

Utilitarianism: Greatest Impediment to Justice

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ABSTRACT

This paper evaluates the validity of the foundational ethical conception of Justice and its contesting contradictory conception, Utilitarianism in framing the institutional structure of a nation. Thereby the paper asserts the importance of Justice and certain virtues to a nation's rise and fall and observes greatest impediment of Justice in the idea of Utilitarianism. While Utilitarianism advances its own conception of Justice, based on critical-theoretical approach the article advances three-fold arguments in order to reprove Utilitarianism of its claim. Utilitarianism is not a viable form of Justice since the theory represents a form of egoism, is structurally inconsistent to sound ethical doctrine, and because it has dissolved the end and means dichotomy.

1. Introduction

Justice the quality of being fair and right in social interaction has its greatest impediment in the idea of Utilitarianism. Since Utilitarianism posed greatest impediment to Justice, this paper aims to explore Utilitarian standard of measurement- the philosophy that have exchanged what is fair and right with mere utility. In doing so, the paper would identify discrepancies in Utilitarian standard of measurement and of their conception of Justice in order to reprove Utilitarianism of its claim. Through critical-theoretical approach, the paper advances three-fold arguments to reprove Utilitarianism of its claim. Since Utilitarians have advanced the theory as a conception of Justice, the study aims to show why Utilitarianism is not a viable form of Justice. Inquiry on the viability of Utilitarianism particularly becomes pertinent in the wake of a declining morality of warfare. Since the paper focuses on the centrality of certain virtues to a nation's rise and fall, in regard to consideration of internal disposition in practices of war the article highlights the standpoint of Traditional Just-War Theory (TJWT) and Modern Just-war theory (MJWT). This will be discussed at length in the following.

1.1. Theoretical Framework

Certain virtues like Justice play an important role in the rise and fall of a nation. Traditional just-war thinkers even associated the collapsed of Roman empire to a lack of virtue. St. Augustine's recording about the earlier stages of Roman empire in his classical work *De Civitate* (1470), states the interplay of some virtues including Justice in the development and successes of the empire. The interaction of these virtues in the nation's administration produced peace and lasting reign for the empire. "However, its strength disintegrated because the state

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was not inspired by the love of God but by national pride and desire for imperial glory” (Vorster, 2015, p. 56). The interplay of virtues in a nation’s politics was as well reiterated by Plato in his dialogue *Laches* (399-390 BC). Describing the function of virtues in the context of warfare, the dialogue emphasized on the cultivation of prudent-steadfastness and courage in order to manifest just practices in a war (Plato, 2006). Evaluation of the aforementioned literature reveals the crucial role of virtues and ethical practices in the inculcation of just-war concept.

Though traditional just-war theorists well understood the interplay of certain virtues in a nation's rise and fall, modern just-war discourse meanwhile have relinquished these earlier roots (Vorster, 2015, p. 56). For instance, medieval just-war concept justified some war in order to deter a cause more harmful than war itself (Reichberg, 2002), (Vorster, 2015). Although medieval just-war tradition esteemed internal dispositions like “virtue and right intention as important criteria for war ethics, modern just-war discourse rarely addresses issues of character” (Vorster, 2015, p. 55). The disregard of internal disposition in modern just-war have thus led to an irreconcilable hostility between law and arms. Owing to this antagonism, there is an apparent deception that necessitates injustice in the administration of the commonwealth. This is most apparent in a state where without ethical consideration the king accepts anything which is expedient. However, Hugo Grotius (1583-1645) stated that any assertion of antagonism between law and arms promotes nothing but injustice. Therefore, the study claims that any argument against Justice is based on Utilitarian principle. Since Utilitarianism posed greatest impediment to Justice, aims of this paper is to evaluate Utilitarian principle, a standard of measurement infamous to have exchanged fairness and equity for utility. By doing so the paper purpose to identify discrepancies in Utilitarian standard of measurement and their conception of Justice so as to prove that Utilitarianism is not a viable form of Justice.

Contradistinction to traditional just-war theorists, modern just-war theorists' disregard of internal disposition in warfare have bred popular misconception about irreconcilable antagonism between law and arms. Which has in turn ingrained injustice in governance. Therefore, this paper asserts that Utilitarianism indeed posed greatest impediment to Justice.

