utilitarianism's aggregative model is concerned only with maximization of utility and cannot accommodate distributive concerns. In order to make headway, we must look at Mill's moral theory within the architecture of his moral philosophy, the whole system of the moral and practical arts which he lays out in book VI of *A System of Logic* (Mill, *CW*, VII: 833–952). Su examines the formal structure

of Mill's moral philosophy and the role of the principle of utility as the first principle of all realms of his moral philosophy. Underlying all moral and practical arts is the 'Art of Life, in its three departments, Morality, Prudence or Policy, and Aesthetics; the Right, the Expedient, and the Beautiful or Noble, in human conduct and works' (Mill, *CW*, VIII: 949). Morality is but one department, so for Mill the principle of utility is a principle not only of the right, but also of the expedient and the beautiful and noble in human conduct. Violating the principle of utility could be morally wrong or it could be merely 'inexpedient, distasteful, or abominable, but irrelevant with regard to moral wrongness' (p. 31). This structure leaves theoretical space for acts of supererogation which are praiseworthy but not obligatory. A central question is whether Mill can properly be classified as an act-utilitarian or as a rule-utilitarian. Both of these perspectives are attempts to determine the correct moral standard of right and wrong action. Su examines several recent attempts to interpret Mill on this question. She offers an illuminating overview of Crisp's multi-level act-utilitarianism, Fuchs's ideal moral code rule-utilitarianism, and Donner's actual or conventional rule-utilitarianism. In addition, she looks at some arguments of Gray, West and Berger. She concludes that the discussion is still in progress and the question has not been settled.

In chapter 3, Su looks at Mill's utilitarianism as a theory of morality, narrowing the focus from the previous chapter's look at the broader theory of moral and practical arts and sciences. How can the idea of utility act as a guide for the moral system? Su turns to David Lyons's breakthrough examination of Mill. Lyons opposes the reading of Mill which claims that all acts which fail to maximize utility are wrong. The correct reading, Lyons claims, is that wrongness is characterized by the violation of moral obligations. Obligations are determined by principles which in turn are based on the principle of utility. The further essential element of Mill's conception of moral wrongness is the appropriateness of punishment. This furnishes the criterion of wrongness. The substantive content of moral rules is determined by utility.

Su looks at Mill's arguments in chapter 5 of *Utilitarianism*. She spends a lot of time on his exploration of the origins of the sentiment of justice and its connection to utility. Most commentators downplay the importance of Mill's examination of the sentiment of justice and instead look to his conceptual analysis of the notions of wrongness, duty and justice. They usually take it as obvious that Mill is providing what he points to at the beginning of this chapter, namely 'the criterion of right and wrong' (Mill, *CW*, X: 240). Su puts her money on examining the sentiment of justice, a project which she claims more accurately captures Mill's intentions. I am not convinced by this line of argument, but it is distinctive. Going against Lyons's account, she 'rejects the revisionist view of treating the appropriateness of punishment as Mill's criterion of right and wrong' (p. 61). She counters that in chapter 5 'it is not his purpose to provide the "definition" or "criterion" of morality or justice' (p. 55). She offers little defence for these claims, which certainly seem counter to Mill's own words in the text.

According to Su, Mill's main intention in this chapter is to refute intuitionism. This is puzzling, since there is no reason why Mill cannot be pursuing both agendas of giving an overview of the sentiment of justice before turning to the analysis of the concepts of morality and justice and the criterion of right and wrong. I am concerned that by focusing so squarely on Mill's immediate nineteenth-century theoretical opponents, Su is unnecessarily narrowing the terrain and significance of his theory. This is puzzling as her professed agenda is to answer objections to Mill's theory of justice from prominent contemporary theorists who have no commitment to intuitionism of the nineteenth-century variety. The theoretical route of argumentation that starts with Mill's analysis of the concepts of morality and justice and his criterion of right and wrong opens up a path straight to his theory of justice and rights. Principles of justice are designed to protect the most vital human interests. Having cut herself off from this straightforward path to his theory of justice and rights, she relies instead on a more circuitous route. She utilizes instead an appeal to Mill's distinction between higher and lower utilities and pleasures. She uses a quote from Mill which states that the principles of justice are the 'classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life' (Mill, *CW*, X: 255).

