

## Understanding Utility and Justice in The Light of J.S. Mill's Conception of 'Justly Constituted' Family

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### Abstract

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John Stuart Mill, well-known in the history of moral and political philosophy as a liberal utilitarian thinker, claims that the notion of justice is very much ingrained in the meaning of utility. Hence, it would be wrong to argue that any attempt to establish justice goes against utilitarian ethics. However, if we read Mill's *The Subjection of Women*, a tension can be noted to exist between his conceptions of utility and justice. In this paper, an attempt has been made to explore and examine the justification of Mill's claim with reference to his conception of "justly constituted" family through which he claims to advocate women's empowerment by establishing gender-justice within family. In *The Subjection of Women*, drawing a picture of "justly constituted" family, Mill has tried to argue that social utility can be established only if the relationship between marital partners is governed by justice. In the first section of the paper, Mill's notions of utility and justice have been explored alongside his understanding of the connection between these two notions. In the second section, Mill's conception of "justly constituted" family, reflected through his various statements and arguments concerning gender-equality, has been brought into focus. In the third section, the justification of Mill's claim concerning intimate connection between justice and social utility has been critically assessed with reference to his conception of "justly constituted" family in connection with his liberal utilitarian position.

**Keywords:** Equality, Family, Gender, Individuality, Justice, Utility

John Stuart Mill, well-known in the history of moral and political philosophy as a liberal utilitarian thinker, claims that the notion of justice is very much ingrained in the meaning of utility. Hence, it would be wrong to argue that any attempt to

establish justice goes against utilitarian ethics. However, if we read Mill's *The Subjection of Women*, a tension can be noted to exist between his conceptions of utility and justice. In this paper, an attempt has made to explore and examine the justification of Mill's claim with reference to his conception of "justly constituted" family through which he claims to advocate women's empowerment by establishing gender-justice within family. As a utilitarian philosopher, Mill's objective has been to ensure social well-being and he noted that the goal of utilitarian morality cannot be achieved unless family welfare is ensured. In *The Subjection of Women*, drawing a picture of "justly constituted" family, Mill has tried to argue that social utility can be established only if the relationship between marital partners is governed by justice. In the first section of the paper, Mill's notions of utility and justice have been explored alongside his understanding of the connection between these two notions. In the second section, Mill's conception of "justly constituted" family, reflected through his various statements and arguments concerning gender-equality in *The Subjection of Women*, has been brought into focus. In the third section, the justification of Mill's claim that the notion of justice is intimately connected with social utility has been critically assessed with reference to his conception of "justly constituted" family in connection with his liberal utilitarian position, reflected in his essays *Utilitarianism* and *On Liberty*.

## I

In the chapter 2 of *Utilitarianism*, Mill has defined "Utility" or "the Greatest Happiness principle" as the principle according to which "actions are right in proportion as they tend to promote happiness and wrong as they tend to produce the reverse of happiness." (Mill, *Utilitarianism*, p.257) In this chapter, declaring happiness as the ultimate good of human life, Mill has been deeply engaged in elaborating on his conception of happiness. Happiness, for him, is an *existence*, of which virtuous activities forms an integral part. The goal of utilitarian morality is to ensure happy existence "to the whole sentient creation", "both in point of quantity and quality" as far as possible. (Mill, 262-63) In the chapter 4 of *Utilitarianism*, Mill has tried to rationalize "general happiness" as the goal of utilitarian morality based on goodness of individual happiness. As he asserts, "each person's happiness is good to that person, and the "general happiness" therefore, would be good to the *aggregate* of all persons." (Mill, *Utilitarianism*, 289) An intensive study of Mill's *Utilitarianism* alongside his *On Liberty*, clearly suggests that for Mill "general happiness" as an "aggregate" does not imply mere summation of the happiness of each individual, rather, it implies harmonious coexistence of happy existence of different individuals where happiness of each individual have been accommodated and integrated to ensure general happiness. However, accommodation or adaptation of happiness of different individuals leading to harmonious coexistence is not an easy task. It necessarily requires

favorable socio-political and legal arrangements, demanding strict observance of certain moral rules i.e. rules of justice.

