

Utilitarianism and Luck

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Abstract: The study of luck in moral and political philosophy has generated two camps: the "luck egalitarians," who see justice as demanding aggressive efforts to reduce inequalities produced by luck broadly conceived and the advocates of "democratic equality" who emphasize traditional liberal political values. Most of this literature has been ahistorical and hostile to utilitarianism. This essay aims at repositioning the luck debates in the context of John Stuart Mill's oft maligned essay, *Utilitarianism*. There, Mill posits that the historical progress of justice works against all types of social expediency, thus reducing the role of luck in human affairs. Over time, justice requires a move from "democratic equality" to the achievement of "luck egalitarianism." Rather than viewing these as competing approaches to justice, this reading of Mill views them as succeeding stages in the conquest of poverty and the historical achievement of justice. These themes in *Utilitarianism* also go far toward reconciling that essay with Mill's utilitarian roots.

1. Introduction

Over the last twenty-five years there has been something of an explosion in the study of luck in moral and political philosophy. Much of this material concerns the relation of luck to distributive justice. Two camps have emerged: the advocates of "democratic equality," who emphasize traditional liberal political values, and the "luck egalitarians," who see justice as demanding aggressive efforts to reduce inequalities produced by luck broadly conceived. Both camps have taken a largely ahistorical view of justice. This ahistorical approach is perhaps not surprising given the domination of the discussion by philosophers. However, it is surprising that most of this literature when not ignoring utilitarianism has been openly hostile to that school. The purpose of the present effort is to suggest that both the ahistoricism and the anti-utilitarianism of this discourse on luck are unfortunate choices. More specifically, this piece aims at repositioning the luck debates in the context of John Stuart Mill's oft maligned essay, *Utilitarianism*.

In *Utilitarianism*, Mill posits that the historical progress of justice works against all types of social expediency, thus reducing the role of luck in human affairs. In effect, Mill anticipates that justice will require a move from something like "democratic equality" to the achievement of something like "luck egalitarianism." Rather than viewing these as competing approaches to justice, Mill views them as succeeding stages in the conquest of poverty and the historical achievement of justice.

While the institutional mechanisms of the projected transformation remain vague, Mill's plot for the conquest of luck, and especially the bad luck of poverty, builds squarely on his utilitarian roots. The older Mill is sometimes viewed as disenchanted

with his earlier utilitarianism; absorbed instead by the liberalism of freedom.¹ But *Utilitarianism* does not stop with classical liberal arguments for personal freedom. Justice progresses toward a broader equality. The greatest good of the greatest number is ultimately achieved in an egalitarian society which no longer requires the most egregious instruments of expediency. The virtues of those who achieve this transformation are personally rewarding, but not valued independently of the consequences they achieve. Mill's sincere call to participate in this transformation is directed squarely at those who (like the advocates of democratic equality) might otherwise be tempted to stop with a more limited definition of justice.

After a brief discussion of Milleian themes in the work of modern luck egalitarians and their critics, this paper explores the treatment of luck and justice in Mill's *Utilitarianism*. Two objections to Mill's (anticipatory) progressive synthesis are then considered. The first focuses on the increasing role genetics plays in our understanding of inequalities. The second focuses on the lack of institutional detail in Mill's treatment and, more specifically, on his ambivalent attitude toward socialism. The paper then returns to the relation between Mill and the discourse on luck, concluding that Mill's progressive utilitarianism provides a strong foundation for the political program of the luck egalitarians.

2. Luck Egalitarianism and its Critics

It is a common place that luck affects all of us. Luck favors some and encumbers others. For "luck egalitarians," distributive justice requires those with good luck to

¹ The expression is due to Rawls (2000)

compensate those with bad luck. In their view, it is “the responsibility of society--all of us regarded collectively--to alter the distribution of goods and evils that arises from the jumble of lotteries that constitutes human life as we know it.” In this redistribution, “the lucky should transfer some or all of their gains due to luck to the unlucky,” (Arneson, 2008).²

Richard Arneson one of the key advocates of the luck egalitarian position traces the basic concern with luck to the work of John Rawls (Arneson, 2008). Rawls’s emphasis on compensating for “deep inequalities” has a strong appeal to those on the left. And, not surprisingly, many of the luck egalitarians are drawn from the radical left. Their ranks include a number of prominent radical philosophers: G.A. Cohen, Richard Arneson, John Roemer, and Thomas Nagel. Indeed, it is not unreasonable to see luck egalitarianism as the response of the radical left to Rawls’s effort to rebuild the philosophy of liberalism.

Several of the luck egalitarians, including Cohen and Roemer, had long worked on attempting a reconstruction of Marxism. While such efforts contributed to sharpening radical discourse, Marxist philosophy in the late 20th century remained something of a specialized niche. In the same period, Rawls’s reconstruction of liberalism stimulated a renaissance in political philosophy. His interchanges with the right, especially those with Robert Nozick, reestablished the field as central to modern intellectual activity. Rawls’s approach, at least that of his *A Theory of Justice*, is perhaps best described as left liberal. In that work, Rawls traveled a substantial distance toward a number of socialist

² Arneson originally wrote his paper in 1995. This passage is quoted by Elizabeth Anderson (1999) in launching her defining attack on the luck egalitarians. Anderson, a critic of luck egalitarianism is responsible for providing that school with its name, a name described as “apt” by one of the school’s major proponents, G.A. Cohen (2008, p. 8).

