John Stuart Mill on justice and self-development

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ABSTRACT: This paper deals with John Stuart Mill’s account of justice, which posits a strong relationship between justice, morality and self-development. According to Mill, law and morality can be seen in two different ways: (i) as something that never changes; (ii) as something that can be put into question and improved. Endorsing the latter, Mill is going to advance a creative morality that attaches justice to debate. Justice requires public discussion and constant critical examination of law. Sometimes it requires even breaking up with the law; civil disobedience is an example of that. For Mill, justice cannot do without individual critical thinking, conscience and self-development. Indeed, self-development is the sine qua non of justice. One can only care for others if one has cared for one’s self.

Key words: John Stuart Mill; justice; self-development; civil disobedience.

RESUMO: Este artigo trata da questão da justiça no pensamento de John Stuart Mill, segundo o qual há uma relação forte entre justiça, moralidade e desenvolvimento de si. De acordo com o autor, lei e moralidade podem ser vistas de duas maneiras distintas: (i) como algo que nunca muda; (ii) como algo passível de ser questionado e aperfeiçoado. Endossando a segunda visão, Mill irá postular uma moral criativa que liga justiça e debate. A justiça requer discussão pública e um constante exame crítico da lei. Por vezes, requer inclusive uma ruptura com a lei; a desobediência civil é um exemplo disto. Para Mill, não há justiça sem pensamento crítico individual, consciência e desenvolvimento do eu. Com efeito, o desenvolvimento de si é condição sine qua non da justiça. Somente quem cuida de si é capaz de se importar com outrem.

Palavras-chave: John Stuart Mill; justiça; desenvolvimento de si; desobediência civil.
I would like to talk about John Stuart Mill’s thinking on justice, and to do it in a thirty-minute presentation is only acceptable because my speaking a whole afternoon on the subject would be nearly as incomplete. “What is justice?” – Philosophy has puzzled itself with this question from time immemorial, and I assume no one here is expecting to get back home with an answer that could work once and for all. That would be against the very nature of our colloquia. For if we are expected to meet year after year to discuss justice, then something must have changed. It would be simply a waste of time to meet again if nothing new came up.

Time and again we gather and endeavor to pose the question anew: “What is justice?”. This proves, if it needs proving, how provisional our consensus on the issue is. Now and then people assemble not only to debate but also to demand justice (we shall return to this issue when talking about civil disobedience). Justice has been out and about, on people’s lips, on the streets; indeed one can scarcely think of a political revolution or a public turmoil in which it has not been of prime concern. And here lies the chief difficulty in studying justice nowadays. Since it is so stored with past echoes and conflicting associations, justice cannot be captured by a single and indisputable definition.

That is why I shall concentrate mainly on Mill and see what he has to say about justice. Initially the question of justice seems to be confined only to Utilitarianism, and when scholars want to discuss Mill’s thinking on justice, that work is usually where they turn to. In Utilitarianism’s final chapter, we read: “justice is a name for certain moral requirements” that belong to “social utility” (MILL, 1861: 200). Justice, Mill believes, is grounded not on an absolute, transcendental standard but rather on social utility, that is to say, on human happiness and well-being.

Far from being immutable, social utility is a historical phenomenon which changes over time; what is considered useful for one age may not be so for the next. That which one generation regarded as conducive to human well-being can become burdensome or even contrary to happiness for the next generation. The way we look at utility is established and improved through public debate and social intercourse (cf. MILL, 1859: 41). Justice and utility, in short, are open to discussion and a fortiori can only be sustained through debate, in the broad sense of the word. Justice, I shall argue,
requires public debate as well as inner debate, an activity which one exercises through self-development. Justice is anchored in self-development and is conducive to human happiness.

Happiness should not be mistaken for contentment. It is not merely a succession of pleasant mental states; when Mill speaks of happiness, as Rawls has noticed, he means “a way of life” (RAWLS, 2007: 259). One is happy insofar as one leads a critical way of life and cares for one’s self. Those who passively conform to society’s mandates and do not develop an intelligent relationship with them cannot be called happy, and are not properly speaking individuals.