Justice, according to Mill, refers to those rules of conduct which demand protection of the rights of an individual and hence, ought to be followed to ensure social well-being. The right of an individual implies something of which “he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion.” (Mill 309) Therefore, if anything belongs to a person by right, society must take appropriate measure to secure it to him. Having considered justice as rule of conduct that has more “binding obligation” on us than any other rules, Mill has, furthermore urged that the moralities that compose the obligation of justice specially emphasizes upon the negative obligation of refraining from harming others interest directly, or indirectly such as threatening one’s security and wrongly interfering with one’s freedom to pursue his own good. In Mill’s opinion, the negative obligation of refraining from harming others is more binding on us than positive obligation of doing benefit to others. In the essay *Utilitarianism*, drawing our attention to the distinguishing characteristics of justice, Mill has urged that justice consists in not harming anyone’s moral rights which demands us to refrain from providing or receiving undeserved benefits to/from others. (Mill 297-99) According to Mill, it is specifically, observance of the negative obligation i.e. not harming anyone’s legitimate interest that qualifies one as a member of society. Hence, according to Mill, society has an obligation to ensure justice from utilitarian consideration. As Mill writes, “To have a right ...is to have something which society ought to defend me in the possession of. If the objector goes onto ask, why it ought? I can give him no other reason than general utility.” (Mill 309)

Standing against the critics of utilitarian moral philosophy, who argue that utilitarian maximization fails to take care of just distribution, Mill claims that observance of the rules of justice is very much grounded on utility. The precept of justice, if carefully analyzed, can be noted to reflect the utilitarian spirit. The precept of justice, according to Mill, includes both maxims of equality and impartiality. The precept demands that each one should get what they deserve i.e. “good for good as well as evil for evil” and it is this sentiment which distinguishes “the Just” from “the simply expedient.” (Mill 318) The maxim of impartiality as an obligation of justice is influenced by the spirit of equality which demands us to be impartial i.e. not giving undeserved preferences to anyone. In Mill’s words, the precept of justice when expressed through the maxims of equality and impartiality runs as follows: “If it is a duty to do to each according to his deserts, returning good for good as well as repressing evil by evil, it necessarily follows that we should treat all equally well ( when no higher duty forbids) who have deserved equally well of us, and that society should treat all equally well who have deserved equally well of it, that is who have deserved equally well absolutely.” (Mill *Utilitarianism* 318) Immediately after explicating

the precept of justice, Mill has strongly asserted that the principle of justice is ingrained “in the very meaning of Utility, or the Greatest Happiness Principle”. (Mill 319) This is because the principle of utility itself is the principle of equality. In this context, criticizing Herbert Spencer’s argument that the principle of utility cannot be a sufficient guide of right because it presupposes the principle of equality i.e. “everyone has equal right to happiness” as its guiding principle, Mill has argued that the principle of equality is neither a presupposition nor a premise required to support the principle of utility, rather it is the very principle of utility itself. According to Mill, “all institutions, and the efforts of all virtuous citizens” must conform to this “highest abstract standard of social and distributive justice” (Mill 318) for the enhancement of social well-being. Hence, he writes, “While I dispute the pretensions of any theory which sets up an imaginary standard of justice not grounded on utility, I account the justice which is grounded on utility to be the chief part, and incomparably the most secret and binding part, of all morality.” (Mill 315)

In Mill’s opinion, since equality constitutes the essence of justice, practical application of justice demands equal consideration. That means unless one person’s happiness, supposed equal in degree ....is counted for exactly as much as another’s, “the principle of utility would lose its rational significance. (Mill 319) Hence, the principle of utility, according to Mill, can be most appropriately represented through Bentham’s dictum, “everybody to count for one, nobody for more than one.” (Mill 319) However, the principle of equal consideration ingrained in the application of the principle of utility is not without limitations. As Mill notes, “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; and those limits ought to be strictly construed.” (Mill 319-20) (Emphasis added)