propositions. And when he had to speculate on the type of economy consistent with the dictates of justice, he considered not only liberal capitalism, but also market socialism as potentially conformable (Rawls, 1971; Persky, 2010). In effect, Rawls was inviting a discussion with the radical left. He offered them an entre to the very core of political philosophy. The radical left responded enthusiastically with the development of luck egalitarianism.³

Radical philosophers are very much taken with Rawls's acknowledgement of the centrality of luck. But their luck egalitarianism pushes beyond Rawls. From an economic perspective, the most important difference between Rawls and the luck egalitarians derives from Rawls's acceptance of material incentives as part of his theory of justice. Thus Rawls allows for inequalities that can achieve an improvement in the position of the worse off.⁴ The luck egalitarians and especially G.A. Cohen have argued that such inequalities undermine Rawls's fundamental insight. Material incentives hold the least lucky hostage. According to Cohen a citizenry that has internalized the Rawlsian concern for the worst off and least lucky should have no business with such hostage taking. Justice requires a more egalitarian treatment of the least lucky.

Of course, even among the luck egalitarians there are a range of debates concerning the degree of sharing appropriate to a just society. Egalitarians differ as to whether individuals should be compensated for their fate, i.e. their genes, parents and the like; their fortune, i.e. acquired advantages due either to effort or circumstances; and/or

³ This paragraph develops a line of argument suggested by an anonymous referee. The point is not that the left embraced Rawls uncritically, but rather that the left was eager to engage a serious liberal. For an overview of a range of early left criticisms of Rawls see DiQuattro (1983). Cohen (2008) makes his respect for Rawls most clear.

⁴ For a useful introduction to the secondary literature on Rawls's "difference principle" see Van Parijs (2003).

luck proper, i.e. pure chance.⁵ In the extreme, luck egalitarians emphasize only the importance of individual responsibility against a background of full compensation. They stand ready to endorse only inequalities arising from individual choices once the larger equalization of fate and fortune have been achieved. In this context, responsibility is itself difficult to define.⁶

Not surprisingly, the luck egalitarians are associated with a number of radical political positions. For example the philosopher G.A. Cohen strongly advocates a socialism based on sharing. For Cohen the appropriate model for dealing with the inequalities of luck is the type of sharing typical of camping trips (Cohen, 2009).⁷ Roemer has charted out a version of market socialism (Roemer, 1994), while Nagel has advocated a range of radical tax reforms (Murphy and Nagel, 2004).

Arrayed against these luck egalitarians are a range of philosophers, the proponents of “democratic equality,” who view the general approach of the luck egalitarians as motivated by envy, invasive in its disregard of privacy, and demeaning in its “contemptuous pity” for the less fortunate (Anderson, p. 289). In effect, the “democratic egalitarians” level a charge of elitism against the luck egalitarians. The advocates of democratic equality acknowledge the need to guarantee individuals a resource base

⁵ The distinction between fate, fortune and luck proper is suggested by Rescher (1995). The last of these, luck proper, is increasingly identified as “option luck” as opposed to the first two which are referred to as “brute” luck (Daniels, 2003).

⁶ The question of responsibility is confounded by a related discourse concerned with the concept of ‘moral luck’ (Williams, 1981). Moral luck asserts that meaningful moral evaluations rest on consequences. Hence if my reckless driving choices fail to lead to a pedestrian fatality, I have been lucky and bear no moral culpability. If however, I do hit a pedestrian, I am fully responsible. Much of the hostility to utilitarianism in the luck literature derives from claims that moral evaluations should be governed by intentions and not by consequences (Rescher, 1995).

⁷ I’m not sure what to make in this context of Cohen’s admission that he himself doesn’t much care for camping. (Cohen, 2009)

sufficient to allow participation in the broader society, but not much more. Theirs is the democracy of the (perhaps robust) safety net, but not the camping trip. As such they are close in spirit to traditional liberal concerns, including those forcefully put forth by J.S. Mill in *On Liberty*.

The term “democratic equality” appears as a chapter title in Rawls’s *A Theory of Justice*. In this vein, Norman Daniels (2003) views the philosophy of democratic equality as the appropriate interpretation of John Rawls’s version of liberalism. Thus both democratic equality and luck egalitarianism are strongly shaped by the Rawlsian reading of moral and political philosophy. Daniels argues that democratic equality, much like Rawls’s philosophy more broadly, is a synthesis of classical liberal concerns with a sensitivity to the unfairness of brute luck. Daniels sees democratic equality as advocating considerably more redistribution than we currently are accustomed to, but considerably less than envisioned by the luck egalitarians.⁸

Not all proponents of democratic equality seem willing to go quite this far. Elizabeth Anderson (1999) in her seminal piece is reluctant to claim Rawls as a supporter, although she doubts that Rawls was a luck egalitarian. Her version of democratic equality seems to envision considerably less redistribution than that of Daniels. She puts more emphasis on the immediate relevance of democratic equality for the extension of classical liberal concerns. Anderson (1999) draws particular attention to the intellectual support democratic equality offers for the political struggles of gays, the disabled, and women as they seek broader opportunities.

⁸ However, Daniels (2003) is willing to endorse redistribution for extremely bad option luck if it endangers individuals participating actively in the society.

