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