According to Mill, being an individual presupposes the ability to develop and care for his or her self, which in turn allows the individual to gain some distance from his or her background, whereupon critique becomes feasible. Self-development and the critical thinking thereby produced are essential for justice. In what follows, my aim will be simply to underscore the relationship between justice and self-development, a theme scholars often neglect when talking about Mill’s thinking on justice.

When Mill asks himself, “What is justice?”, he notices people have different answers for it. Mill writes from a background of assumed conflict and knows that he cannot rely on a shared opinion, for there is none. People began to conceive justice in different ways in the nineteenth century and that is why an all-embracing definition will not do. In genealogical fashion, Mill then attempts to trace the genesis of the concept “justice” and turns back to the Greeks and Romans. I quote him:

Among so many diverse applications of the term Justice . . . it is a matter of some difficulty to seize the link which holds them together. . . . Perhaps, in this embarrassment, some help may be derived from the history of the word, as indicated by its etymology. In most, if not in all, languages, the etymology of the word which corresponds to Just, points to an origin connected either with positive law, or with that which was in most cases the primitive form of law — authoritative custom. Justum is a form of jussum, that which has been ordered. Jus is of the same origin Δίκαιον comes from δίκη, of which the principal meaning, at least in the historical ages of Greece, was a suit at law. Originally, indeed, it meant only the mode or manner of doing things, but it early came to mean the prescribed manner; that which the recognized authorities, patriarchal, judicial, or political, would enforce (MILL, 1861: 181-2).
The concept of “justice” was connected with “law” and “custom” both in Rome and Greece. It meant conformity to a set of prescriptions which were imposed upon the individual by an external authority, which was not necessarily judicial. Usually the source of authority was what determined whether the prescription was a “law” or “custom”. Such distinction, according to Mill, remained valid in nineteenth century and still makes sense in our time (cf. MILL, 1859: 23ff).

For one thing, it seems safe to say that laws and customs are not the same. Laws are prescriptions issued by a judicial authority. When one disrespects them, the punishment one faces is exercised mainly by juridical institutions, such as the police. Customs, by contrast, are not necessarily regulated by judicial power. Usually they are imposed upon us by non-juridical power mechanisms and the punishment we get when we disobey them is of a different nature. Mill offers an interesting analysis of how such extra juridical power shapes individual conduct, but to explain it here would lead us too far afield.

So far what the etymology of the word has revealed is that the concept of justice is not exclusively juridical. Justice is much more than a legal matter; it signifies acting in conformity not only to law but also to custom. Thus we are led to the questions: what is law and what is custom? According to Mill, both can be seen in two ways: (i) something man-made that can be changed; (ii) something sacred and immutable that emanates directly “from the Supreme Being” (MILL, 1861: 182). To each one there is a corresponding morality: (i) a morality of creation, that is to say, a creative morality; (ii) a morality of passive obedience, where one is not expected to question but only to conform to the never changing law and custom.

It is Mill’s view that since the birth of Christianity morality (ii) has been superseded by (i) and, not surprisingly, his proposal will be to favor the latter and reverse or relieve, so to speak, the harmful effects of institutionalized Christianity. Ancient ethics functions as a model for modern morality. As those who are familiar with the etymology of the word may probably know, ethics derives from the Greek word ἔθος. The concept, according to Mill, has a twofold meaning (MILL, 1843: 54). On its collective aspect, ἔθος means the guiding principles and beliefs of a community.
On the individual level, it means an attitude opposed to blind obedience, a way of life, as it were, in which individuals breed an active relationship with their community precepts and “fashion themselves” (MILL, 1859: 26). Let us note from the outset there is no necessary antagonism between individual éthos and collective éthos. One can respect one’s community while at the same time fostering a critical relationship with its precepts.

To be sure, Mill is going to argue that one can honestly respect one’s community only if one critically reflects upon its laws and customs. For Mill, one ought to respect only what is just, and if any law happens to be unjust, one should challenge it for the sake of justice. This is a strong claim which is not difficult to understand, at least not if you have read Aristotle, Kant or Thoreau before.

