

## John Stuart Mill on Luck and Distributive Justice

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When and why are inequalities unjust? Luck egalitarians have argued that, as a matter of distributive justice, the focus should be on eliminating inequalities resulting from bad brute luck rather than those resulting from personal choice. G.A. Cohen, for instance, writes that his “animating conviction” with respect to distributive justice is that “an unequal distribution whose inequality cannot be vindicated by some choice or fault or desert on the part of (some of) the relevant affected agents is unfair, and therefore, *pro tanto*, unjust” (Cohen 2008: 7).<sup>1</sup> Luck egalitarianism makes personal responsibility the key factor affecting the justice or injustice of an unequal distribution of goods. It recognizes that in the course of pursuing our life plans, we may voluntarily choose to work more or less to earn certain goods, and we may benefit more or less from taking calculated risks. But it also emphasizes that a great many inequalities are traceable to factors beyond even our partial control, such as the wealth of one’s parents or one’s natural endowments, and that the influence of these factors on our opportunities and outcomes should be eliminated.

Luck egalitarianism has come under fire from relational egalitarians like Elizabeth Anderson (1999; 2010) and Samuel Scheffler (2003; 2005) who argue that, by focusing on responsibility and luck, it loses sight of the core egalitarian justice concern. This core concern, as Anderson puts it, is to resist oppression and to establish a community of social equals (Anderson 1999: 288-289). Because luck egalitarianism, as a matter of distributive justice, allows in principle both extreme poverty and invasive or stigmatizing judgments of personal responsibility for those who have made bad choices, it threatens those individuals’ ability to function as free and equal members of the moral community. The point is not just that ne’er-do-wells and criminals retain their basic moral rights. It is that honest, hardworking people who find themselves unable to provide for themselves (e.g., simply because their reasonable calculated risks did not work out) may then be *publicly scrutinized* for their failures before being provided aid. Relational egalitarians argue that whatever inequalities we allow, they must not undermine people’s social dignity.<sup>2</sup>

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<sup>1</sup> There are now many varieties of luck egalitarianism. Other canonical sources include Arneson (2000; 2011), Dworkin (2000), and Roemer (1993; 1996).

<sup>2</sup> Luck egalitarians have responded to these and other charges—for instance, by arguing that distributive justice is not the only relevant consideration in many of the challenging cases—and so the debate about egalitarian justice continues. For an effort at reconciliation by a luck egalitarian,

My aim in this chapter is to place John Stuart Mill's distinctive utilitarian political philosophy in the context of this debate about luck, responsibility, and equality. Anderson has claimed that Mill should be counted as a relational egalitarian, because he accepts "the idea that a free society of equals is a society of mutually accountable individuals who regulate their claims on one another according to principles that express and sustain their social equality" (Anderson 2010: 3n; see also Morales 1996). But Daniel Markovits and others have thought that Mill endorses the intuition behind luck egalitarianism when he writes: "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" (*Principles of Political Economy* [PPE], CW II.210).<sup>3</sup> Either interpretation will challenge the set of admirers of Mill's *On Liberty* who tend to ignore his egalitarianism and eventual self-identification as a socialist (*Autobiography*, CW I.239).<sup>4</sup> But, taking his egalitarianism as well as *On Liberty* seriously, our question is whether the relational or luck-based view better captures Mill's core egalitarian commitment.

At first pass, it should not be surprising that Mill, as a utilitarian, might incorporate elements of both views. But it is also not very enlightening just to observe that Mill would endorse whatever egalitarian or inegalitarian arrangements maximize overall happiness. We must ask *how* Mill pursues the project of "moulding philosophical truths into practical shapes" through secondary principles appropriate to different states of society.<sup>5</sup> That is my focus in this chapter, and I hope it will reveal the extent to which his utilitarianism provides a helpful framework for synthesizing the competing claims of luck and relational egalitarianism.<sup>6</sup> I attempt to show that when Mill's distributive justice commitments are not decided by *direct* appeal to overall happiness—what he calls "expediency"—they are guided by three main public principles: an impartiality principle, a sufficiency principle, and a merit principle.<sup>7</sup> The question then becomes

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see Lippert-Rasmussen (2016). It bears mentioning that, at the practical level, both luck and relational egalitarianism require significant reforms to existing social and political arrangements.

<sup>3</sup> See, e.g., Markovits (2008: 272) and Persky (2016: 214). Mill citations marked by "CW volume.page" refer to his *Collected Works*.

<sup>4</sup> Mill saw, and numerous countries have now demonstrated, that social democracy is consistent with social, political, and economic liberty including freedom of speech, privacy rights, qualified property rights, and a regulated market economy.

<sup>5</sup> Mill uses this phrase to describe the work of fellow public intellectuals, and himself, in a letter to Macvey Napier, CW XIII.483.

<sup>6</sup> For another attempt to provide such a synthesis in Mill, see Persky (2016: Ch. 13). Persky's book makes a compelling overall case that Mill's political economy is more radical than is commonly appreciated. In doing so, it argues that Mill's relational egalitarianism lays the groundwork for his luck egalitarianism, and sees "democratic equality as a transitional stage to luck egalitarianism" (Persky 2016: 215). By contrast, I argue that Mill's relational egalitarianism remains front and center in his thought, both shaping and limiting his commitment to luck egalitarianism.