In the above statements, Mill has tried to draw our attention to the fact that application of the maxim of equality as maxim of the precept of justice has limitations from the point of utilitarian consideration. He acknowledges that though we universally acknowledge that right to equality of treatment ought to be guaranteed to all individuals, it cannot be denied that we come across exceptions when some recognized social duty prevents us from guaranteeing so. However, Mill then explicitly urges that the limitations enforced by the principle of utility, should not be interpreted as deviation from the principle of justice. Rather, such limitations should be interpreted as situation based application of justice. To clarify his stance, Mill has offered us example of saving someone’s life by adopting a so-called unfair means. For example, when someone steals or takes by force, food or medicine necessary to save someone’s life it cannot be argued that justice has been sacrificed in this particular case from the point of utilitarian

consideration. Rather, an appropriate interpretation would be that what the principle of utility considers as just in “ordinary cases”, would not consider as just in those “particular cases”. And, it would be morally appropriate to state that this particular case should be distinguished from the cases considered as just in the “ordinary sense”. (Mill 320-21) Here, it should be noted that Mill has not considered saving someone’s life by using “force” or “stealing” as “unjust”. Hence, his emphasis upon distinguishing the “ordinary cases” of justice from “particular cases” indicates that the above-mentioned case can be interpreted as “just” in the “extraordinary” sense. Mill has, then, explicitly argued that if the relationship between utility and justice is understood in the above-mentioned manner then instead of accepting the idea of justice “as a stumbling-block to the utilitarian ethics”, justice can be appropriately accepted as “a name for certain moral requirements, which,... stand higher in the scale of social utility.”(Mill 320-21) In what follows, an attempt has been made to understand the significance of Mill’s claim regarding intimate relationship between utility and justice in the light of his conception of “justly constituted” family.

## II

John Stuart Mill, well-known in the history of moral literature for his arguments for women’s emancipation and gender-equality, has advanced his conception of “justly constituted” family in his masterpiece *The Subjection of Women* as a revolt against the authoritarian regime of patriarchy prevalent during his period. He has noted that under the given patriarchal set up, a woman’s marital relationship is conditioned by blind submission to her husband; the relationship between husband and wife is like that of between “patient and nurse”, “master and his mistress”, or that of between “lord and his upper servant.” (Mill *The Subjection of Women* 538) Mill’s objective has been to ensure social well-being establishing gender justice within family. With a view to establish women’s rights, he has criticized the property laws that deprived women of her property rights, fought for equal educational and occupational opportunities for women, condemned natural intellectual difference between men and women, and has vehemently criticized oppressed marital relationship, considering any sort of oppressed relationship as the root cause of social evil. Keeping pace with his spirit of individual liberty, Mill urged that women’s emancipation necessarily demands opportunities for their self-dependence and self-development which again requires a favorable external arrangement. Family has a primary role in this respect. Hence, in *The Subjection of Women*, Mill has tried to draw our attention to his conception of “justly constituted” family (Mill 479) formed on the basis of just and equal relationship between marital partners following which, as he claims, gender-justice can be established. To have an appropriate understanding of Mill’s conception of “justly constituted” family, it is necessary to focus on the nature of the relationship existing between different members of the family as well as the types of duties or responsibilities assigned to both the marital partners.

In what follows, an attempt has been made to highlight the distinctive features of Mill's "justly constituted" family.

- As per Mill's prescription, in a "justly constituted" family the relationship between husband and wife would be grounded on "justice", "equality" and "love". The relationship would be of marital friendship, not that of master and slave. The partners should be living in terms of equality, not in terms of absolute commandment on the one side and obedience on the other. Mill has refused to accept absolutism even in its best form within family - neither 'absolutism of the head of the family' nor 'absolutism of good person' He urges that even if the relationship of authority and subordination is governed by love and the authority lies with a good person, yet it cannot be concluded with certainty that "great goodness, great happiness and great affection" would be produced "under the absolute governance of a good man". (Mill *The Subjection of Women* 467)
- Mill's "justly constituted" family requires that the marital partners would possess equal ability and enjoy equal opportunity. The partners equal in powers and capacities, when bonded by love and affection, would not only enjoy each other's companionship, but also the family would evolve as a whole. The partners equal in powers and capacities, when bonded by love and affection, would not only enjoy each other's companionship, but also the family would evolve as a whole. Having considered a friendly marital relationship between the partners as the crux of such a family, Mill has described the relationship as a bond between "two persons of cultivated faculties, identical in opinions and purposes, between whom there exists that best kind of equality, similarity of powers and capacities with reciprocal superiority in them – so that each can enjoy the luxury of looking up to the other and can have alternately the pleasure of leading and being led in the path of development .." (Mill 541) But, why has Mill emphasized upon the equality of mental abilities? The answer can be found in his utilitarian consideration. According to Mill, "an unimproving and unstimulating companionship" is not good for the society. If of the two partners, one is much inferior to the other "in mental ability and cultivation" and is not actively trying to rise to other's level with the other's aid, then there remains every possibility that the superior will deteriorate. Hence, the marriage with women of inferior mental ability is often found to cause degradation of the family by obstructing the mental development of the male partner. An ideal marital relationship, according to Mill, is one where a wife "pushes the husband forward" instead of holding him back, and both the partners are "companions in ideas and mental state." (Mill 540)
- In a "justly constituted" family, there must not exist, unlikeness in thoughts and inclinations between marital partners. This is because, as Mill claims,