In *Nicomachean Ethics*, Aristotle dedicates his fifth book to studying justice. He asks himself, “What is justice?”, and in order to answer it, he appeals to common sense and uses widespread beliefs as a starting point. Aristotle reports that when the Greek people spoke of justice they meant that which was lawful, whereupon he concluded “that whatever is lawful [nomimon] is in some way just” (*NE*, 1129b13). One should not read this sentence as meaning that whatever is legal is automatically just. Not every positive law is lawful, and Aristotle states clearly that “it is within our power to alter the current law [nomos] and to make it useless” when there is good reason for doing so (*NE*, 1133a32). Like Mill explained, the Greeks envisaged law as something man-made which could be faulty and hence improved.

Kant also supported a critical relation towards positive law. To be sure, in *What is Enlightenment?* he advanced the thesis that law is legitimate only insofar as the people to whom it applies reasonably accept it. “The touchstone of all those decisions that may be made into law for a people lies in this question: Could a people impose such a law upon itself?” (KANT, 1783: 57). Enlightenment, the age of critique, gave birth to a new public éthos, one which brought forth a critical way of life. Henceforth the individual would respect only those laws which he himself could have approved. However, lack of respect does not imply disobedience. For Kant, one should abide by the law even when one disagrees with it. That is to say, even when one has realized
through critical examination that a given law is not legitimate, one must obey it anyway. One ought to contest and attempt to amend it, no doubt, but one must obey it anyway.

That is not the case for Thoreau. With him we see the rise of a new ethics of disobedience that was beginning to take shape in nineteenth century philosophy. He writes: “Unjust laws exist. Shall we be content to obey them, or shall we endeavor to amend them and obey them until we have succeeded, or shall we transgress them at once?” (THOREAU, 1849: 7). Whereas Kant would go for the second option, Thoreau espoused the third one. In his view, individuals had the duty to disobey any law they thought unjust. “Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? . . . It is not desirable to cultivate a respect for the law, so much as for the right” (ibid: 2). Resigning one’s conscience should be avoided at all costs because it entails risking one’s human status and one’s selfhood. A fortiori, whoever does not think for his or her self is not human at all. When men do not exercise their conscience and care for justice, “they put themselves on a level with wood and earth and stones” (ibid: 3). Needless to say, a state made up of men is much better than one made up of stones. For Thoreau, those who bred a critical relationship to the law were good citizens because their civil disobedience, that is, their resistance to complying with unjust laws, exposed injustice which needed amending.

Thus, for Aristotle, Kant, and Thoreau, justice and law are not one and the same. Bad governments may promote unjust laws, and when that happens, our duty is to review the law. Kant, Thoreau and Mill valued individual critical thinking, which was not at odds with community love. Instead, individual critical thinking is good precisely because it provides a safeguard for justice. Far from weakening communitarian bonds, critical examination of customs makes one’s respect for community stronger. I quote Mill:

[T]o conform to custom, merely as custom, does not educate or develop in him [sc. the individual] any of the qualities which are the distinctive endowment of a human being. The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice. He who does anything because it is the custom, makes no choice. He gains no practice either in discerning or in desiring what is best.
The mental and moral, like the muscular powers, are improved only by being used. The faculties are called into no exercise by doing a thing merely because others do it, no more than by believing a thing only because others believe it. If the grounds of an opinion are not conclusive to the person’s own reason, his reason cannot be strengthened, but is likely to be weakened, by his adopting it (MILL, 1859: 74-5).

Adhering mechanically to a precept is tantamount to not understanding it. It is only through critical examination that one can grasp the grounds of one’s rule of conduct. If one does not know why one acts according to custom, one does not comprehend it. And since one does not comprehend it, one cannot even say one sincerely respects custom. Critical examination, in sum, fortifies our reason for acting in conformity to custom.

Granted that it fortifies our reason for acting in conformity to custom, could one say critical examination also fortifies our reason for acting justly? Indeed one could. As Mill has pointed out in the aforementioned quotation, one can only develop an intellectual and moral sense if one critically examines custom. To adopt custom unreflectively dwarfs self-development. From here it follows “that an intelligent following of custom, or even... an intelligent deviation from custom, is better than a blind and simply mechanical adhesion to it” (ibid: 75).

