

The Contributions and Obstacles of Utilitarianism to Legislation and Judiciary

Hanyu Dong¹ Xiaofang Dou²

Shihezi university, Shihezi City Xinjiang Province, 832000;

Abstract: This paper aims to comprehensively and deeply explore the impact of utilitarianism in legislative and judicial practices, analyzing its positive contributions and negative obstacles to provide a reference for improving value balance in legal practices. Using the literature analysis method, this paper combs through utilitarian theories and their manifestations in different legal fields. Starting from the core principle of utilitarianism, "the greatest happiness for the greatest number," it discusses its influence paths in legal rule-making, implementation, and rights protection. The study finds that utilitarianism has indeed contributed to legislation by guiding legislators to focus on overall social benefits and promoting the introduction of regulations meeting public interest needs. However, its obstacles are also significant, such as insufficient protection of minority rights and short-sighted decision-making in legislation, as well as weakening individual rights protection and affecting the proper exercise of judicial discretion in the judiciary. Utilitarianism has a two-sided impact on legislation and judiciary. In legal practice, it is necessary to carefully weigh its advantages and disadvantages, leveraging its benefits in improving overall efficiency while preventing the erosion of fairness, justice, and individual rights to ensure scientific legislation and judicial justice.

Keywords: Utilitarianism; Legislation; Judiciary; The Greatest Happiness for the Greatest Number

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Introduction

The ideological roots of utilitarianism can be traced back to ancient philosophy, but as a systematic and widely influential theory, it has been fully developed and interpreted in modern times. Focusing on considerations of happiness, pleasure, and interests, it discusses evaluation criteria for moral behavior and social policies, occupying an important position in fields such as ethics, politics, economics, and law. It has profoundly influenced the design of social systems, the formulation of legal norms, and individual moral choices, becoming a key theoretical perspective for understanding the value system and governance concepts of modern society.

Utilitarianism holds a unique position in the history of philosophy, examining human behavior, morality, and social systems from a distinctive perspective. Its origins can be traced to embryonic ideas in ancient philosophy, but as a systematic and widely influential theory, it has been fully developed and interpreted in modern times. The connotation of utilitarianism extends beyond discussions of individual codes of conduct to the principles of social organization and operation, profoundly shaping multiple disciplines such as ethics, politics, and economics, and becoming an indispensable theoretical cornerstone for understanding modern social value systems and governance concepts.

1 The Connotation and Development of Utilitarianism

1.1 The Origin and Background of Utilitarianism

The origin of utilitarianism can be traced to the hedonistic ethical tradition of ancient Greece. In ancient Greece, philosophers began to explore the purpose and value of life, with hedonism arguing that the highest goal of life was to pursue pleasure and happiness. However, hedonism at this stage mainly focused on the individual and had not yet linked pleasure to social happiness or interests.

In modern times, with the rise of the Enlightenment, issues such as human nature, interests, and social relations gradually became the focus of philosophers. Thinkers like Bacon, Hobbes, and Locke began to discuss the human tendency

to seek benefits and avoid harms, laying the foundation for utilitarianism. Helvétius proposed a relatively complete social ethical theory centered on utilitarianism, arguing that human nature is to pursue pleasure and avoid pain, with feelings of pleasure or pain serving as the standard for measuring the morality of actions. This provided important methodological support for utilitarianism.

1.2 The Connotation of Utilitarianism

1.2.1 Specific Elaboration of the Connotation

Utilitarianism, also known as consequentialism, is an ethical theory that takes practical interests and individual happiness as the ultimate moral value basis. It holds that the value of any person, action, or thing entirely depends on the extent to which they contribute to promoting this ultimate value. The basic principle of utilitarianism is the "greatest happiness principle," which posits that any correct action must produce the greatest happiness for the greatest number of people while minimizing pain. The legislative principle of utilitarianism takes pain and pleasure as the fundamental yardstick, focusing on the whole ^[1], and may sacrifice the interests of a small minority when necessary ^[2].

Utilitarianism laid the foundation for the analytical school of law, standing in sharp contrast to the natural law school. Although the Chinese term "utility" carries a derogatory connotation, the English "utilitarianism" is derived from "utility," a neutral term based on practicality. The actual connotation of utilitarianism is not short-sightedness but "pursuing the greatest happiness for the greatest number." As Mill argued, utilitarianism aims to build an ideal society where individual and public happiness coexist harmoniously ^[3].

1.2.2 The Core Principle of Utilitarianism

The core principle of utilitarianism is "the greatest happiness for the greatest number," which should serve as the fundamental standard for morality and legislation. This principle means that when evaluating any action, policy, or system, the primary consideration is its impact on the total social happiness. Bentham systematically expounded this core principle, arguing that "happiness" and "pleasure" could be quantitatively measured, while Mill later disagreed ^[4]. Mill emphasized the relationship between individual freedom and social utility, regarding individual freedom as a key condition for maximizing social utility ^[5].

Happiness in utilitarianism is not a single-dimensional concept but encompasses rich content, including material satisfaction (e.g., adequate food, safe housing, medical care) and spiritual pleasure (e.g., knowledge acquisition, artistic appreciation, harmonious relationships, and personal achievement).

Correspondingly, pain in utilitarianism takes multiple forms, including physical suffering from material deprivation (hunger, cold, illness) and spiritual pain (emotional setbacks, social discrimination, freedom restrictions, and fear of uncertainty).

The connotation of utilitarianism is rich and profound, with its core principle running through the definition of happiness and pain, moral evaluation, and social policy-making. It has positively contributed to social progress, fairness, and welfare (e.g., in social welfare and economic policy design). However, it also faces controversies, including Rawls' concern that the majority might use the "greatest happiness principle" to trample on minority rights ^[6].