Among luck egalitarians there are a range of positions, but they share the same fundamental concern to address the unfairness of bad luck. Among the advocates of democratic equality there are a range of positions, but they share a focus on using redistribution primarily as a means for enabling opportunity and public participation. Whatever the disagreements within the two camps, the tensions between them have loomed much larger. In the ongoing debate over luck and justice, the positions of the luck egalitarians and the democratic egalitarians are advanced as if they were fundamentally at odds or even contradictory. For example, Anderson (1999) pokes fun at what she views as the more extreme proposals of the luck egalitarians: the subsidization of lazy surfers, bidding for mating rights, and compensating the gloomy. At the same time, the luck egalitarians see democratic equality as overly conservative if not disingenuous.

In this fog, it is easy to miss the fact that the two theories are fundamentally descended from the same utilitarian sources. While both sides may eschew the utilitarian label they each draw heavily on aspects of the utilitarian position of John Stuart Mill. It is Mill's historical utilitarian approach to justice and luck that sets the stage for the more recent debate over luck. Democratic equality echoes much of the liberal Mill, while the luck egalitarians build on the more radical Mill. Admittedly, Mill (perhaps like Rawls?) was ambivalent over these two motifs in his own writings, unsure himself as to the just response to the inequalities of luck. Yet, he does attempt to synthesize them. And almost inevitably, such attempts invoke the promise of progress.

3. Mill on Luck

There can be little doubt that Mill recognized that the greatest portion of the variance in human outcomes (happiness?) is due to factors largely outside the control of individuals. In *Utilitarianism* Mill observes that an individual who might otherwise live an “enviable existence” can often be unable to escape “the positive evils of life, the great sources of physical and mental suffering.” Chief among these Mill lists poverty and disease, to which he added “the unkindness, worthlessness, or premature loss of objects of affection.” Life leaves individuals in a “contest with these calamities,” a contest, “from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated,” (Mill, 1861).

It is not surprising that Mill’s list included disease, an element modern philosophers would categorize as “fate.” But it is noteworthy, indeed fundamental, that Mill also included poverty or indigence in his list. Mill here is placing the most striking income differences outside individual effort or control.

Mill’s understanding of the social character, causes, and consequences of poverty is closely bound up with his general intellectual development. As such it presents a topic that greatly exceeds the scope of the present essay. Suffice it to say that Mill’s sympathy for the poor seems to have widened over time, in response, perhaps, to the influence of his wife, Harriet Taylor.⁹ Still, Mill’s pronouncements on the immediate policy questions surrounding public aid for the poor and the Poor Laws in particular continued to reflect an abiding commitment to the classical position of Bentham, Malthus, and Ricardo.

Robson (1968) emphasizes Mill’s continuing concern (shared with most all classical

⁹ For a still serviceable overview of Mill’s intellectual development with an emphasis on his social and political thought see Robson (1968). Key in Robson’s treatment is Mill’s shift toward a sort of Fabian socialism encouraged by his relation with Harriet Taylor and continental influences. See also Berger (1984), Donner (1991), and Reeves (2007).

economists) that any transfers leave recipients in a position less attractive than that achievable by the working poor. Berger (1984) concludes that Mill favored public support of a “baseline” for the poor. Berger reads Mill’s support of the Poor Law reforms as evidence that Mill “held that the poor have a *right* to subsistence income to be provided through governmental channels.” (Berger, 1984, p. 184). While this interpretation does not necessarily contradict Robson’s more traditional version, it is colored by Mill’s developing hopes for the educational and moral advancement of the poor, a subject we will return to below.

Against this classical context, or perhaps despite it, the key observation to be made is that throughout his life Mill emphasized that poverty was essentially a matter of birth and circumstances, that is of luck. Mill found it outrageous and unjust that children should starve through no fault of their own (Mill, 1834). It was not that the poor worked little and the prosperous much. Mill observed that the poor often worked longer hours and more intensively than the well off, again suggesting that poverty is in many ways a matter of bad personal luck (Mill, 1852).

Mill, anticipating Cairnes’s theory of non-competing groups,¹⁰ sees this inversion as fundamentally inequitable. In his discussion of wage differentials in the 1852 edition of the *Principles* Mill expands on the lack of compensating differences and notes “...the inequalities of wages are generally in an opposite direction to the equitable principle of compensation erroneously represented by Adam Smith as the general law of the remuneration of labour. The hardships and the earnings, instead of being directly proportional, as in any just arrangements of society they would be, are generally in an

¹⁰ On Mill and Cairns on non-competing groups see Brown (1977, p. 16).

inverse ratio to one another.” It is those who “have no choice,” who are left with the worst employments. (Mill, 1852, p. 388).¹¹

And where the character of the poor intensified their poverty, Mill attributed that character to the institutions of the broader society and government. Mill’s plans for developing a science of ethology, i.e. the study of the formation of character, were in large part motivated by his observation of the role of institutional influences in maintaining poverty. (Mill, 1843, Book VI, Ch. V.)¹² In this vein, it is well known that Mill was hostile to institutions of inheritance and landed property, both of which he argued were deeply involved in perpetuating substantial inequalities based only on luck at birth.