The reason Mill is going to advocate an intelligent relationship with custom is threefold. First, keeping a critical relation towards custom should be encouraged inasmuch as it brings about a greater respect for it. Furthermore, it should be encouraged because it promotes justice. Critical examination is capable of revealing unjust laws and customs. Finally – and here is where my stress will fall – critical thinking is important because it leads to self-development. The latter is a key issue in Mill’s philosophy and plays a fundamental role in his thought.

How is self-development relevant for justice? Can there be justice without self-development? For Mill the answer is no. There can be no justice without self-development for one cannot act justly if one does not develop one’s self. Through self-development one constitutes one’s self as an ethical subject. Such constitution is also, as Mill likes to put it, a fashioning of the self. As the word suggests, self-constitution bears
an artistic dimension, and both “justice” and “ethics” belong to what Mill calls “the Art of Life” (MILL, 1843: 140). Art here stands for the Greek tékhne (ibid: 134); the “Art of Life” Mill alludes to is what the ancients used to name tékhne toû bíou. According to them, no technique or professional skill could be acquired without exercise, and neither could men fully enjoy life without engaging in the “Art of Life”, a set of practices which was designed to train the self. The training [askésis] of the self was of paramount importance in ancient ethics and Mill suggests it is a good idea for modern morality to recover that. Modern morality can benefit from ancient ethics.

To show you how relevant self-development is for justice, I quote Seneca’s De Ira:

All our senses ought to be trained to endurance. They are naturally long-suffering, if only the mind desists from weakening them. This should be summoned to give an account of itself every day. Sextius had this habit, and when the day was over and he had retired to his nightly rest, he would put these questions to his soul: “What bad habit have you cured to-day? What fault have you resisted? In what aspect are you better?” Anger will cease and become more controllable if it finds that it must appear before a judge every day. Can anything be more excellent than this practice of thoroughly sifting the whole day? And how delightful the sleep that follows this self-examination – how tranquil it is, how deep and untroubled, when the soul has either praised or admonished itself, and when this secret examiner and critic of self has given report of its own character! I avail myself of this privilege, and every day I plead my cause before the bar of the self. When the light has been removed from my sight, and my wife, long aware of my habit, has become silent, I scan the whole of my day and retrace all my deeds and words. I conceal nothing from myself, I omit nothing. For why should I shrink from any of my mistakes when I may commune thus with myself? (SENECA, 2006a: 339-41).

It is not difficult to see how Seneca’s self-training can prevent wrongdoing. For the training he recommends requires not only endurance and self-control, but more importantly, self-examination. To the extent it compels one’s self to “appear before a judge every day”, self-examination keeps injustice at bay. As soon as one leaves one’s friends, “all deeds and words” are meticulously judged. The principle according to which “the bar of the self” issues its verdict is goodness, which obviously includes
justice. “Did you do anything wrong today?” – the question our internal judge trouble ourselves with has the purpose of making us better persons.

The practice of communing, of developing a relationship with one’s self is exercised through conscience, which is not identical to consciousness. That one is a conscious being does not mean one has a conscience. The latter implies one cultivates an interest in one’s self, and that, we all know, should not be taken for granted. Some people are not interested in developing themselves, and a few do not even think twice before doing an act of injustice because, let’s face it, they simply do not care. The self and its conscience are not purely natural features which are born with us already in a mature form. On the contrary, both need to be called forth by society if they are to develop. The self and its conscience are, in one word, historical. They are not only historical, for Mill does say that memory, the ability to recollect an experience, is natural (cf. MILL, 1865: 212). To the extent they are grounded on memory, the self and its conscience indeed have a natural basis. Yet one cannot deny their development and consolidation happens over time. Therefore, they are historical as well as natural.

Like justice, conscience has a social and historical dimension: it can only arise in “properly cultivated moral natures” (MILL, 1861: 161). That is why Mill emphasizes the necessity of a proper cultivation of human beings, of a moral education that allows conscience to emerge. One can steal, one can kill, and yet one may sleep at night as if nothing had ever happened. Should we say those people are not conscious of their acts? Of course not. They are rational beings and they know what they did. We should say, instead, that something went wrong in their upbringing, and that is the reason they do not exercise their conscience.