<sup>7</sup> These are not the only public principles Mill introduces (see Turner 2017), but they are the ones most relevant to questions of distributive justice.

how luck and relational considerations figure into his articulation of these public principles. I will argue that Anderson is correct that relational egalitarianism is more fundamental than luck and responsibility in Mill's thought, but I also hope to show that any fleshed out picture of Mill's reform proposals must recognize his repeated condemnation of the role luck plays in determining the distribution of opportunities and outcomes.<sup>8</sup>

### **Elements of Luck Egalitarianism in Mill**

Let us start by examining the many places where Mill points out the unjust effects of brute luck. Mill was a radical social reformer, and one of his main criticisms of existing social and political arrangements was the "injustice... that some are born to riches and the vast majority to poverty" (*Autobiography*, CW I.239).<sup>9</sup> In making this claim, he does not simply argue that a more equal distribution of goods would better promote overall happiness.<sup>10</sup> Rather, he emphasizes the unfairness of the fact that "accidents of birth" rather than effort could so affect people's life prospects. His position is exemplified by the following lengthy passage from his *Chapters on Socialism*:

[T]here would be no ground for complaint against society if every one who was willing to undergo a fair share of this labour and abstinence could attain a fair share of the fruits. But is this the fact? Is it not the reverse of the fact? The reward, instead of being proportioned to the labour and abstinence of the individual, is almost in an inverse ratio to it: those who receive the least, labour and abstain the most. Even the idle, reckless, and ill-conducted poor, those who are said with most justice to have themselves to blame for their condition, often undergo much more and severer labour, not only than those who are born to pecuniary independence, but than almost any of the more highly remunerated of those who earn their subsistence; and even the inadequate self-control exercised by the industrious poor costs them more sacrifice and more effort than is almost ever required from the more favoured members of society. The very idea of distributive justice, or of any proportionality between success and merit, or between success and exertion, is in the present state of society so manifestly chimerical as to be relegated to the regions of romance. It is true that the lot of individuals is not wholly independent of their virtue and intelligence; these do really tell in their favour, but far less than many other things in which there is no merit at all. The most powerful of all the determining circumstances is birth. The great majority are what they

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<sup>8</sup> Perhaps still the best single exposition of Mill's theory of equality can be found in Berger (1984: 159-204), but see McCabe (manuscript), Persky (2016), Claeys (2013), and Morales (1996).

<sup>9</sup> At the time Mill wrote, the great majority of citizens in industrialized nations (and everywhere else) lived in poverty, and it is estimated that perhaps a quarter of UK citizens lived on less than the equivalent of \$1/day (Ravallion 2016: 15).

<sup>10</sup> Like Bentham, he accepts the egalitarian implications of diminishing marginal utility (see PPE, CW II.225-6). But his egalitarianism does not primarily rest on that point.

were born to be. Some are born rich without work, others are born to a position in which they can become rich by work, the great majority are born to hard work and poverty throughout life, numbers to indigence. Next to birth the chief cause of success in life is accident and opportunity. When a person not born to riches succeeds in acquiring them, his own industry and dexterity have generally contributed to the result; but industry and dexterity would not have sufficed unless there had been also a concurrence of occasions and chances which falls to the lot of only a small number... The connection between fortune and conduct is mainly this, that there is a degree of bad conduct, or rather of some kinds of bad conduct, which suffices to ruin any amount of good fortune; but the converse is not true: in the situation of most people no degree whatever of good conduct can be counted upon for raising them in the world, without the aid of fortunate accidents.” (CW V 714-715)<sup>11</sup>

Mill argues repeatedly that the great strength of socialism is its rejection, along luck egalitarian lines, of this state of affairs:

The distinction between rich and poor, so slightly connected as it is with merit and demerit, or even with exertion and want of exertion in the individual, is obviously unjust; such a feature could not be put into the rudest imaginings of a perfectly just state of society; the present capricious distribution of the means of life and enjoyment, could only be defended as an admitted imperfection, submitted to as an effect of causes in other respects beneficial... Socialism, as long as it attacks the existing individualism, is easily triumphant; its weakness hitherto is in what it proposes to substitute. (“Newman’s Political Economy,” CW V.444; see also “Vindication of the French Revolution of February 1848,” CW XX.351)

In these passages, Mill makes a pair of related points concerning brute luck and exertion: first, that birth and other “accidents” play the leading role in determining the distribution of goods in society and, second, that there is no “proportionality between success and merit,” in part because the poor typically work harder than the rich. These circumstances, he believes, are “obviously unjust.”

Questions remain. In particular, in focusing on exertion as an element of merit, does Mill believe that natural endowments are among the accidents that need to be corrected for? More generally, how do justice claims relate to the principle of utility in these cases, and so what is the nature and significance of the “complaint against society” generated by these inequalities?