Mill’s understanding of the relation of luck and poverty is reiterated in his posthumous “Chapters on Socialism” (1879). The introduction to those writings are very much an extension of Mill’s position in *Utilitarianism*. Thus Mill observes:

No longer enslaved or made dependent by force of law, the great majority are so by force of poverty; they are still chained to a place, to an occupation, and to conformity with the will of an employer, and debarred by the accident of birth both from the enjoyments, and from the mental and moral advantages, which others inherit without exertion and independently of desert. That this is an evil equal to almost any of those against which mankind have hitherto struggled, the poor are not wrong in believing. Is it a necessary evil? They are told so by those who do not feel it—by those who have gained the prizes in the *lottery* of life. But it was also said that slavery, that despotism, that all the privileges of oligarchy were necessary (Mill, 1879, p. 710).¹³

¹¹ As suggested by an anonymous referee, Mill’s discussion here may well have been influenced by his exchanges with Carlyle over the “Negro Question.” For Carlyle, social hierarchies did not reflect luck so much as some sort of natural order.

¹² For a discussion of the role of ethology in Mill’s larger understanding of moral sciences see Donner (1991), Chapter 6.

¹³ In subsequent portions of these chapters Mill gives a series of socialist arguments and then goes on to offer evaluations which are often critical of those arguments. At times it is difficult to tell exactly whose opinions are being put forth, those of Mill or those of the socialists. In any case, Mill’s representation of the socialist position is powerfully

For the largest share of the population, luck and poverty stand in the way of meaningful individual development. Yet, as a growing body of Mill scholarship argues, Mill's central moral conclusion asserts the utilitarian good associated with the self-development of individuals' higher capacities, (Berger (1984) and Donner (1991)). This argument is both convincing and basic to understanding Mill's utilitarianism. I will take its premises and conclusions as givens. Combining such a position with Mill's clear description of the ravages of poverty, it would seem Mill must be classified as a radical egalitarian. This is Donner's conclusion. Making explicit the key role of luck in determining poverty it would seem that Mill can also be classified as a luck egalitarian or at least a major precursor of that view.

But if we take this move, we still must address seriously the critiques from the left that emphasize Mill's commitment to more traditional liberal values. These criticisms see Mill as either inconsistent (Macpherson, 1980) or ambivalent (Persky, 2009). While both charges have weight, there is an alternative path, a path that builds on Mill's own understanding of the progressive and historical nature of justice. Such a reading places Mill's radical utopianism in the indefinite future while anchoring his market-oriented liberalism squarely in the immediate present. In addition to explicating Mill's theory of

crafted. The luck theme appears throughout. Mill compares the race of life to one conducted by a Nero or Domitian who demands that the last fifty racers be put to death. He maintains that it would not be "any diminution of the injustice that the strongest or nimblest would...be certain to escape." Sounding very much like G.A. Cohen, Mill asks "If the minds and feeling of the prosperous were in a right state, would they accept their prosperity if for the sake of it even one person near them was, for any other cause than voluntary fault, excluded from obtaining a desirable existence?" Be that as it may, Mill goes on to credit competition and capital with improvements in workers' living standards (Mill, 1879).

justice, such an approach allows a Millian diachronic synthesis of the two philosophies of luck.

4. Mill on the Progress of Justice

In a vein anticipatory of Rawls, Mill had an almost lexicographic commitment to justice before “pleasure or convenience.” Consider his utilitarian definition of justice:

Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class (though not more so than others may be in particular cases); and which, therefore, ought to be, as well as naturally are, guarded by a sentiment not only different in degree, but also in kind; distinguished from the milder feeling which attaches to the mere idea of promoting human pleasure or convenience, at once by the more definite nature of its commands, and by the sterner character of its sanctions. (Mill, 1861)

Mill is clear that justice starts with the social utilities generated by equality. For all his criticisms and ambivalences over his mentor Jeremy Bentham, Mill anchors his approach to justice in Bentham’s egalitarianism. The above passage on justice continues to discuss Bentham’s dictum: “everybody to count for one, nobody for more than one.” From this dictum Mill infers “The equal claim of everybody to happiness... involves an equal claim to all the means of happiness...” This is a strong egalitarianism indeed. However, Mill immediately qualifies the radical conclusion by restricting such equal claims “in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim; and those limits ought to be strictly construed.” (Mill, 1861)

While recognizing social limits on egalitarianism, the key Millian-utilitarian insight into justice is that those social limits are themselves historical entities, subject to

material and social progress. They are matters of “expediency” and not of principle. The principle rests on the egalitarian commitment of utilitarianism. Expediency is conditional on historically changing conditions.

Mill’s general approach to progress was heavily influenced by continental thinkers, and in particular by Auguste Comte. Mill welcomed Comte’s idea of an historical evolution of society from theological to a metaphysical and then a positive state. While Mill broke with Comte’s elitism he continued to see history as a progressive process. And he endorsed major elements of Comte’s positive understanding of the fundamental direction of progress. Society was moving, however slowly, toward a point where people would “regard working for the benefit of others as a good in itself.” (Mill, 1866; p.148).¹⁴ Mill associates this progressive development with the unfolding of justice for the greater number. At root, justice is a process deeply consistent with individuals developing their higher potentials, a major theme of *Utilitarianism*. It is this movement that provides the hope of progress for the good of the greater number, but it is an historical process and must be seen in that light.

Thus, in *Utilitarianism*, Mill argues that the arc of history is one of removing the social inequalities established by custom and institutions. When inequalities are recognized as unnecessary their continuation is quickly viewed as unjust: “And hence all social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice, and appear so tyrannical, that people are apt to wonder how they ever could have been tolerated...” This had been the fate of the “distinctions of slaves and freemen, nobles and serfs, patricians and plebeians...” Mill

¹⁴ Comte’s influence on Mill is discussed in Robson (1968).

anticipated the same end for “the aristocracies of colour, race, and sex.” (Mill, 1861) For Mill, then, justice consists in unraveling over time the web of customs and institutions that produce the great inequalities, inequalities that are, in effect, accidents of luck and birth.