differences in thoughts and inclinations are very likely to cause unhappy relation creating discord regarding certain important aspects of life. As Mill writes, “Unlikeness may attract, but it is likeness which it retains; and in proportion to the likeness is the suitability of the individuals to give each other a happy life.” (Mill *The Subjection of Women* 536) But why does Mill think so? Mill claims that Couple without having identity of interests might differ “on the highest point of duty”. Their different inclinations, “if not restrained by their affection or duty”, are likely to generate several harmful consequences, such as difficulty in building social bonds, difficulty in bringing up of the child. The former difficulty is likely to arise because the partners having different inclinations “will desire associates who share their own tastes”; consequently, it would be difficult to have a common “visiting list”. The latter difficulty would arise because couple with different inclinations would have different approaches in rearing up of their children, which might hamper healthy growth of the children. (Mill 537-38) Hence, he strongly urges, “the totally different bringing up of the two sexes make it next to an impossibility to form a really well-assorted union.” (Mill 539) However, Mill has acknowledged that if the couple nurtures “complete unity and unanimity” regarding the great matters of life, their differences in tastes regarding “minor matters” would not be an obstacle in forming a “justly constituted” family. (Mill 539)

- For Mill a “justly constituted” family is a “well-bred family” where children learn to listen to both their parents and male children learn not to “domineer over their sisters”. (Mill 523) He has described such a family as “a school of sympathy in equality, of living together in love, without power on one side or obedience on the other.” (Mill 523) In his words, a “justly constituted” family is “the real school of the virtues of freedom” Mill 479) where virtues of justice, equality and sympathy are nourished. Children brought up in such a family learn how to “live together as equals” through “sympathetic association”. (Mill 478) In Mill’s opinion, it is the experience of living in terms of justice and equality in a family which prepares both a woman and a man for living justly in a society.
- In Mill’s “justly constituted” family, the domain of duties for husband and wife would be different. Husband would take care of the external domain, as he would be the bread-earner of the family. On the other hand, wife would be in charge of the internal domain as she would take care of the proper management of domestic activities which includes “careful and economical application of husband’s expenditure”, “rearing of children”, “socialization of children” , “maintaining social relations with husband’s relatives” , etc. Mill claims such division of labour between husband and wife as “the most natural and the just one”. As he writes, “When the

support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of labour between the two persons.” (Mill 483) As he writes, “In an otherwise just state of things, it is not,....a desirable custom, that the wife should contribute by her labour to the income of the family.”(Mill *The Subjection of Women* 483) Mill has tried to provide utilitarian justification in defense of his prescription for fixed gendered division of labour within family. The arguments that Mill has offered in support of such division are as follows:

- a) The household responsibilities that a married woman undertakes, besides the “physical suffering of bearing children” contains the larger share of the responsibilities undertaken by both the partners for their “joint existence”. (Mill 483) Hence, if a married woman undertakes additional burden of contributing her labour to the income of the family, she would not only be in a gruesome condition both physically and mentally, the management of the household activities and the rearing of children would be in a dire state as there is nobody else to take care of these duties.
- b) A working married woman might be abused by her partner who would indulge in addiction and remain idle leaving all responsibilities of the family to his wife. As he urges, “In an unjust state of things” a woman’s contribution to the income of the family by her labour, “may be useful to her, by making her of more value in the eyes of the man who is legally her master; but, on the other hand, it enables him still farther to the abuse his power, by forcing her to work, and leaving the support of the family to her exertions, while he spends most of his time in drinking and idleness.” (Mill 483)

Mill firmly believes that a “justly constituted” family would be a happy family because the necessary elements of human happiness i.e. free exercise of one’s will and the just relationship nurtured by feeling of love and the principle of equality, are integral part of its constitution.

