

Was Green a Utilitarian in Practice? Green and Mill on Crime and Punishment

Was Thomas Hill Green a Millian utilitarian in practice? This is a controversial claim made by David Weinstein. This paper examines the theories of crime and punishment held by Green and John Stuart Mill. I argue that this special focus raises new and significant practical differences between Green and Mill that have been overlooked by both Weinstein and his critics. I will argue that these differences between Green and Mill over crime and punishment give practical effect to their competing moral philosophies. If Green and Mill did indeed hold quite different positions on crime, punishment, and other fundamental matters of law, then we simply cannot say that Green was a Millian utilitarian in practice.

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