One might argue that Mill in this passage is speaking only of the justice of expanding civil rights. Such a reading would seem to put Mill in the liberal camp of democratic equality. Yet, his examples--slaves/freemen, nobles/serfs, patricians/plebians, and “the aristocracies of colour, race, and sex”—also invoke a wide range of economic inequalities rooted in the accidents of birth. Doesn’t Mill here demand a fuller material equality in the name of justice, and, if so, how is he suggesting its achievement?

This question raises long standing issues in interpreting Mill. Mill was surely impressed by the achievements of market economies and he hesitated at the more radical claims of socialists. Mill leaves murky the shape of the institutional changes on which progress is to develop. But he is clear that progress will include the reduction of material inequality. A central point of *Utilitarianism* is that over time progress will erode social and economic inequalities generated by fate and fortune.

Mill looks forward to the great narrowing of all, and the eradication of many, of the vicissitudes of life including material poverty. He asserts, “most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals.” (Mill, 1861)

And if Mill is rather vague on details, he has a strong faith in the positive course of future events. In support of this faith, he repeatedly invokes the history of the past. For sure, these historical claims are only weakly researched in Mill's own writings. However, they give a distinctly progressive cast to both his conception of justice and his attitude toward the inequalities of luck.

Progress allows a temporal ordering in the historic movement toward the taming of luck. From this vantage point, Mill might reasonably be interpreted as expecting much of the program of democratic equality to be achieved prior to the program of luck egalitarians. Such an ordering fits well into the temporal priority Mill placed on the expansion of civil rights including the franchise and education.¹⁵ Mill anticipated that this expansion of civil rights would be followed by a considerable widening in economic opportunities. Most notably, Mill emphasized just this ordering in his championing of women's rights. But only in the more distant future does Mill see the emergence of a society in which all (or almost all) individuals have a base to meaningfully pursue their own happiness freed from the worst vagaries of birth and luck.

The proposition, then, is that Mill's framework of progressive justice, interpreted as a broad temporal move toward human development, equality and the conquest of luck, provides a reasonable synthesis (or at least the sketch of such a synthesis) of the two major modern philosophic approaches to luck.

¹⁵ While a strong advocate of the expansion of the franchise, Mill did have doubts as to the appropriate pace of that expansion. He was very much concerned with the lack of education among the laboring classes and feared the emergence of demagoguery. (Mill, 1852).

5. Human Nature and Luck

Modern participants in the luck debates might reasonably raise several objections to the suggestion of a Millian synthesis based on the progress of *Utilitarianism*. One set of concerns might stem from differences between Mill's understanding of human nature and those more common in a post-Darwinian age.

Mill's reading of human nature, like Adam Smith's, was fundamentally shaped by the thought of the Enlightenment. From their perspective individual differences had far more to do with nurture than nature. The Darwinian revolution has strongly asserted the significance of inherited characteristics. From a post-Darwinian vantage point, modern commentators on equality (whether philosophers or economists; radicals or conservatives) are likely to suppose a greater variation in inherited talents and abilities than that assumed by Mill.

In the mid 19th century Herbert Spencer's anticipations of social Darwinism still saw the improvement of the species as achievable through the inheritance of acquired characteristics a mechanism that leaves considerable room for nurture.¹⁶ By the turn of the century advocates of eugenics like Galton argued for selection based on Darwinian principles and saw little of value in the worst of us (criminal types, etc.). Economists followed a similar path. Economic thought shifted from classical analytical egalitarianism of Smith and Mill to a more hierarchical view of human capacities (Peart

¹⁶ There is some question as to whether Spencer should be categorized as a utilitarian. In the first edition of *Utilitarianism*, Mill questions such an identification. However, after a personal communication from Spencer, Mill accepted the latter's self-identification as a utilitarian and adjusted the last edition of *Utilitarianism* accordingly. As pointed out by an anonymous referee, a discussion of this exchange in Peart and Levy (2005, pp. 214-15) concludes Spencer never became aware of Mill's final edits on this matter.

and Leavy, 2005). Indeed, eugenic solutions were advocated by many economists, both neoclassicals and institutionalists.

While such ideas lost popularity after the extremes of Nazi ideology discredited the eugenics movement, the continuing prestige of Darwinian biology, supported by the powerful metaphors of DNA, has worked to entrench beliefs in highly structured innate capabilities. The result is a late 20th century emphasis on innate genetic characteristics that is shared by both sides to the debate over luck.

Assume Mill were to accept the interpretation of his thinking offered above. Then, given his classical egalitarianism, he would most likely expect that the luck egalitarian position could be achieved with what, after the fact, would appear as only modest material redistributions from a starting position of democratic egalitarianism. Over time, education and nurture would achieve a major transformation of outcomes. Since people are not all that different, luck-egalitarian outcomes don't ultimately demand that much more than democratic-egalitarian outcomes. In such a world, substantial continuing redistribution is the exception rather than the rule. An advocate of the Millean synthesis might argue that advocates of democratic equality need not see such extensions of their egalitarianism as demanding a fundamental change in principles. Once progress has done its work equalizing the most blatant aspects of social luck (as opposed to genetic luck), the rest of the luck egalitarian program will be achievable with only minor redistributions.