In the context of ongoing discussion, it is important to note that Mill’s ideal of marital friendship and equality of mental abilities was inspired by his intellectual companionship with his wife Harriet Taylor, whereas his prescription for the fixed gendered division of labour within “justly constituted” family seems to have been influenced by the social, political and economic scenario prevalent during that period. Mill has been living in an era that witnessed industrial revolution and the growth of capitalism, due to which old forms of social relations prevailing at the workplace and within family broke down. (Rowbotham, *Hidden From History*, 55) In the middle of the nineteenth century,



as an impact of globalization, and gradual losing of husband's control over their working wives and children, doctrine of separate sphere for men and women found support in the speeches of the trade unionists and the journalists addressed to an upper middle class audience. Closely related with the doctrine has been the acceptance of women as "relative creature" and the "single male-breadwinner norm" and the latter has been also associated with the aspiration for "gentility" by the middle class families which preferred wives to be dependent on their husband's earning. (Alexander, "Women, class and Sexual differences in the 1830s and 1840s" 123-49) Those who supported the above-mentioned norm and the doctrine, they also argued against giving equal opportunities to women. It has been argued that working with men degrades the moral character of women. (Jordon, *The Women's Movement and Women's Employment in Nineteenth Century*, 45)

Mill's idea of the fixed gendered division of labour seems to have been influenced by the "doctrine of separate sphere for men and women" as well as "single male-breadwinner norm" prevalent during that period though unlike the supporters of the doctrine, he has argued for an ideal marital relationship in terms of mutual dependence, equality and friendship. In what follows the justification of Mill's claim concerning intimate relationship between justice and utility has been critically assessed in the light of his conception of "justly constituted" family.

### III

Utilitarian moral philosophy has most often received criticism from non-utilitarian thinkers that utilitarian morality in its attempt to maximize utility fails to take care of the manner of maximization. As a result, there always remains possibility that within utilitarian moral scheme just distribution of utility would be sacrificed at the altar of utility maximization. However, it is questionable whether such a criticism can be raised against Mill wholeheartedly. Mill has been firmly of the opinion that far-reaching utilitarian consequences could be achieved only by adopting a just means. In *The Subjection of Women* Mill's chief intention behind depicting a "justly constituted" family has been to draw attention to the fact that social well-being could not be ensured unless justice is established within family. He realized that family being the smallest social unit and the primary educational unit for human being, social welfare depends to a great extent on family welfare and the latter welfare could be ensured only when the relationship between the partners within the family are guided by the principle of justice and equality. But question arises: could Mill's "justly constituted" family actually ensure justice within family? If we carefully examine Mill's conception of "justly constituted" family in the light of his arguments favoring women's empowerment, his emphasis on the cultivation of individuality, emphasis on equality and impartiality as precepts of justice alongside his prescription for fixed

gendered division of labour, his claim that justice is very much ingrained in the meaning of utility becomes debatable. Mill's position, if carefully analyzed, can be noted to confront with following difficulties:

- According to Mill, as we have already noted, justice consists in the protection of the rights of an individual of which he has a valid claim on society and society has obligation to protect his possession of it. In that case, Mill's conception of "justly constituted" family, emphasizing upon gender based fixed division of labour between marital partners and considering such relation as a just and natural one, has actually argued that a married woman's freedom to choose occupation and the freedom of earning cannot be secured to her as her right. As a part of her household chores, she can only engage herself in careful and economic application of husband's income. Moreover, Mill's assertion that justice consists in the protection of rights conducive to general utility and his denial of equal occupational opportunities to married women also indicates that he has not accepted married women's right to occupational opportunities and earning as conducive to general utility.
- As per Mill's claim, the precept of justice includes both the maxims of equality and impartiality. But Mill's prescription for gender based fixed division of duties in his "justly constituted" family contradicts the principle of equality.<sup>1</sup> Though Mill has urged that marital friendship partners would allow reciprocal relationship of commandment and obedience, he has contradicted the principle of equality by entrusting only married men with the power of earning. Mill has probably overlooked that with the power of earning, the relationship would become a stringent one, encouraging the unjust relationship of one-sided commandment and obedience. That's what actually happens in a capitalist production system. In the capitalist production system, the possessor of the power of economy actually rules over those who are under his control. Socio-economic history of mankind cannot deny the fact that it is the economic freedom of a person which ensures his legal and social freedom. Therefore, Mill's proposal for fixed division of labour in "justly constituted" family is bound to generate inequality.

