

JUSTICE

Lecture 4 – Revisionist Utilitarianism

1. Last time
 - a. How to weigh majority's antipathy towards unpopular private conduct?
 - b. Supreme Court: majority's antipathy doesn't count where fundamental rights at stake
 - c. Bentham: no fundamental rights + majority's antipathy always counts for *something*
 - d. Does utilitarianism support civil liberties? For the right reason?
2. Mill's revisionist utilitarianism
 - a. Measure of a just law/action is (still) its consequences, how much *good* it produces
 - b. Pleasure is (still) the only thing that is good in itself, *but*
 - c. Some pleasures are of higher quality, can't be outweighed by lower pleasures
 - d. Civil liberties are required to maximize the higher pleasures
3. Mill's distinction between higher and lower pleasures
 - a. A life is better—happier—when it contains higher pleasures, even if less satisfaction
 - b. Higher pleasures are the ones preferred by (all or almost all) competent judges
 - c. Competent judges “decidedly prefer” pleasures that come from exercise of intellect
4. Why are intellectual pleasures better/higher *for everyone*?
 - a. Some people prefer other pleasures. Why should they defer to “competent judges”?
 - b. Is Mill's argument elitist?
5. Why are *intellectual* pleasures better/higher?
 - a. Use of our intellectual faculties awakens a sense of our own dignity
 - b. Sense of our own dignity produces a desire to develop & exercise our higher faculties
 - c. Once we have this desire, we can't be happy without engaging our higher faculties

6. Is the development/exercise of our faculties valuable *only* because it brings us pleasure?
 - a. Is it *intrinsically* valuable to develop and exercise your faculties?
 - b. To be a certain kind of person? Actually to experience certain things?
7. Mill's distinct view of the special importance of liberties:
 - a. Bentham:
 - i. All pleasures/pains equal; none contributes more to happiness than any other
 - ii. Civil liberties founded on general value of avoiding pain (*e.g.* from punishment)
 - iii. Civil liberties not founded on anything of *special* value
 - b. Mill:
 - i. Pleasures derived from developing & using our distinctive faculties are better
 - ii. Civil liberties are necessary for developing & exercising our distinctive faculties
 - iii. Civil liberties founded on *special, higher* value of developing & using our faculties

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