However, these classical expectations might be sharply challenged by both luck egalitarians and advocates of democratic equality. Luck egalitarians influenced by 20th century genetics certainly do not present their understanding of justice as only a modest

extension of democratic equality. Rather they describe their position as requiring a far deeper acceptance of others than that offered by classical liberalism. For luck egalitarians it will take quite a bit to counter the luck of genes and innate talents.

The advocates of democratic equality, under the influence of the same geneticism, may well agree that the luck egalitarian program requires far more than democratic egalitarian logic suggests. With visions of highly determinate double helixes in their heads, proponents of democratic equality may assert that justice doesn't require and wisdom doesn't dictate attempts at such considerable sharing among the lucky and unlucky.

If genes loom large and account for the greatest part of individual differences, accepting the logic of the Millian progressive synthesis becomes more problematic for both groups. The luck egalitarian goal requires far more than the institutional structure of democratic equality. The philosophers of democratic equality are more likely to view as intolerably invasive the proposed expansion of institutional mechanisms. Rather than progress through time we may be left with a sharp difference of principle.

6. Socialism and Luck

The proposed synthesis may also suffer from Mill's vagueness as to the envisioned institutions of progress. His conception of progress borders on an endorsement of socialism as the path to a conquest over luck. From a modern radical perspective, one might be tempted to interpret Mill's prognostications as anticipating a move from capitalism with its spreading bourgeois civil rights to socialism with its victory over poverty and on toward an almost utopian communism with its claims for

unalienated and meaningful individual development. At the same time, Marxians undoubtedly find Mill's treatment of progress far too idealistic, impossibly weak on class dynamics, and generally lacking a material explanation. But if Mill, like Rawls later (Persky, 2010), was uneasy with capitalism, he was also unsure of the relation of socialism and progress.

Mill's ambivalence is well demonstrated in his introduction to the third edition of his *Principles* (1852). This edition presented substantial revisions in Mill's discussion of socialism and its place in a progressive society. He explains the need for changing his chapter on Property because he "was far from intending that the statement which it contained of the objections to the best known Socialist schemes should be understood as a condemnation of Socialism, regarded as an ultimate result of human *progress*." He goes on to suggest that in the present (1852), socialism would be premature because of "the unprepared state of mankind in general, and of the labouring classes in particular; their extreme unfitness at present for any order of things, which would make any considerable demand on either their intellect or their virtue."

But socialism might well be the institutional structure of the future. Mill comes close to an endorsement of socialism, when in the continuation of the passage quoted above, he suggests "the great end of social improvement should be to fit mankind by cultivation for a state of society combining the greatest personal freedom with that just distribution of the fruits of labour which the present laws of property do not profess to aim at." But he cannot foresee and doesn't presume to judge whether the institutional structure capable of supporting such a society requires socialism. Instead he leaves the decision to "the people of that time." (Mill, 1852).

Nor does Mill's famous discussion of the stationary state throw much light on the preferred institutional structure to be generated by progress. Mill is clear that he cannot believe "that the trampling, crushing, elbowing, and treading on each other's heels, which form the existing type of social life, are the most desirable lot of human kind or anything but one of the phases of industrial progress." Such competition "may be a necessary stage in the progress of civilization, but not its goal."¹⁷ Mill looks forward to the slowdown of capital accumulation as ushering in a more equal distribution of welfare. But he asserts that "leveling institutions, either of a just or an unjust kind, cannot of themselves permanently raise the depths." Society must also control its population growth through "the deliberate guidance of judicious foresight." In the resulting stationary state, Mill anticipates that the advances made by science can finally become the "common property of the species and the means of improving and elevating the universal lot." (Mill, 1852).

Perhaps the most concrete suggestions Mill makes as to the institutional workings of progress are contained in his endorsement of workers cooperatives. Donner (1991) sees Mill's hopes for cooperatives as central to the resolution of the tension between his support of free markets and his commitment to the education and self-development of the working classes.¹⁸

¹⁷ In the first edition of the *Principles* (1848) Mill suggests that even favorable material conditions such as then obtaining in the northern states of the United States might not be enough to undermine a devotion to "dollar-hunting." (p.748) However, starting in the 6th edition (1865) he suggests that the pursuit of gain is only a stage that doesn't rule out much nobler purposes as embodied in the behavior of northern Americans in the Civil War.

¹⁸ In her discussion of cooperatives as a future institutional development potentially capable of resolving apparent inconsistencies in Mill's thought, Donner anticipates elements of our argument here; however, she doesn't link her discussion to Mill's broader understanding of the progress justice.

As part of the growth in intelligence and independence generated by greater justice, Mill argues that workers will increasingly organize themselves in cooperative association. He writes glowingly about the logic and productivity of cooperatives (Mill, 1852). He even speculates on how progress may move from profit sharing (in capitalist enterprises) to full cooperatives. Clearly Mill finds attractive the lack of dependence that characterizes cooperatives. He is excited that cooperatives are not governmental, but associational in nature. The hope is that such institutions may develop in parallel with a larger progress of justice. But, as Mill must have recognized, such a process could move only slowly, leaving the great majority of the population as wage earners. In the *Principles* Mill provides an extensive discussion of the rather meager achievements of cooperatives on the ground. The slight headway he records seems to belie the possibility that cooperatives might seriously threaten more traditional firms. Perhaps, it is not too harsh to see Mill's enthusiasm for cooperatives as a matter of wishful thinking and convenience. Endorsing cooperatives allows him to avoid explicating any more radical solution to the problem of developing the autonomy of the working classes. He can only hope that cooperatives may provide a sufficient base on which to build social progress and the conquest of luck.