2 The Impact of Utilitarianism on Legislation

2.1 Contributions of Utilitarianism to Legislation

Utilitarianism promotes transformative legislation by breaking traditional constraints and facilitating social transformation. In many countries' historical processes, it has provided ideological impetus and theoretical support for reforming traditional legal systems. In criminal legislation, utilitarianism, as a methodological element guiding legislators to weigh values, analyze pros and cons, and consider effectiveness, is seen as a theoretical penetration of philosophy into jurisprudence, alongside judicial philosophies like pragmatism and activism ^[7].

During Britain's Industrial Revolution, the feudal legal system could not meet the needs of the emerging industrial bourgeoisie and working class. Guided by utilitarianism, Parliament enacted laws to promote industrial development, protect private property, and regulate labor markets. The Factory Acts, for example, regulated working hours, conditions,

and child labor, protecting workers' rights while enhancing productivity, reducing social conflicts, and promoting industrial growth to increase overall social happiness^[8]. In China, economic legislation since reform and opening-up has adapted to market demands, improving economic efficiency and living standards, reflecting utilitarianism's focus on overall social interests.

Utilitarianism also drives legislative innovation during social crises. During the Great Depression in 1930s America, the Roosevelt administration implemented "New Deal" legislation based on utilitarian principles. The National Industrial Recovery Act, by establishing fair competition rules and minimum wages, aimed to restore industrial order, stimulate investment, create jobs, and alleviate societal suffering^[7].

2.2 Obstacles of Utilitarianism to Legislation

Utilitarianism risks triggering "tyranny of the majority" by prioritizing aggregate happiness, often subordinating minority rights to majority interests. In legislative processes, majority demands are more easily expressed and valued, potentially sacrificing minority rights when pursued excessively. This violates the principle of equal protection under the law, turning law into a tool for majority interests rather than a balance of justice. The trial of Socrates in ancient Athens is a classic example: the Assembly's majority vote to execute him for challenging traditional values may have aligned with majority interests but violated his right to life and free speech, ignoring minority rights^[6].

3 The Impact of Utilitarianism on Judiciary

3.1 Contributions of Utilitarianism to Judiciary

Utilitarianism promotes social welfare in judicial decisions by requiring consideration of overall social interests. In civil and criminal cases, judges balance parties' rights with broader social happiness, as seen in environmental tort and antitrust cases where rulings guide resource allocation and social behavior to foster fairness and sustainability^[9].

It also aligns judiciary with public policy goals, making it a tool for policy implementation. Modern judiciaries no longer merely apply laws mechanically but participate in social governance. In emerging fields like AI and gene editing, courts consider protecting innovators' rights while promoting technological sharing to advance public interests, integrating policy considerations into rulings^[10].

Utilitarianism optimizes judicial resource allocation. Facing limited resources, it advocates distributing resources based on case nature, complexity, and social impact. Some countries' federal and state governments allocate judicial resources according to regional and case-type needs to maximize efficiency^[10].

3.2 Obstacles of Utilitarianism to Judiciary

Utilitarianism threatens judicial independence by exposing courts to external interference. In high-profile cases, public opinion often pressures courts to render decisions aligned with perceived majority interests. Judges who fail to uphold independence may be swayed by such pressure, compromising impartial adjudication based on law and evidence.

Internal utilitarian biases also affect judicial independence. Performance evaluation metrics like case closure rates and appeal rates may lead judges to prioritize metrics over substantive justice.

Moreover, utilitarianism can imbalance individual justice with social utility, sparking disputes over judicial fairness.

4 Countermeasures

4.1 In Legislation

Legislation should not rely solely on utilitarianism but integrate its pursuit of social utility with other legal values like fairness, justice, and human rights. Recognizing law as a complex normative system, it must protect minority rights while pursuing majority happiness.

To address the difficulty of quantifying interests, legislators should adopt scientific interest-measuring mechanisms, combining multi-disciplinary methods (economics, sociology) for quantitative analysis with qualitative considerations of interest nature and long-term social impact through public participation and expert consultation.

Legislators must avoid short-termism by conducting environmental and social impact assessments to analyze laws' long-term economic, social, and ecological effects.

Public participation—through draft public consultation, public hearings, and online feedback—allows diverse interest groups to voice concerns, preventing legislation from favoring majority or partial interests and fostering fairer outcomes through value integration.

4.2 In Judiciary

To address the lack of clear standards in utilitarian judicial application, courts should standardize interest-balancing methods through judicial interpretations, guiding cases, and judge training. Higher courts can issue representative cases to clarify interest-weighting criteria, reducing inconsistent rulings due to subjective differences. Training in legal sociology can enhance judges' scientific and unified application of utilitarian principles, improving judgment authority and predictability.

Judges' comprehensive quality and professional ethics are crucial. Enhancing legal literacy enables accurate law application in complex cases, while ethical education ensures they uphold justice and avoid compromising judicial credibility for utilitarian outcomes.

5 Countermeasures

This study has limitations in researching emerging legal fields. Rapid technological advancements (e.g., AI, blockchain) pose new legal challenges, but this paper insufficiently analyzes utilitarianism's role and potential issues in these areas. Future research should focus on utilitarianism's application in AI law, blockchain law, and other emerging fields, exploring its interaction with new legal values and mechanisms for adapting legislation and judiciary to technological change.

In summary, while this study deeply understands utilitarianism's contributions and obstacles to legislation and judiciary, it requires further refinement. Future research should innovate and deepen these insights to address evolving legal complexities and advance jurisprudential theory and practice.

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