1.2. Research Question

- Does Utilitarianism represent a conception of Justice as it claims to be?
- If not, why is it not a viable form of Justice?

1.3. Objective

The paper aims to show why Utilitarianism is not a viable form of Justice.

2. Methodology

2.1. Critical-Theoretical Approach

This paper employs Critical-Theoretical approach to assess if Utilitarianism is a viable form of Justice. This approach critically analyses and hypothesizes a doctrine in order to unveil inconsistencies based on fundamentally established principles. Wherever applicable, Critical and Theoretical methods will be engaged in the advancement of the three-fold arguments to show why Utilitarianism is not a viable theory of Justice.

3. Discussion

3.1. Utilitarianism

While Utilitarianism advances its own conception of Justice, the study observes greatest impediment of Justice in the idea of Utilitarianism. Therefore, contrast to the Utilitarians claim based on Critical-Theoretical approach, this section will elaborate three-fold reasons to show why Utilitarianism is not a viable form of Justice.

First of the reason why the study claims that Utilitarianism is not a viable form of Justice is because the theory represents a form of egoism. The following elaborates this.

3.1.1. Utilitarianism is a Form of Egoism

Any argument against the concept of Justice comes from Utilitarian principle. Utilitarianism, a philosophy that has compromised fairness and equity with anything expedient have refuted universally accepted law of nature for relative law. As such, Utilitarians' refutation of Justice includes reduction of law to the level of mere utility. This form of moral compromise has therefore substituted Justice with mere utility. To the Utilitarians since expediency became the standard morality, utility replaces the yardstick of sound judgement. Utilitarians as such believe that all actions "are impelled by nature toward ends advantageous to themselves" (Grotius, 2006, p. 388).

There are different facades of Utilitarianism nevertheless, all are oriented toward utility- on obtaining greatest happiness and satisfaction of the greatest number. Though utilitarians' drive and orientation for utility and number sounds right and at times might sound rather attractive and appealing, yet, contradistinction to its claim utilitarianism is deeply embedded in a form of egoism¹. Utilitarians' disposition and orientation will be described in the classic example of Carneades.

Carneades a renowned academic skeptic of ancient Greek school lived around 214/3-129/8 BC. Known for his power of oration, Carneades rendered the art of eloquence to the service of falsehood. Carneades in fact represents a wide-ranging section of this crowd. Much like Carneades, this sect is equally attuned to the praise of justice and injustice. In order to favour relative law, Carneades likewise this sect of people have denied universally accepted law of nature. While he praised justice based on natural law, his equal persuasion with injustice is most evident in the reduction of justice to the state of mere utility. Again, to the utilitarians nothing is absolute, even all law is relative since they are built upon a particular custom which changes overtime. His rejection of the law of nature therefore led him to conclude that utility is the principle driving force. Subsequently, this philosophy has led to the reduction of law to mere utility. To Grotius (2006), since *there is no law of nature*, actions of all creatures *are impelled by nature toward end advantageous to themselves; that consequently, there is no justice, or, if such there be it is supreme folly, since he does violence to his own interests who consults the advantage of others* (p. 388).

Contrary to utilitarians claim, the study however observes absolute law in the law of nature. There is indeed a law which is absolute by nature and is not subject to changes as is in the case of relative law. Since nobody could interfere with natural law- most evident in day and night cycle and in seasonal changes, and because no will of man can subject natural law to himself.

¹ The philosophy of self-centeredness.

Thus, law of nature implies the existence of a law which is absolute by nature. But due to human inabilities and limitations man confines himself to relative law.

Utilitarians exchanged of fairness and justice with utility have led some to construe violence as virtue. This not only rendered injustice a norm but have outlawed justice and egalitarianism. As such, to the Utilitarians seeking after justice and advantage of others is a supreme folly. When relative law predominates universal law of nature, reduction of law to the level of mere utility consequently leads to the promotion of injustice and all ill practices in social and political interaction. This is the pernicious affect of utilitarianism. However, this not the case with Just-War since the conception of Justice undergirds the theory.