The best way to approach Mill’s commitments is to consider the immediate institutional reforms he proposes. I say “immediate” because there is a further question concerning the social and political arrangements Mill might have envisioned for some distant future state of society. As Helen McCabe (manuscript) has argued, any assessment of Mill’s reform proposals must make

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<sup>11</sup> *Chapters on Socialism* was published posthumously, but this passage reiterates Mill’s opinions from numerous other writings over the final decades of his life.

clear which of them are intended as (a) practical reforms for the current or very near-term state of society, (b) the most desirable and sustainable institutions given steps that are discernible in the mid- to long-term, or (c) proposals concerning an in principle available, but unforeseeable, distant future.<sup>12</sup> To get a feel for Mill's commitments, then, consider four immediate reform proposals meant to undo inequalities due to brute luck: the elimination of primogeniture, heavy taxes on inheritance, guaranteed subsistence aid, and equal rights for women. Together, he thought, these would ameliorate many of the immediate injustices of inequality.<sup>13</sup> In considering them, we can glean certain mid-level principles organizing Mill's political thought.

*Primogeniture.* Throughout his career, Mill argues on luck egalitarian grounds that primogeniture, the practice of bequeathing one's property exclusively or primarily to the first-born child, is "radically wrong" ("Advice to Land Reformers," CW XXV.1231): "Unless a strong case of social utility can be made out for primogeniture, it stands sufficiently condemned by the general principles of justice; being a broad distinction in the treatment of one person and of another, grounded solely on an accident" (PPE, CW III.892). No strong case of social utility is available. Primogeniture certainly does not help the younger siblings, and there is no great social value to preserving large fortunes undivided in this way: "a person is more powerfully stimulated by the example of somebody who has earned a fortune, than by the mere sight of somebody who possesses one" (PPE, CW III.890). Even if it mattered to preserve these large fortunes, it would be better to reward "talent and education" rather than "being born heir" ("Primogeniture," CW XXVI.340). For Mill, "the more wholesome state of society is not that in which immense fortunes are possessed by a few and coveted by all, but that in which the greatest possible numbers possess and are contented with a moderate competency, which all may hope to acquire" (PPE, CW III.891, 755).

*Taxing inheritance.* Mill also argues that although individuals may justifiably acquire great wealth in their lifetimes through their own effort, the inheritance received by their heirs should be taxed quite heavily. Besides general worries about "the tendency of inherited property to collect in large masses," he makes the luck egalitarian argument: "I see nothing objectionable in fixing a limit to what any one may acquire by the mere favour of others, without any exercise of his faculties, and in requiring that if he desires any further accession of fortune, he shall work for it" (PPE, CW II.224, 225; CW II. 226; CW III.811). What children may rightly claim from their parents is only "a fair chance of achieving by their own exertions a successful life" or a "fair chance of a desirable existence" (PPE, CW II.221, 222). Mill points out that a "fair chance" is all that was commonly understood to be owed to younger children or to children born out of wedlock. In cases when someone has not left a will, then, the state may rightfully withhold anything further than that for "the general purposes of the community" (PPE, CW II.223).

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<sup>12</sup> McCabe's article also provides a succinct and convincing account of Mill's socialist commitments. See also Claeys (2013: 145-6). For Mill's opposition to the *revolutionary* socialist movement in England, see *Chapters on Socialism*, CW V.749.

<sup>13</sup> Mill recognized that these proposals would face resistance, but he proposed each of them as concrete, practical measures to be taken up in the near term.

How much would he tax inheritance? In testimony before a parliamentary committee, he says:

[T]here is no injustice in taxing persons who have not acquired what they have by their own exertions, but have had it bestowed them in free gift; and there are no reasons of justice or policy against taxing enormously large inheritances more highly than smaller inheritances... I would do so to the utmost extent to which the means could be found for imposing it without its being frustrated. (“The Income and Property Tax,” CW V.491)<sup>14</sup>

Mill thus defends a tax on unearned income in luck egalitarian terms. And through this relatively simple mechanism of an inheritance tax, he hopes for a radical redistribution of wealth in society that would have far-reaching effects.

*Subsistence Aid.* Mill also came to argue that individuals are entitled to subsistence aid, regardless of their life choices: “The principle of securing, by a legal provision, the actual necessities of life and health to all who cannot otherwise obtain them, we consider as now placed out of the reach of dispute by any unprejudiced person” (“The Poor Laws,” CW XXIII.686; see also “French News [85],” CW XXIII.673, *Chapters on Socialism*, CW V.713-715). This runs counter to some luck egalitarian thinking that does not treat it as a matter of *justice* to rectify the situation of individuals whose poverty is the result of their own bad choices. But the present point is to note Mill’s awareness that often mere chance leaves people in poverty—whether because one is born into poverty or placed there by some other misfortune—and that this demands a social remedy:

[I]t may be regarded as irrevocably established, that the fate of no member of the community needs be abandoned to chance; that society can and therefore ought to insure every individual belonging to it against the extreme of want; that the condition even of those who are unable to find their own support, needs not be one of physical suffering, or the dread of it, but only of restricted indulgence, and enforced rigidity of discipline. (PPE, CW II.360; see Perksy [2016: 204-5])