“Conscience leads to a habitual exercise of the intellect on questions of right and wrong” (MILL, 1873: 153). The fear of having to face one’s self after going to bed acts indeed as a strong dissuader of injustice. Conscience, as Hamlet used to say, makes us cowards because unjust actions have a price of their own. Never mind no one saw the terribly unjust act you committed today. You saw it, and you know that was wrong. To be sure, reproach that springs from within is much more invasive than that which comes from outside. No matter how much someone else despises my conduct, if I do not think my action was wrong, external reproach is not likely to be effective at all. Now things
are very different if the person who is condemning me is myself. If after reflecting upon one of my actions I realize it was unjust, I will try my best not to do it again.

I will try my best but that does not rule out my doing it again. Maybe the injustice I am doing is caused by what Mill refers to as a “lower” part of myself (MILL, 1861: 140). As you can see, the Millian self is not univocal. It is, as it were, divided into parts (cf. MILL, 1859: 79, 83). I say “as it were” because, as none will object, the inner constitution of the self is not spatial; the word “part” is employed with some hesitation. Be that as it may, what matters here, I would argue, is that the splitting of the self in different parts is the *sine qua non* of conscience and therefore, of justice.

According to Mill, the self is internally divided and must remain so if it is to exercise its conscience. The only possible way one can judge one’s own actions is by splitting up one’s self in two difference parts. Conscience implies a dialogic self, lacking which no critical thinking can exist. To be simultaneously accused and accuser requires a dyadic self. Thus the inevitable question: what comes into being when conscience splits up the self in two? In other words, if the self is dyadic, what are its two parts?

Mill names the two parts of the self as “the selfish part” and “the social part” (MILL, 1859: 79). The former denotes an “area” – quotation marks are used here, for we are not talking about something spatial – opposed to and insulated from sociality, whereas the latter replicates one’s social background. Interestingly enough, human beings are such social creatures that they are never capable of being alone. Even when one withdraws from social companions and retires into the darkness of one’s bedroom, one is not alone. One finds one is populated precisely when one believes one is deserted.

The self carries within it difference and opposition. Conscience is exercised by a plural self, and the silent conversation Seneca used to entertain himself with as soon as “light has been removed” was not a monologue but a dialogue. As Seneca assures us, someone was addressing someone else. Speaking on “conscience [conscientiae]”, he writes: “Whatever I shall do when I alone am witness, I shall count as done beneath the gaze of the Roman people” (SENECA, 2006b: 151). Like I said before, it does not matter whether the terribly unjust act you committed today was seen by no one. If you
saw it, the punishment you will face afterwards will be just as harsh as if it had been seen by everybody.

Diversity within the self as well as diversity outside it – human diversity – is essential to self-development because

the unlikeness of one person to another is generally the first thing which draws the attention of either [men] to the imperfection of his own type, and the superiority of another, or the possibility, by combining the advantages of both, of producing something better than either (MILL, 1859: 87).

Self-development is carried out in concert with other people. Human progress requires plurality because it is through social intercourse that the self knows and unfolds its capacities. Making a choice is the only way we have to exercise our faculties and develop ourselves as moral beings (cf. ibid: 74-5). That, in turn, presupposes a variety of options; to choose is, after all, to choose among different alternatives. Hence Mill’s emphasis on the importance of “experiments of living” (ibid: 72). Diversity must be a social reality if we are to develop ourselves. Human plurality is the *sine qua non* of self-development, and since the latter is also the *sine qua non* of justice, that means plurality is indispensable to justice. To work against plurality is to work against justice.

I suggested earlier that Mill believed that self-development is crucial to justice. Developing and caring for one’s self allows one to keep a critical distance from which it is possible to judge not only one’s actions but also one’s surroundings. That the “social part” has the power of judging the “selfish part” does not exclude the possibility of a reversal. Eventually the “selfish part” assumes the judge post and critiques social norms. Conscience is also exercised when the rightfulness of society’s orderings is put into question by the individual self. Indeed, individual social critique is the kernel of Mill’s so called “intelligent following of custom”.