To Hugo Grotius, Utilitarian's disregard and ridicule of Justice is folly. While utilitarians get the immediate advantage- the benefits and protection of law for themselves, they on the other hand, deny others from getting the same advantage and privilege. Although Utilitarians are aware about long- term disadvantages the practice of injustice would have on themselves and their progeny, they still commit themselves to it. This perhaps is most ridiculous to Grotius. Similar consequence awaits the future of those who have transgressed law of nature and law of nations. For this reason, Hugo Grotius holds individuals, rulers, states and nations accountable to the standard of Justice. According to Hugo Grotius, any institution that holds individuals and not nations or its rulers accountable to the standard of justice have done it so out of error. Such error stems from laws that are biased and prejudiced toward selected few and therefore in not considering and protecting their due rights and privileges. This results in the misconception that only the state institution is immune from the consequences of injustice and not the individual. The act of assigning special immunity to a state and not to an individual came from the Neglect of individual's right and protection over a state came from the misconception about the adequacy of the state institution that it "contain in themselves all things required for the adequate protection of life" (p.390).

Utilitarians have no fix standard of judgment owing to their self-centeredness, utility, and due to its orientation for utility, pleasure and happiness of the greatest number. While utilitarians have compromised and substituted justice with utility and anything expedient, the paper claims that utilitarianism is embedded in a form of egoism. This is because utilitarians have embraced relative law at the expense of the law of nature. Contending utilitarians' denial of absolute law for relative law, the study observes absolute law in the law of nature. This is evident in the cycle of seasons and time. Further observation is that utilitarians have exchanged fairness and rightness to the point that some have misconstrued violence as virtue. This not only rendered injustice a norm but have outlawed justice and egalitarianism. This is the pernicious affect of utilitarians' reduction of law to the level of mere utility. But when utilitarians transgressed the law of nature and nations, they endanger the future of their own, their posterity and of the state and nations at large. This means that no individual, state or nation is immune to the consequences of injustice.

The following argument advances on to show why utilitarianism is not a viable form of Justice. The study claims that Utilitarianism is not a viable doctrine of Justice because the theory is inconsistent to the principle of sound ethical doctrine. John Rawls in his seminal work "A Theory of Justice" (1971) presents a principle whereby to test the validity of sound ethical doctrine.

3.1.2. Utilitarianism is Structurally Inconsistent to Sound Ethical Doctrine

John Rawls (1921-2002) in his seminal work *Theory of Justice* (1971) re-examined the foundation of our thought systems and of the principles undergirding the social and political institutions. While his conception of justice subject social and political institutions to the test of

truth and justice, it also links the concept of “good” with “right.” Rawls considers right and good are the main concepts of ethics- the foundational concepts based on which the structure of every ethical theory is determined, defined and joint.

Based on Rawls structure of sound ethical doctrine when Teleological Utilitarianism are put to the test, it fails to be an ethical theory. This is because while every sound ethical doctrine demands that the conception of good and right be linked, teleological utilitarianism’s understanding of good and right is disjointed (Rawls, 1971). Further, John Stuart Mill’s (1806-73) acute awareness about the end and means, and his inquiry about the ultimate good, the *summum bonum* of life as well failed to established an essential link that ought to have existed between the good and the right. For this reason, when what is good is measured in terms of pleasure, the notion of right and wrong suddenly disappear. Mill’s insistence on determining the ultimate good- which to him owes to the end is due to the implication the end has to the means. According to him, the end ought to be pursued first since it predefined the means- the course of action. It implies that end justify the means. The justification of end by its means is just another reflection of a sound ethical doctrine. In the *Utilitarianism* (1863) Mill elaborates on this:

All actions is for the sake of some end; and it seems natural to suppose that rules of action must take their whole character and colour from the end at which actions aim. When we are pursuing something, a clear and precise conception of what we are pursuing would seem to be the first thing we need, rather than being the last we are to look forward to (Mill, 2017, p. 1).

From the quote above, Mill asserts that end and means are not interchangeable since the end carry the method to be employed for the means. Though Mill was well aware about the implication the end has to the means yet the study observes that even his inquiry about the *summum bonum* or the ultimate good did not link the idea of good with right.