For those capable of it, Mill thinks it reasonable to attach a work requirement to subsistence aid—“Aid guaranteed to those who cannot work, employment to those who can”—concluding that “the *droit au travail* is the most manifest of moral truths, the most imperative of political

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<sup>14</sup> Mill is then asked: “Consequently you would mulct the son for the virtues of the father?” He replies: “It is not mulcting him to prevent him from receiving what he has not exerted himself to earn,” and concludes, “I would make taxation bear upon that which people acquire without exertion and talent, rather than upon that which they acquire by exertion and talent” (“The Income and Property Tax,” CW V.493).

obligations” (“Vindication of the French Revolution of February 1848,” CW XX.348, 349).<sup>15</sup> Subsistence aid is meant to provide an existence free of physical suffering and the stress of insecurity for all recipients. Though aid should not be so generous to dissuade recipients from trying to find other work, Mill makes clear that the aid and work requirement must be consistent with respect for individuals’ dignity: “In the workhouse, and the workhouse alone, can the bodily wants of the pauper be amply cared for, and yet pauperism be rendered not shameful (that is not the object), but undesirable” (“The Poor Laws,” CW XXIII.688). While there is more to unpack about Mill’s commitment to a right to subsistence, it is clear that part of his motivation is to undo the bad effects of brute luck: “These evils, then—great poverty, and that *poverty very little connected with desert*—are the first grand failure of the existing arrangements of society” (*Chapters on Socialism*, CW V.715; emphasis added).

*Women’s rights.* Mill’s life-long campaign for women’s equal rights offers the most prominent example of his belief that it is an injustice to deny rights to any group on the basis of a mere “accident of birth.” The “higher social functions” are closed to women, he observes, “by a fatality of birth which no exertions, and no change of circumstances, can overcome” (*The Subjection of Women*, CW XXI.275). He hopes instead that “before the lapse of another generation, the accident of sex, no more than the accident of skin, will be deemed a sufficient justification for depriving its possessor of the equal protection and just privileges of a citizen” (*Considerations on Representative Government*, CW XIX.481), so that “the aristocracies of colour, race, and sex” will be recognized as examples of “injustice and tyranny” (*Utilitarianism*, CW X.259). In their place, he proposes “the habit of estimating human beings by... what they are, and by what they do: not by what they are born to, nor by the place in which accident or the law has classed them. Those who are fully penetrated with this spirit cannot help feeling rich and poor, women and men, to be equals before the State” (“Women’s Suffrage [1],” CW XXIX.375; see also Harriet Taylor Mill, “Enfranchisement of Women,” CW XXI.400-401). On Mill’s view, it is an injustice to allow a mere accident of birth, which is no moral reason at all, to justify a difference in treatment.

These proposals on primogeniture, inheritance taxes, subsistence aid, and women’s rights, together with his effort to address overpopulation, constitute the core of Mill’s immediate egalitarian reform program. We have seen that, in each case, his argument about justice turns significantly on claims about the influence of luck on people’s opportunities and outcomes. But

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<sup>15</sup> Here I set aside Mill’s persistent worries about overpopulation, which complicate some of his comments. Mill argues that overpopulation threatens the well-being and future improvement of the poor and working classes, due to downward pressures on wages and the difficulty of supporting a rapidly growing population. In a luck egalitarian vein, he suggests that the opportunities people are born into would be more equal if parents were educated about and given birth control, and then voluntarily chose not to have more children than they can provide a fair chance. Yet, his answer to the problem of overpopulation is not to deny subsistence aid. Rather he first proposes to provide education about birth control and about parents’ moral obligations to their children and, then, to place pecuniary restrictions on when couples may marry or to impose penalties on those who have children they cannot support (PPE, CW II.359, 368-372).

does Mill argue that *all* effects of brute luck should be eliminated? And *how* does he argue for the elimination of these effects?

### **The Impartiality Principle**

To appreciate how Mill argues for the elimination of the effects of brute luck, I want to tease out three secondary principles—impartiality, sufficiency, and merit—that he believes should guide public discussion and reform. The most important of these, because it fundamentally shapes his account of what justice requires in any advanced state of society, is his principle of impartiality, or equal consideration. The question is: what does equal consideration require?

To begin, in *Utilitarianism*, Mill emphasizes that the principle of utility itself cannot be understood without appreciating its commitment to “perfect impartiality between persons,” in which each person’s happiness “is counted for exactly as much as another’s” (CW X.257n, 257).<sup>16</sup> Now, as is often pointed out, this notion of impartiality is consistent with wildly inegalitarian social and political arrangements, if they promote general utility. Mill himself is clear that in early states of society even despotism is justified on utilitarian grounds—taking everyone’s happiness into account impartially—in order to move from the terrible state of nature toward a spontaneously cooperative society (which he calls “civilization”).