I have worries that she is in danger of mixing up elements of Mill's theory of value and his theory of justice. It seems more reasonable to develop first the theory of value, which has a place for pleasures and utilities of higher and lower value, and then to use this fully formed theory as the foundation of his theory of morality and justice, which protects the most vital and essential interests and rights. Higher pleasures and vital interests are not the same sorts of theoretical entities, and they belong to different categories within Mill's system. They are not in all cases interchangeable. Security may be a vital human interest, but it is notably not a higher human pleasure in Mill's system. The higher forms of pleasures are usually seen as those involving the distinctively human excellences such as reason and compassion. But worries aside, it is also the case that Su's argument is distinctive.

Su's argument continues with a chapter on Mill's theory of justice, first focusing on economic justice. Regrettably I cannot do justice here to the rich and illuminating discussion. Since justice is grounded on utility, Su engages in a serious investigation of the relations between the first principle of utility and secondary principles of justice. All are connected to the idea of equality, or rather a particular form of equality, namely, equality as equal treatment. Su contends that 'this great duty of equal treatment is not a corollary from secondary principles, but a "direct emanation from the first principle of morals"' (Mill, *CW*, X: 257 (p. 77)). Much of her detailed argument relies upon her point that the principle of utility, the first principle of Mill's utilitarianism, has two distinct elements, 'the first, the greatest happiness, and the second, equal treatment of everyone's happiness' (p. 77). Su turns to Alan Ryan who asks how can a 'distributive ideal . . . be subsumed under an aggregative one' (p. 78). But the objection arises from confusing Mill's utilitarianism with contemporary utilitarianism, a doctrine concerned solely with maximizing total utility. Su uses the familiar objection to contemporary consequentialism of a sheriff who

must decide whether to frame an innocent person in order to appease mob instinct. Mill's utilitarianism has built into its foundation the requirement that we treat all people's happiness equally, but this does not amount to an equal weighting principle. Rather, equal treatment is distribution sensitive, whereas the equal weighting principle is not. We need secondary principles of justice that take into account and protect the most important kinds of utility. Here Mill appeals to his doctrine of higher and lower pleasures and utilities, opening the space for some kinds of pleasures to be ranked much more highly than others. Mill claims that these utilities are based on the most vital human interests, of which security is a key one. The interest in security of wrongly accused innocents is of such a high value that it far outranks the interests of the mob in the example. According to Su, this is the basis for considering security as one of the most basic rights in Mill's system, calling for the strongest protection and enshrinement as one of the core secondary principles that is a direct emanation from the principle of utility.

Su also examines Mill's views about justice rules for remuneration, income taxation and exchange of commodities to illustrate how Mill derives justice principles from the principle of utility. The question is how the products of society ought to be distributed. She argues that individual merit and exertion provide the just basis for differential treatment. Mill does not promote absolute equality of income or wealth but rather equality of opportunity. In the case of taxation, Mill maintains ability to pay and equal sacrifice as exemplifying the correct principle. Survival and maintenance are higher-value utilities in comparison with those of comfort above this threshold. Subsistence has higher value than superfluities. So the 'secondary principle of equal sacrifice will in fact require differential treatment between income for subsistence and income for superfluities' (p. 96).

Su engages in the following chapter with questions of relations among economic justice, liberty and utilitarianism. Her core claim is that for Mill, liberty is primarily constrained by other people's rights to subsistence. This seems to me to set the bar rather low. It does not seem to be in harmony with Mill's obvious commitment to equality of opportunity and with his activism and expressed hopes for progress in the lives and well-being of the working classes.

In the third part of the book, Su compares Mill's utilitarian theories of social justice and equal liberty with contemporary theories of Rawls, Sen and Hayek. Each of these comparative studies features a concise overview of the highlights of the rival theories, as well as pithy and insightful responses to the challenges they pose. The most significant opponent is Rawls. Rawls was the first of these to pose objections to utilitarian theories of justice, and his objections remain the most influential. His central argument is that the utilitarian principle of maximizing total utility cannot accommodate distributive concerns. From the previous discussion, it is apparent how Su's response goes. Mill's theory does not neglect distribution of utility and does not morally require maximizing of total utility on all occasions. Rawls's objection applies to modern, post-classical forms of consequentialism, but not to Mill. Su also argues that Mill's theory is superior to Rawls's since Mill's theory has a better process to adjudicate conflicts among secondary principles. Mill's system has one first principle to

take on this role; Rawls's does not. Finally, Su argues that there are actually significant similarities between Mill's and Rawls's theories on questions of distributive justice, as Rawls himself acknowledges. Su also has interesting things to say about Sen and von Hayek in the remaining chapters of the book, before she sums up with some comments on Mill's continuing influence.

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