Mill has also undermined the maxim of impartiality in prescribing the fixed division of duties in his "justly constituted" family. Any empirical investigation into human nature can note that the desire for freedom and the desire to be united with others are the natural desires of all human being irrespective of gender identity. But Mill's prescription for fixed division of duties in his "justly constituted" family compels one of the partners to accept the relationship as an occupation, whereas the other partner remains free to pursue any occupation of his choice as per his wishes and abilities. In defense of Mill's stance, one might argue that freedom of married women is

not curtailed by Mill's prescription for gender based division of duties. This is because, as Mill has explicitly urged in *The Subjection of Women*, those women who choose to get married should consciously choose marriage as an occupation, knowing fully aware of their responsibilities. As he writes, "Like a man when he chooses a profession, so when a woman marries, it may in general be understood that she makes choice of the management of the household, and the bringing up of a family, as the first call upon her exertions, during as many years of life as may be required for the purpose; and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this."(Mill, *The Subjection of Women*, 484) Here, underneath scheme of the gendered division of duties, Mill's hidden proposal for educated women is: Either you choose to marry or you choose profession as per your educational abilities. Barbara Cameroon has urged that Mill has considered a married woman's role in rearing up of children as equally important as the role of her husband as breadwinner in the family. (Cameroon, "Mill's Treatment of Women, Workers and Private Property" 782) But, the maxim of impartiality ingrained within the precept of justice, demands that the abilities and natural desires of both the genders should be taken into equal consideration.

- As an advocate of gender-equality, Mill has argued for equal educational opportunities for both man and woman. Having noted that nature of education imparted to women has a crucial influence in developing their abilities, Mill has urged that women should be imparted "education of understanding" rather than that of mere sentiments; they should also be taught self-dependence and self-respect like men. (Mill, *The Subjection of Women*, 532) But, it should be noted that the principle of equality demands not only equal educational opportunities, but also equal opportunities for applying what has been learnt through educational training. Mill's conception of "justly constituted" family restricts such opportunities for married women.
- Mill's scheme of the fixed gendered division of labour has also contradicted his thesis of individuality emphasized in *On Liberty*. In the essay, considering exercise of individuality as an essential ingredient of human happiness and social progress, (Mill, *On Liberty*, 185) Mill has strongly asserted that the opportunities available for the cultivation of variety of characters is the mark of social progress, whereas "uniformity" should be labeled as a sign of "stagnation". (Mill 201-03) But his conception of a "justly constituted" family prescribing gender specific roles has actually encouraged "uniformity". Having assigned the task of household management to all married women irrespective of their potentialities or abilities, Mill's conception of "justly constituted" family has tried to bring all married women under the same roof, ignoring their diverse characters.