But in the same passage Mill emphasizes that the “highest standard of social and distributive justice” implied by utilitarian impartiality is that “society should treat all equally well who have deserved equally well of it” (CW X.257). As individuals develop and society progresses, equal justice claims will be asserted more and more, with fewer compromises for the sake of expediency (“Newman’s Political Economy,” CW V.445; *The Subjection of Women*, CW XXI.293-4; “Women’s Suffrage [1],” CW XXIX.380). Overall happiness ultimately will require not just impartial consideration but “equality of treatment”:

The equal claim of everybody to happiness in the estimation of the moralist and the legislator, involves an equal claim to all the *means* of happiness, except 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... All persons are deemed to have a *right* to equality of treatment, except when some recognised social expediency requires the reverse. And hence all social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice... (*Utilitarianism*, CW X.257-8; first emphasis added)

Mill’s principle of impartiality is the familiar justice principle of treating like cases alike unless there is some important reason to distinguish between them. The supporters of women’s rights “are protesting against arbitrary preferences; against making favourites of some, and

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<sup>16</sup> This does not mean we may not especially attend to those connected to us. For a brief summary of Mill’s practical utilitarianism, see his letter to his George Grote, CW XV.762.



shutting the door against others. We are claiming equal chances, equal opportunities, equal means of self-protection for both halves of mankind” (“Women’s Suffrage [1],” CW XXIX.374). And in *The Subjection of Women*, Mill emphasizes that the “presumption is in favour of... impartiality,” thereby laying the burden of proof on those who would treat people differently: “the law should be no respecter of persons, but should treat all alike, save where dissimilarity of treatment is required by positive reasons, either of justice or of policy” (CW XXI.262; “The Admission of Women to the Electoral Franchise,” CW XXVIII.152).<sup>17</sup> Those calling for equality against the “aristocracies of colour, race, and sex” need not prove their case; equality is the default.

Impartiality, understood to imply equal treatment, thus calls for the elimination of differences due to accidents of birth that lead to some enjoying greater opportunities or other goods. Although there are practical limits to this effort, Mill argues for a fair start—as equal as possible—for all (PPE, CW III.811).

The key thing at this point, however, is that the principle of impartiality is broader than the concern to eliminate inequalities due to bad brute luck. For example, it supplies Mill’s core principle of taxation on earned income, the principle of equal sacrifice: “The just principle of taxation, I conceive to be, to impose as far as possible an equal sacrifice on all... each should be required to give up an equal share, not of their means, but of their enjoyments” (“The Income and Property Tax,” CW V.472; also “Errors and Truths on a Property Tax,” CW XXIII.550). As we have already seen, brute luck and personal responsibility play their part in Mill’s overall views on taxation, but eliminating inequalities due to brute luck is just one aspect of Mill’s more fundamental commitment to impartiality. And this more fundamental commitment, I will argue, is best understood in the context of Mill’s relational egalitarianism.

## **The Sufficiency Principle**

Mill’s support for guaranteed subsistence aid regardless of life choices, with a work requirement for those capable of it, reveals a second public principle: sufficiency. He came to see the sufficiency principle as unassailable, and one of the chief building blocks of further social reform. While it is justified partly as a way to inoculate individuals against bad brute luck, it also goes beyond luck egalitarianism in its commitment to provide aid, as a matter of justice.<sup>18</sup> Mill

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<sup>17</sup> In a manuscript unpublished in their lifetimes, Harriet Taylor Mill and J.S. Mill write that the public acceptance of this principle would be “nothing less than the beginning of the reign of justice, or the first dawn of it at least. It is the introduction of the principle that distinctions, and inequalities of rights, are not good things in themselves, and that none ought to exist for which there is not a special justification, grounded on the greatest good of the whole community, privileged and excluded taken together” (“Appendix B,” CW XXI.380). Harriet Taylor Mill was herself an important voice for women’s equality, and collaborated with Mill on some of his principal works.

<sup>18</sup> Admittedly, Mill at one point proposes that the rule “they who do not work shall not eat, will be applied not to paupers only, but impartially to all” (*Autobiography*, CW I.239). But his point in that passage is to call for impartiality between rich and poor—because it is unfair that the idle rich enjoy great comforts when the idle poor suffer—not to undermine the right to subsistence.

emphasizes that poverty, not just undeserved poverty, is an evil that society must address (even if it is not society's fault that an individual has become poor): "[I]f there be any who suffer physical privation or moral degradation, whose bodily necessities are either not satisfied or satisfied in a manner which only brutish creatures can be content with, this, though not necessarily the crime of society, is *pro tanto* a failure of the social arrangements" (*Chapters on Socialism*, CW V.713).<sup>19</sup>

Besides direct aid through workhouses, Mill's sufficiency principle also leads him to support a tax exemption for earned income up to the threshold required to provide the "necessaries of life":

Our plan therefore would be, to relieve the smaller incomes from direct taxation entirely, up to the income which might be deemed fully sufficient to satisfy those physical wants of a human being which are independent of habit and convention: to keep off hunger and cold, and provide for old age, and for the ordinary chances of sickness, or other inability to work. ("Errors and Truths on a Property Tax," CW XXIII.553)

This passage also helps to characterize Mill's notion of a material subsistence consistent with human dignity, though he auditions a number of proposals concerning the acceptable place to draw that line ("The Income and Property Tax," CW V.474-6).<sup>20</sup>

## The Merit Principle

In light of the principles of impartiality and sufficiency, the question becomes what *could* justify inequalities. The short answer is *merit*, but what does Mill have in mind?