Civil disobedience is one plain example of the “intelligent following of custom” and displays the importance of individual consciences for the maintenance of social justice. Take Thoreau for instance. His refusal to pay poll tax which sponsored slavery
was justified by his inner conviction that slavery was unjust. Nowadays the injustice of slavery is plain as a pikestaff, but at that time the majority of the people believed it was natural to enslave someone because of his skin color. Thoreau’s disobedience acted as a way of denouncing a legal and widespread custom as unjust.

“[C]ivil disobedience”, Rawls explained, “is intended to address the sense of justice of the majority” (RAWLS, 1969: 182). When he wrote these lines, Rawls was not thinking of Thoreau. 1968 was a very hectic year in global politics. Worried about justice, people occupied the streets everywhere. In May, there were protests in France, in June, the *Passeata dos Cem Mil* in Rio de Janeiro, then in November, one of the largest acts of civil disobedience in recent history took place in the United States, namely, the refusal of thousands of young men to take part in the Vietnam War. By burning their draft cards on the public square and in broad daylight, the protesters wanted to denounce the injustice of a law which compelled men to participate in a war which they found unjust. They assembled to demand justice, and although they were imprisoned, their disobedience was effective in the long run. Eventually the draft ended, and public opinion realized the war was unjust. This shows how justice is not exclusively sought in law courts. Justice is not only juridical, and more often than not it is on the streets that we fight for it.

History proves that justice and law are not fixed once and for all and are open to discussion. Justice is always implicated in debate: debate within the self, as well as public debate. Actually, both are deeply intertwined and cannot subsist without one another (cf. MILL, 1859: 33). When the soundless debate between me and myself tells me something is unjust, the judgment I arrive at urges for public expression and impels me to public debate. Judging an action unjust and watching that action being carried out day after day is unbearable, even when you are not the one suffering it. People or, rather, critical people are inevitably bound up in public discussion. The Millian self is indeed never isolated. The “I” shapes itself and is shaped by a broader sociality. His judgment echoes his social background, yet that does not imply the relationship between self and community is causally linked.

The self is not produced by community. We have *to some extent* the power of fashioning, of molding ourselves (cf. MILL, 1843: 26-7). Just like there is no artistic
creation ex nihilo, so there is no self-fashioning that can fully stand apart from its historical background. Self-fashioning is a constrained operation; the material available for the self is limited by culture and prior to its emergence. The way we look at justice is historically conditioned and reflects our community, but that does not mean we have no freedom whatsoever to make our own judgment. We may produce opinions of our own, opinions that sometimes are at odds with the prevailing thinking and may challenge it. But the challenge and the contestation neither arise nor occur ex nihilo. It is through the prevailing matrix of thinking that a different conception is formulated. It was by engaging in public debate and listening to the arguments which folks from his time adduced to justify slavery that Thoreau realized slavery was unjust.

Contestation and critique are orchestrated from within the prevailing matrix of thinking, not from outside. They arise out of a redoubling of the self, which constitutes a process of individuation. A man who only repeats what others say, whose self is pure social reflection and has no interiority, does not qualify for an individual to Mill. Critique is the effort of systematically distorting sociality and it is from this refraction and distortion that individuality comes into being.

I reached the end of my presentation, and like I warned in the beginning, no definite answer has been offered. That would have been too presumptuous and quite misplaced for someone who is used to studying John Stuart Mill. I do not think it is up to me or to any other person in this room to establish unilaterally what justice is. “What is justice?” – Mill does offer one answer for the question: justice is a moral requirement for utility. Morality is a creative art and requires developing and caring for one’s self. Therefore, justice entails constituting one’s self as an individual. Justice deals with ethics, in the ancient sense of étos, and one can only care for others if one has cared for one’s self.

Utility is never defined once and for all, and neither is justice. According to the circumstances, the conception of justice may change, and it is through the analysis and comparison of the various perspectives of an individual action that we can conclude whether it was just or not. Justice is a matter of debate. Ultimately, it is a matter of politics too: to inquiry about justice demands coming together and asking whether our laws and social practices are rightful or not.
Bibliography