- Mill has stated that rules of justice are such, which, if followed, preserve peace among the members of the society. But, could social justice really be ensured and peace established by restricting women's scope to exercise individuality? The answer is indeed, negative. Mill himself has indirectly acknowledged so in his *The Subjection of Women* where he has drawn our attention to the negative impact of restricting individuality. As he writes, "An active energetic mind if denied liberty will seek for power; refused the command of itself, it will assert its personality by attempting to control others." (Mill 544) Mill has overlooked that by assigning educated married women a fixed task, he has actually restricted free expression of individuality of an active and energetic mind. Hence, there remains every possibility that an educated married woman in Mill's "justly constituted" family would seek for power. Her thirst for power is very much likely to find expression through her unjust treatment of others, chiefly those who work under her supervision in her household. In this context, it should be noted that in Britain during Victorian age, house-wives of the upper middle class family were mainly in charge of domestic affairs and there were quite a few servants to take care of domestic activities under the mistress's supervision. Upper middle class family members had high aspiration to be regarded as "gentleman" or "lady".<sup>ii</sup> (Parkes, *Essay on Women's Work*, 82) To preserve "gentility" wives of the upper middle class were less engaged in household activities. They were mainly engaged in establishing social relations such as giving dinner parties, attending concerts, letter-writing, paying morning calls etc. (Craik, *A Woman's Thoughts about Women*, 227-8)
- Mill's conception of "justly constituted" family might occur as inimical to social progress from the perspective of contemporary development ethicists and economists. Development ethicists and economists of the contemporary era, no longer understands development in monetary term. Development, in the real sense, must be conducive to enhancement of the quality of life of a human being. Fulfillment of all the basic necessities including active agency of human being form an integral part of qualitatively enhanced life. Amartya Sen and Jean Dreze, have argued that agency of women is one of the crucial factors for change and social justice can be achieved only through active agency of women. (Dreze and Sen, *India: Development and Participation*, 251) Mill's conception of "justly constituted" family though acknowledges active agency of married women, the scope of such agency has remained restricted within boundaries of domestic affair. But, social progress is possible only when active agency of women is recognized in social, political and economic sector.

In this context, it is furthermore important to note, as Amartya Sen and Jean Dreze have pointed out, that unless women's critical agency is developed, justice cannot be ensured. (Dreze and Sen 274) Development of critical

agency implies raising question, expressing doubt and rejecting discriminatory tradition. Mill's conception of "justly constituted" family, formed on the basis of fixed gendered division of labour leaves little scope for the development of women's critical agency. Development of critical agency is possible, only when women are allowed to actively participate in social, political and economic life. Though it can be expected that in Mill's "justly constituted" family child care system would improve under the care of an educated mother who is more "valued" in the family, unless women's critical agency is developed, uncritical acceptance of traditional gender biased value system by women of the family would continue to threaten gender-equality and justice within family.

### **Conclusion**

In the light of above discussion, to conclude, it can be argued that though Mill's contribution as an ambassador of women's rights has immense significance, his conception of "justly constituted" family has actually contradicted his spirit of justice by accepting sex as a badge for making a fixed division of labour and restricting the scope for married women's cultivation of individuality. Thus, Mill has actually left the scope open for gender-inequality in the marital relationship. In his conception of "justly constituted family", married women have been treated as means to serve the purpose of family as a primary school of virtue. Their worth as individuals has been sacrificed at the cost of achieving the goal of utilitarian morality.

However, we cannot conclude so without difficulty if we keep in view Mill's assertion that apparent cases of violation of the rules of justice on utilitarian consideration are not cases of sacrificing justice at the altar of utility, rather such cases from the point of utilitarian consideration should be labeled as "particular cases" as distinguished from "ordinary" cases of justice. Hence, it seems that there is a tension lurking underneath Mill's view concerning relationship between utility and justice. Should we interpret his conception of "justly constituted" family as suggesting that gender-justice undermined from the point of utilitarian consideration is not actually arguing for sacrificing justice at the altar of utility, rather it should be interpreted as extraordinary case of justice? Or, should we interpret that in failing to ensure gender justice, Mill has also failed to ensure utility? Or, should we interpret that Mill's conception of "justly constituted" family has paved the path for utility at the cost of justice? If we accept the former two interpretations then in agreement with Mill, it could be argued that a harmonious correlation exists between the notions of utility and justice. On the contrary, if we defend the latter interpretation then in disagreement with Mill, we should argue that justice and utility cannot go hand in hand.<sup>iii</sup>

## Notes

1. Laslie Goldstein has also argued in this line. As she says, “the restraints which Mill believed should be imposed on married women constitute a major exception to his argument for equality of individual liberty between the sexes-an exception so enormous that it threatens to swallow up the entire argument.” (qtd. in Shanley 241)
2. Bessie Rayner Parker has noted in 1865 that English society had firm belief that women of the middle class family lose their caste by household activity.
3. Amartya Sen and Jean Dreze have argued in this line. Dreze and Sen, *India: Development and Participation*, p.274.

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