Mill separates merit into three elements: exertion (effort, earnings), relevant talent (intelligence, skill), and virtue (roughly, public-spiritedness).<sup>21</sup> Let us start with talent. Mill generally attributes differences in talent to differences in opportunity (especially educational

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<sup>19</sup> All of this still leaves the case of a person who rejects subsistence aid, perhaps because of the work requirement. Mill seems to believe that while aid must be offered to people on reasonable terms, they must not be forced to accept it. One might yet suffer through one's own "voluntary fault," then, by an unwillingness to meet the work requirements (*Chapters on Socialism*, CW V.713).

<sup>20</sup> The subsistence tax exemption, on Mill's view, also creates a graduated effect so that the rich are taxed more as a percentage of their income than the poor. With respect to *earned* income above the minimum threshold, Mill supports a flat tax. But this must be understood within his overall tax scheme including the minimum exemption and the heavy taxes on *unearned* income: "It seems to me that the just claims to graduation are sufficiently satisfied by taxing only the surplus above the minimum allowance to cover necessaries" ("The Income and Property Tax," CW V.497).

<sup>21</sup> I focus only on differences in exertion and talent, but Mill does not mean to reward talent or exertion in the service of vice (*Chapters on Socialism*, CW V.714). In this account of merit, Mill broadly follows Bentham (*Considerations on Representative Government*, CW XIX.390, 392; Turner forthcoming).

opportunities) and previous exertion, rather than to natural endowments.<sup>22</sup> He even argues that his own success is due to education and not to any natural intellectual superiority (*Autobiography*, CW I.33). But he admits there could be differences in talent even when two individuals have had equal chances and have exerted themselves equally in the same endeavor. Whether because of some difference in natural capacity or just because of the way their opportunities played out, one of them might be more efficient or creative. If so, could talent justify inequality of income or other goods? Mill's most famous discussion of whether to reward talent is decidedly ambivalent:

In a co-operative industrial association, is it just or not that talent or skill should give a title to superior remuneration? On the negative side of the question it is argued, that whoever does the best he can, deserves equally well, and ought not in justice to be put in a position of inferiority for no fault of his own; that superior abilities have already advantages more than enough... and that society is bound in justice rather to make compensation to the less favoured, for this unmerited inequality of advantages, than to aggravate it. On the contrary side it is contended, that society receives more from the more efficient labourer; that his services being more useful, society owes him a larger return for them... that if he is only to receive as much as others, he can only be justly required to produce as much, and to give a smaller amount of time and exertion, proportioned to his superior efficiency. Who shall decide between these appeals to conflicting principles of justice?... Social utility alone can decide the preference. (*Utilitarianism*, CW X.254-5)

I believe we can get some leverage on Mill's ambivalence by appealing again to the distinction between his immediate reform proposals and those meant for some distant state of society. For it seems that while he believes talent must be rewarded in any foreseeable state of society, he also imagines a future in which that would not be the case. Consider the following comment, only part of which we saw earlier:

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. (PPE, CW II.210)

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<sup>22</sup> He does not deny that some individuals have greater natural endowments, but in the main he emphasizes our common capacity for great improvement through education (*Autobiography*, CW I.109-110).

The first sentence seems to express a “higher ideal” for a distant state of society, in which rewarding differences in talent (not reducible to differences in exertion) would be an injustice. The second sentence, by contrast, expresses the thought that rewarding differences in talent in the current state of society is “highly expedient,” and is therefore justified (if not just).

Mill *hopes* for a future in which everyone, including the most talented, would be motivated by fellow-feeling and would see their own happiness as dependent on the flourishing of others in the community. In such a state, Mill imagines, the more talented would *themselves* reject receiving higher remuneration than others who have exerted themselves equally. He sees “great beauty” in Comte’s idea that “we should regard working for the benefit of others as a good in itself... we should desire it for its own sake, and not for the sake of remuneration” (*Auguste Comte on Positivism*, CW X.340). In *Utilitarianism*, he adds:

[A]lready a person in whom the social feeling is at all developed, cannot bring himself to think of the rest of his fellow creatures as struggling rivals with him for the means of happiness, whom he must desire to see defeated in their object in order that he may succeed in his. The deeply-rooted conception which every individual even now has of himself as a social being, tends to make him feel it one of his natural wants that there should be harmony between his feelings and aims and those of his fellow creatures. (*Utilitarianism*, CW X.233)

In a society populated by such well-developed utilitarian individuals, the talented might not expect greater remuneration than their less talented, but equally hard-working and conscientious, fellow community members.