As Donner acknowledges, Mill's somewhat vague institutional predictions have not held up. Without a clear alternative description of the institutional development of justice, Mill's invocation of progress, may strike many as little more than a *deus ex machina*. One would not have to be a Marxian to wonder whether the Milleian progressive synthesis lacks substance.

7. Mill and Utilitarian Commitment

It may be that the Millian roadmap for the progressive overcoming of the inequalities generated by luck requires amplification and elaboration. But it would be unfair to question Mill's sincerity in encouraging those around him to work toward achieving that progress. The goal of eradicating the major sources of human suffering is difficult; "their removal is grievously slow" and will require "a long succession of generations" who "will perish in the breach before the conquest is completed..." Only then, will "...this world become all that, if will and knowledge were not wanting, it might easily be made..." But Mill is confident of success since "every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive, in the endeavour, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without." (Mill, 1861)

Surely, Mill saw himself as devoting his own life to this noble struggle. He revered the reform efforts of his wife, Harriet Taylor, in just this manner. The progressive unfolding of justice required such commitments. And while few commentators have questioned Mill's earnestness, many have found this call at odds with basic utilitarian notions concerning motivation.

Philosophers of a number of stripes have seen Mill's call to commitment and related discussions of virtue in *Utilitarianism* as unanchored in basic utilitarian theory. In such readings, Mill's essay sets out to defend the essence of Bentham's calculus of felicity. Yet, it ends by denouncing selfishness and encouraging self sacrifice. Making this observation, commentators have gone so far as to conclude Mill had abandoned the

core utilitarian claim that people's primary motivation is the pursuit of happiness-- seeking pleasure and avoiding pain.¹⁹

In *Utilitarianism*, Mill anticipates this question at some length. The heart of his argument is that over time virtue becomes internalized as an end in itself. This occurs precisely because virtue's relation to the happiness of the community is continually observed. The connection of virtue to the highest social utilities of justice wins over those ready to appreciate the deep satisfaction of virtuous actions.

The reading of Mill presented here situates the argument for virtue squarely in the context of the progressive utilitarian conquest over the tyranny of luck. In effect Mill is claiming that those who can appreciate their own good fortune and the bad luck of others will be particularly susceptible to the attraction of virtue. This is part and parcel of the utilitarian progressive argument. The happiness of those participating in the transition rests on their appreciation of the broader utility they make possible. Self-sacrifice apart from the expansion of justice contains no sweetness and is abhorrent. The broader the domain of justice, the smaller and more limited the domain of luck, the less the happiness of virtue. The success of progress unbundles much of the appeal of virtue.

Mill is sure that the great mass of people, given the chance at education and unburdened from poverty, will echo his commitment to achieving justice. Progress works on both material conditions and on moral character. Mill is convinced of the

¹⁹ See discussion in Reeves (2007), but also Saunders (2010) for a recent treatment of Mill's conception of utility. The argument given below is consistent with Donner's (1991) discussion of Mill's utilitarianism of self-development, although we again place more emphasis on the progressive nature of the unfolding of justice.

ultimate success of this process, though he fears it will take a considerable time.²⁰ In his view, a commitment to facilitating this unfolding of justice will generate a “noble enjoyment.”²¹ Of course, in this conviction Mill may be projecting too easily his own preferences onto those of others. But he is surely not deserting the progressive utilitarian schema.

A case can be made that the conception of utility Mill presents here is not that far from Bentham’s own. Bentham had included in his enumeration of pleasures and pains the pleasures of benevolence or sympathy as “pleasures resulting from the view of any pleasures supposed to be possessed by the beings who may be the objects of benevolence; to wit, the sensitive beings we are acquainted with...” (Bentham, 1789) Perhaps, Mill attributed more weight to such sympathy than Bentham, but in doing so he is not violating some basic utilitarian principle. In essence, Mill is proposing that human development leads to a flattening of the sympathy-gradient as individuals extend their sympathetic understanding to those at greater distance. Mill is not endorsing some exaggerated Dickensian “telescopic philanthropy,” but anticipating a broader sensitivity to the unfairness of luck.

The argument is founded in John Stuart Mill’s understanding of his father’s associationist psychology. In James Mill’s *Analysis of the Phenomenon of Mind*, the development of sympathy is closely connected with pleasure children get from praise.

²⁰ In comparison to his wife, Harriet Taylor, Mill was distinctly pessimistic about the time line involved in these transformations of character. Taylor was optimistic on this score, estimating that in a few years people could change dramatically. Mill however thought that she “greatly overrate[d] the ease of making people unselfish.” Letter to Harriet Taylor, March, 1849, quoted in Reeves (2007), p. 314.

²¹ There is a parallel to Marx with his discussion of the enjoyment to be derived from struggling with nature and the achievement of human’s “species being” (Marx, 1844).

Drawing on Smith's discussion in the *Theory of Moral Sentiments*, James Mill argues that as the experience of praise is reinforced, the individual gets substantial pleasure from the very state of praiseworthiness, even when independent of actual praise. J. S. Mill in his notes responds warmly to this idea (Mill, 1869, p.239). For John Stuart Mill the encouragement and development of such sympathy is pure utilitarianism.

