

## **Utility, Justice and Rights: Mill=s Dilemma**

This paper undertakes a critical analysis of John Stuart Mill=s claim, in his essay *Utilitarianism*, that there is a connection between utility and the concepts of justice, rights and equality. I argue that despite Mill=s ingenious thesis his claim fails. This is because the concept of justice is largely concerned with *backward* looking considerations while *future* consequences preoccupy utility. Moreover, the injunction to maximize utility is not amenable to the notion of rights as *trumps* against majoritarian interests. This injunction also has dire consequences for equality.

To illuminate my thesis Ronald Dworkin=s distinction between arguments of principle and arguments of policy, in adjudication, is examined. Arguments of principle emulate justice and fairness. Policy arguments carry utilitarian calculations and are not justiciable. Additionally, I examine pragmatism in adjudication; here judges decide cases on strategic considerations.

I contend that either Mill concedes defeat or he must abandon the injunction to maximize utility. Despite the dilemma my conclusion is that Mill is a philosopher whose reasoning merits serious consideration by everyone. His thesis is so pure that even its mistakes are gifts.

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