With the rests of us, however, Mill recognizes that any reasonably foreseeable state of society is going to rely in part on selfish feelings to motivate productive behavior and set social expectations (*Autobiography*, CW I.241; *Auguste Comte and Positivism*, CW X.341). For instance, despite his support for socialist experiments, he thinks that society in the discernible future cannot do without a system of private property, but must shape property laws to the public’s ends.<sup>23</sup> And where a system of private property exists, differences in talent will be rewarded: “The inequalities of property which arise from unequal industry, frugality, perseverance, talents, and to a certain

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<sup>23</sup> Mill writes: “The laws of property have never yet conformed to the principles on which the justification of private property rests. They have made property of things which never ought to be property, and absolute property where only a qualified property ought to exist. They have not held the balance fairly between human beings, but have heaped impediments upon some, to give advantage to others; they have purposely fostered inequalities, and prevented all from starting fair in the race” (PPE, CW II.207). In holding that “property is only a means to an end, not itself the end,” Mill thus supports heavy inheritance taxes and other limits on property rights (PPE, CW II.223; also 226). For his qualified views on private property, see: PPE, CW II.214; *Autobiography* CW I.241; letter to John Jay, CW XIII.740-741; “French News [85],” CW XXIII.673-674; *Chapters on Socialism*, CW V.712-713; “Should Public Bodies Be Required to Sell Their Lands,” CW XXV.1232-1235; “The Right of Property in Land,” CW XXV.1235-1243.

extent even opportunities, are inseparable from the principle of private property, and if we accept the principle, we must bear with these consequences of it” (PPE, CW II.225; but see “Centralisation,” CW XIX.591).

Mill also accepts that when giving certain offices or responsibilities to the more talented is needed for everyone to receive an important benefit, then there is a positive reason for the difference in treatment as far as that goes.<sup>24</sup> For instance, he argues throughout his political works that competence should help determine who holds political offices, because promoting the general happiness requires skilled government.<sup>25</sup> But this is consistent with guarding against social and political inequalities that might result from rewarding talent, including by circumscribing income inequality, and taxing the earnings of the talented when they are passed on as unearned income to their heirs.<sup>26</sup> What we see in Mill’s ambivalence about rewarding talent is precisely the sort of balancing act we expect from a utilitarian trying to fit his recommendations to a particular state of society while also imagining a society that differs in ways that could further promote overall happiness.

From the passages we have considered, however, it emerges that Mill principally identifies merit with “exertion”: industry, work, or effort, as well as “abstinence” in the sense of accepting some immediate personal cost or inconvenience for some long term or overall benefit. Abstinence, in this sense, requires that we make an effort, and I use the term “exertion” to include both positive effort and abstinence. Mill’s core thought is that, as long as everyone has a “fair chance of a desirable existence”—and as long as one’s exertion does not violate social morality or law (Mill does not mean to reward the industry of thieves)—then “the differences of fortune arising from people’s own earnings could not justly give umbrage” (PPE, CW III.811; CW II.386). His basic merit principle might therefore be encapsulated by the claim that, given impartiality and sufficiency, there should be “proportionality... between success and exertion” (*Chapters on Socialism*, CW V.714).<sup>27</sup>

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<sup>24</sup> Anderson argues similarly that there is no reasonable interpersonal complaint against having the most talented surgeons perform surgery, and be rewarded for it, when everyone benefits thereby (2010: 11). Note that Anderson and Mill differ, at least in emphasis, insofar as Mill holds that those calling for equality need not prove an injury, but enjoy a presumption in their favor (Ibid.: 8).

<sup>25</sup> For more on Mill’s appeal to a principle of competence, see Turner (forthcoming; 2013). For an attempt to balance equality and competence, see “Thoughts on Parliamentary Reform,” CW XIX.323-324.

<sup>26</sup> See, e.g., his comment that “[t]he inequality of remuneration between the skilled and the unskilled is, without doubt, very much greater than is justifiable; but it is desirable that this should be corrected by raising the unskilled, not by lowering the skilled” (PPE CW II.388, 383-388).

<sup>27</sup> Mill worries that exertion is not rewarded appropriately in the existing economic system: “The really exhausting and the really repulsive labours, instead of being better paid than others, are almost invariably paid the worst of all, because performed by those who have no choice” (PPE, CW II.383).

The merit principle can also be illustrated by Mill's tax proposals. For example, after defending a flat tax on earned income above the sufficiency minimum, he allows an exemption for the portion of one's income that has been prudently saved for old age or for the upkeep of future children ("The Income and Property Tax," CW V.491). His overall system of taxation, we have found, neatly exemplifies the three principles of impartiality, sufficiency, and merit. Assuming that we are in a state of society in which everyone has a fair chance at a desirable existence, Mill proposes a sufficiency minimum exempted from tax altogether, a principle of equal sacrifice on earned income with an exemption for prudent or socially beneficial savings or investments, and a heavy tax on unearned inheritance income. Each public principle has its role to play, short of any direct appeal to utility or expediency.

Although Mill's three public principles include luck egalitarian elements, they also have a shape of their own. Ultimately, his egalitarianism follows from his understanding of what will promote overall utility. But is there more to say about how he arrives at the principles of impartiality, sufficiency, and merit?