When utilitarianism is contrasted to the structure of Rawls’ sound ethical doctrine, Utilitarianism falls short to be a sound ethical doctrine. Utilitarianism is not a sound ethical doctrine because it does not align the conception of good with right. Thus, when one seeks after pleasure in the absence of what is right, it lends up in a form of hedonism and eudaimonism.

To summarize, John Rawls’ seminal work “A Theory of Justice” (1971) presented a principle whereby to test the validity of an ethical theory. According to Rawls, the structure of every ethical theory rest on how “good” and “right” concepts are defined and joint to one another. Yet when Utilitarianism is subject to the test of sound ethical doctrine, Utilitarianism by any degree falls short to be a theory of Justice. According to the study, this is because Utilitarians conception of good and right are not structurally link. Although Utilitarians like JS Mill was acutely aware about the importance of the end to the means, yet his inquiry about the ultimate good, the *summum bonum* of life as well considered good apart from the right. For this reason, the paper observed that when pleasure seeking becomes the ultimate good, all boundaries between right and wrong disappear. Since JS Mill (2017) was aware about the importance of the end to the means, he asserted that *the rules of action must take their whole character and colour from the end at which the actions aim* (p.1). But without the conception of what is right when this principle is applied to Utilitarians’ pursuit of pleasure, Utilitarianism lends up in a form of hedonism and eudaimonism.

The following section will discuss the third reason why Utilitarianism is not a viable form of Justice. This is because Utilitarians have compromised end and means dichotomy.

3.1.3. Utilitarians Compromise of End and Means Dichotomy

While Immanuel Kant's (1724-1804) "Categorical Imperative" obligates one toward certain ethical behaviour, Utilitarians with the exception of John Stuart Mill² have interchanged the end to the means. Contrary to Utilitarianism, Kant's Categorical Imperative strictly prohibits the use of our fellow humans as a means to some end.

The paper argues that since Kant's moral philosophy **first** aims to bring about right interpersonal relationship by developing morally right predisposition, Kant's categorical Imperative adhere to the idea of Justice. Utilitarianism, on the other hand is not a sound ethical doctrine for reducing ends to mere utility. Mill says (2017), *Questions about ultimate ends can't be settled by direct proof. You can prove something to be good only by showing that it is a means to something that is admitted without proof to be good* (p. 3). For Mill since everything else follow only after the highest good the *summum bonum*³ of life. However, for lack of proof, Mill's inquiry about the *summum bonum* as well reduces the ultimate end to the level of mere utility. To Mill since the nature of ultimate end is indeterminate and is not subject to *direct proof... whatever is good is not good as an end but as a means to something* (p.3). The reduction of what is supposed to be an end to the level of mere utility and means is thus observed across the broad spectrum of Utilitarianism. As such, the paper maintains that Utilitarianism is not a viable theory of Justice.

While Immanuel Kant's famous assertion "the end in itself" derived from his Categorical Imperative categorically command one to act in such a way as to always regard and respect the intrinsic worth and dignity of a rational agent to the extend that they be not treated as a means to an end but always as an end in itself, Utilitarianism have compromised end and means dichotomy. Thus, while the study observes that Kant's concern with the morality of right and wrong adhere to the principle of Justice, this is not true about Utilitarianism. Since across the broad spectrum of Utilitarianism, there is a reduction of an end to the level of mere utility. Therefore, the study resolved that Utilitarianism as contrast to their claim is not a viable form of Justice.

4. Conclusion

The study observed that the importance of Justice and certain virtues to a nation's rise and fall had its greatest impediment in Utilitarian principle. By Critical-Theoretical approach, the paper advanced three-fold arguments to show that Utilitarianism is not a viable form of Justice. Utilitarianism is not a viable form of Justice since the theory represents a form of egoism, is structurally inconsistent to sound ethical doctrine and because it has dissolved the end and means dichotomy.

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² Mill was well aware about the implications the end has to the means thus, he prioritized the inquiry of the ultimate good, the end to be pursued first since it predefined the rules and colour of actions.

³ More than two thousand years since the inception of Philosophy there has been a wide disagreement between Philosophers' on the question of the highest good, the *summum bonum* of life. In other word, this issue more specifically aims to determine about what constitutes the foundation of morality. This disagreement however remains unresolved till date.

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