Rather than a weakly argued tract by a Mill already disenchanted with utilitarian doctrine, *Utilitarianism* is a call to action and commitment. It advocates a progressive utilitarian conception of justice based on egalitarian insights. It seeks to enlist us in a struggle against the dominion of luck. And it holds out the promise of a meaningful sense of accomplishment.

8. Mill and Luck Egalitarians

This call at the center of *Utilitarianism* anticipates a major argument made by G. A. Cohen and other luck egalitarians. In *Rescuing Justice and Equality* (2008), Cohen faults Rawls for giving too much away in his difference principle. Rawls had argued that inequalities that had the result of improving the absolute condition of the worst off are consistent with justice. But Cohen is concerned that allowing such incentives amounts to little more than a bribe of the talented. Were the talented and the least fortunate part of a real community, there would be no need to bribe the former in the interest of the latter. The commitment to the greater good would rather be internalized.

Whatever the real-world practicalities of achieving such a community, Mill clearly has anticipated Cohen's point. Mill calls for serious people to make the achievement of justice and the minimization of luck a fundamental part of their own life's

work. And he promises them a personal enjoyment far in excess of “any bribe in the form of selfish indulgence.”

It is not surprising then to find Cohen, the luck egalitarian, quoting Mill at length on the question of incentives. In contrasting incentive payment schemes and equal payment schemes in the *Principles of Political Economy*, Mill argues (and Cohen quotes):

The proportioning of remuneration to work done is really just, only in so far as the more or less of the work is a matter of choice; when it depends on natural difference of strength or capacity, this principle of remuneration is in itself an injustice: it is giving to those who have; assigning most to those who are already most favoured by nature. Considered however, as a compromise with the selfish type of character formed by the present standard of morality, and fostered by the existing social institutions, it is highly expedient; and until education shall have been entirely regenerated, is far more likely to prove immediately successful, than an attempt at a higher ideal. (Mill, 1852, II:1, pp. 211-212)

Mill’s point here makes his sympathy for luck egalitarianism quite clear.

Still, in a footnote Cohen goes on to criticize Mill’s treatment of similar issues in *Utilitarianism*. Cohen writes that in *Utilitarianism* “Mill argues, at great length, that justice is a species of expediency. But here [i.e. the passage quoted above] the self-same principle of remuneration is, under the stated conditions, both ‘highly expedient’ and ‘an injustice.’ It is a nice question whether that conjunction of designations is compatible with everything that Mill says in *Utilitarianism*,” (Cohen, 2008). Cohen hints at a contradiction in Mill. But what he has missed is Mill sense of historic and progressive justice. Justice for Mill is not a species of expediency. Justice at any historical time acknowledges expediency without raising expediency to a principle. As progress moves society forward, we recognize that older expediencies as essentially unjust. Cohen has identified a perfect example of this process in the quote from the *Principles*, but has

missed the progressive and historical nature of the context. Accepting the interpretation of Mill offered here goes far to generating a reassuring answer to Cohen's question. Mill's position is surprisingly consistent if we see his theory of justice as built around our progressing ability to escape from expediency and the dictates of luck.

9. Conclusions

The demands of justice in limiting the inequities of luck remain hotly contested. Luck egalitarians interpret luck in the broadest possible manner, require much of justice, and favor radical economic restructuring. Advocates of democratic equality focus more narrowly on political institutions, draw on a classic liberal interpretation of justice and emphasize process.

Mill's analysis of justice in the context of social progress provides an attractive resolution of the conflicts between democratic equality and luck egalitarianism. Rather than two schools separated by principle, a Millian synthesis suggests two historic phases of justice separated only by our evolving notions of expediency.

While Mill remains elusive about the sequence of institutional structures that will in time achieve a triumph over luck, he sees that victory as the very essence of justice. Progress starts with the vanquishing of the most egregious and unjust misfortunes such as slavery and serfdom. It moves toward a liberalism of political participation, civil rights, and education. This plateau corresponds roughly to the morality of democratic equality. But progress will push further, toward a broader equality of material outcomes and the enjoyment of a richer individual liberty. Perhaps, this movement will be associated with

the expansion of industrial cooperatives, socialism and/or some form of the stationary state. Progress holds promise of realizing the justice of the luck egalitarians.

Individual participation in the progressive struggle offers meaningful and satisfying rewards in personal utility, although it may well require the sacrifice of less noble sources of pleasure. Progress is as much concerned with the development of our sensibilities as it is with the expansion of material wealth. Over time, those sensibilities become more and more aware of the injustices of luck, less and less tolerant of the arguments of expediency. Individuals move from a material selfishness toward a sense of democratic equality and on to a broader luck egalitarianism.

Both advocates of democratic equality and luck egalitarians should be able to appreciate their origins in Mill's themes. The significant issue remaining between them is not Mill's utilitarianism. For all their protestations and concerns, both schools share a secret softness for utilitarianism at least in its Millean form. Instead, the key issue hinges on the facts on the ground. If progress generates the expanded range of sympathy anticipated by Mill, proponents of democratic equality could hardly maintain their complaint against the broader justice of the luck egalitarians. If no such deep change occurs, the luck egalitarians have little choice other than to accept pragmatically the more limited justice offered by democratic equality. While we wait for progress to unravel the misfortunes of luck, the evolution of our social psychology weighs more heavily than the debates of philosophers.

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