### **Social morality and relational egalitarianism**

In this final section, I want to show that Mill's three principles should be understood primarily in relational terms, through his commitment to the progressive development of an egalitarian social morality. For society to exist at all, he argues, there must be a social morality—a widely shared set of normative expectations to ground practices of accountability.<sup>28</sup> As a moral and social campaigner, then, Mill sees his task as introducing *reforms* to current social morality (Turner 2017). But in order to revise social morality without undermining coordination and stability, he must offer principles that can guide a *public* process of moral and social reform. Among these are his principles of impartiality, sufficiency, and merit.

Impartiality is especially important because it reflects the very point of social morality: that we may rightfully hold each other accountable to a common standard set by shared expectations (letter to Ward, CW XV.650; Turner 2017, 382-3). In principle, a social morality may be inegalitarian. But insofar as some living under it are treated as second-class citizens they are denied social dignity and, inevitably, there will be tensions that threaten social stability and any goods dependent on fellow-feeling. Mill argues not only that inequality has powerful negative effects on the disadvantaged, but that it distorts the beliefs and character of the advantaged (*The Subjection of Women*, CW XXI.324; "French News [85]," CW XXIII.674).<sup>29</sup> This is why equal justice, as the core of social morality, is so important on Mill's utilitarian picture: "[M]y argument is entirely one of expediency. But there are different orders of expediency; all expediencies are not exactly on the same level; there is an important branch of expediency called justice; and justice... does require

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<sup>28</sup> This paragraph summarizes the argument of Turner (2017). For more on the notion of social morality, see Gaus (2011; 2015).

<sup>29</sup> This idea receives its most forceful expression in King (1963).

that we should not, capriciously and without cause, withhold from one what we give to another” (“The Admission of Women to the Electoral Franchise,” CW XXVIII.152).

For starters, then, impartiality requires political equality:

The feeling of obligation as it now exists, towards different individuals and different classes in the same community, is lamentably unequal. The comfort and suffering of one man, on the foreknowledge of which all rational sense of obligation towards him is based, counts in general estimation for something infinitely more than that of another man in a different rank or position. The great mass of our labouring population have no representatives in Parliament, and cannot be said to have any political station whatever; while the distribution of what may be called social dignity is more unequal in England than in any other civilized country of Europe. (“Taylor’s Statesman,” CW XIX.637, coauthored with George Grote)

Women’s suffrage is needed to ensure that half of the population has “an equal hearing and fair play” (“Women’s Suffrage [1],” CWXXIX.380). And, taking everyone into account, “[i]n any civilized condition, power ought never to be exempt from the necessity of appealing to the reason, and recommending itself by motives which justify it to the conscience and feelings, of the governed” (“Thoughts on Parliamentary Reform, CW XIX.324).

But even when there are equal political rights, Mill recognizes that economic forces can create social inequalities previously enforced by political means:

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.” (*Chapters on Socialism*, CW V.710; also PPE, CW II.383)

Because significant inequalities exist, he argues, “[t]he working classes are entitled to claim that the whole field of social institutions should be re-examined” (*Chapters on Socialism*, CW V.711).<sup>30</sup> And the “proprietary class,” for its part, must appreciate “the necessity of convincing the non-proprietary multitude, that the existing arrangement of property is a real good to them as well as to the rich” (“French News [85],” CW XXIII.674).

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<sup>30</sup> For an attempt to express a balance between the demands of equality and liberty, see Mill’s letter to Arthur Helps, CW XVII.2002.

What is striking in these and other passages is Mill's effort to push society toward becoming a community of social and political equals, in which individuals address each other on terms of reciprocity. In *The Subjection of Women*, he writes:

[T]he true virtue of human beings is fitness to live together as equals; claiming nothing for themselves but what they as freely concede to every one else; regarding command of any kind as an exceptional necessity, and in all cases a temporary one; and preferring, whenever possible, the society of those with whom leading and following can be alternate and reciprocal." (CW XXI.294)<sup>31</sup>

In this light, it seems that the main problem with uncorrected inequalities due to brute luck is that they are incompatible with social equality.<sup>32</sup> Impartiality, sufficiency, and merit are best understood either as public principles that can move us toward social equality and reciprocity, or as principles that would be sustained among a fully realized community of free and equal citizens.<sup>33</sup> Mill believes such a community will ultimately best promote overall happiness:

Already in modern life, and more and more as it progressively improves, command and obedience become exceptional facts in life, equal association its general rule ... We have had the morality of submission, and the morality of chivalry and generosity; the time is now come for the morality of justice. Whenever, in former ages, any approach has been made to society in equality, Justice has asserted its claims as the foundation of virtue. (*The Subjection of Women*, CW XXI.293-4)<sup>34</sup>

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<sup>31</sup> In his letter to Arthur Helps, he adds: "In my estimation the art of living with others consists first & chiefly in treating & being treated by them as equals" (CW XVII.2001). See also his letter to William George Ward, CW XV.650.

<sup>32</sup> By contrast, the practice of rewarding exertion contributes ultimately to the benefit of the whole community, and its advantages are available to each of us.

<sup>33</sup> Morales (1996) offers a valuable and detailed characterization of a well-constituted Millian society in relational egalitarian terms—such as these public principles might require.

<sup>34</sup> I am grateful to Helen McCabe and Bob Hartman for comments that greatly improved this discussion.



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