

JOHN STUART MILL (1806-1873)

*On Liberty* (1859)

in *On Liberty* Mill offers the classic defense of individual liberty against the potential abuse of the ‘tyranny of the majority’ to prevent this tyranny, Mill sets out “one very simple principle” often referred to as “Mill’s Liberty Principle”

it is a principle that will define the proper scope of individual liberty and this principle he defends in *On Liberty* with reasoned arguments this *principle of liberty* states that

“the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others” (*On Liberty*, Chapter I).

Mill regards the protection of individual liberty to be a necessary condition for the development of a human being

in addition he presents four specific grounds for the principle of liberty:

- 1) we (individuals) should be in charge of our own affairs, as we are both the most interested in our own well being and more knowledgeable about our own situation and values than others
- 2) we are not accountable to others for self-respect of self-development since it is not “for the good of mankind that [we] be held accountable
- 3) society should attempt to make people capable of rational conduct while they are children, not after they are adults
- 4) when the public does interfere with personal conduct, “the odds are that it interferes wrongly, and in the wrong place”

Chapter I

*Introductory*

Mill begins by making clear that the subject of his essay is not “liberty of the will” i.e., the metaphysical problem of “free-will”

but is rather the political question of civil or social liberty

which aims to determine “the nature and limits of the power which can be legitimately exercised by society over the individual”.

Mill’s essay thus focuses on the relationship between liberty and authority when does the state have the right to interfere in people’s lives and liberties? between the extremes of anarchism—where the state has no justified authority and totalitarianism—where the state has total authority as in Hobbes’s social contract, where the individual has no real “rights” which the state has an obligation to protect where between these extremes is the proper balance of liberty and authority?

Mill notes that it is a question seldom stated and hardly ever discussed though soon he predicts it will be “the vital question of the future”

and yet it is not a new question  
but one that has “divided mankind almost from the remotest ages”  
it is simply the struggle between liberty and authority  
where should liberty end and authority rule?  
or where should authority be constrained and liberty allowed?

for most of the history of this struggle between liberty and authority  
the struggle for liberty was waged against the tyranny of political rulers  
here Mill is referring to the conception of civil liberty as found in Locke  
and which found expression in the American and French revolutions  
Mill notes that this struggle for liberty against the oppression of tyrannical rulers  
took two different paths

- 1) “obtaining recognition of certain immunities, called political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe” (Locke and Rousseau)
- 2) “the establishment of constitutional checks” (Locke and Montesquieu)

for Mill this defense of liberty does not go far enough  
it is not enough that the rulers simply be identified with the people  
Mill explicitly identifies the problem to which his essay is addressed  
to be the “tyranny of the majority”  
the problem is that the majority may not be wise  
most people think that their opinions do not need to be questioned  
and that their preferences need not be supported  
especially if those preferences are widely shared  
the majority thus often impose their rules of conduct on others  
even when those rules are the product of unreflective opinion  
individuals are thus subjected to the tyranny of popular opinion  
Mill goes on to describe this tyranny as more formidable than many kinds of political oppression  
the question is where to place the limit  
where to find the balance between individual independence and social control?

Mill’s Liberty Principle is his answer  
individual liberty should be extended as far as possible  
the only constraint society can impose individual liberty  
is to prevent harm to others  
as long as one is not harming others  
one should be free to do what one wants to do  
it is only when others are involved at all that society should have any concern

in this defense of individual liberty  
Mill explicitly avoids making use of the notion of “natural rights”  
basing his defense of liberty on Utilitarian grounds

It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being.

Mill never abandons the utilitarian principle that utility is the final ground for all policy decisions  
he argues that the basic utilitarian principle—the greatest happiness for the greatest number

is best achieved by letting everyone have virtually unrestricted freedom  
not only of thought but also of action  
the only limitation to individual liberty is that one must not cause harm to others

this notion of “man as a progressive being”  
shows how Mill’s Utilitarianism was modified by the influence of Romanticism  
and from Romanticism back through Hegel and to Rousseau  
the idea that the human being is not complete  
but a work in progress

it is also important to point out  
that Mill emphasizes that his principle applies to  
“any member of a civilized community”  
it is meant to apply  
“Only to human beings in the maturity of their faculties”  
children and barbarians are thus excluded  
his point is that liberty is valuable only under certain conditions  
if those conditions are not met  
then liberty can cause a great deal of harm  
Mill still held the Victorian age attitude that certain peoples were ‘backward’  
and thus should be treated as children

Mill emphasizes that when society is in its maturity  
then whatever concerns only the individual and not society  
should be left to the individual  
the appropriate region of human liberty comprises  
(1) the freedom of thought  
and the freedom of speech  
“the liberty of expressing and publishing opinion”  
though both might seem to fall under a different principle  
Mill finds freedom of speech to be practically inseparable from freedom of thought

(2) the individual should have liberty in their tastes and pursuits  
“of framing the plan of our life to suit our own character”  
we should all be free to do what we want with our lives  
(3) freedom to unite for any purpose not involving harm to others (freedom of assembly)

## Chapter II *Of the Liberty of Thought and Discussion*

one of Mill’s cherished beliefs was that there should be  
complete freedom of thought and expression of opinion  
though there may sometimes be limits to what one is permitted to say in public

freedom of thought and expression should not be denied by law or by public opinion  
Mill’s central argument is that something essential to humanity is lost if this freedom is restricted  
the fact that a view is unpopular is no reason to silence it  
Mill argues we have good reason to welcome even unpopular views

But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation—those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error.

in a rather long chapter Mill follows out the consequences that would follow from the different possibilities concerning a suppressed opinion

- (1) if the suppressed opinion was true
- (2) if the suppressed opinion was false
- (3) if the suppressed opinion was part of the truth

**(1) if the suppressed opinion was true**

obviously the possibility of gaining knowledge and correcting error would be lost if the suppressed opinion were true

Mill is cautioning here against the arrogance that follows the belief that one has certain knowledge with this arrogance opinions are suppressed that might turn out true after all

Mill argues one can never be absolutely certain the suppressed opinion is false

Mill considers the possible argument against his position

one argument is that even without certainty

at times one has to act on the best evidence one has

even if we cannot have absolute certainty, so the argument goes,

we still can be pretty sure enough to “forbid bad men to pervert society by the propagation of opinions which we regard as false and pernicious.”

Mill responds to this with a stirring defense of the examined life

shutting out and not hearing contrary opinions undermines the possibility of getting to the truth

even the most established and certain doctrine

should be questioned

Mill uses Newtonian physics as an example

which turns out, with the later development of Einstein,

to be a pretty good example to make the point he wants to make

Mill argues that no view should be considered so certain that

any challenge against it is not permitted

Mill also argues against suppressing an opinion on the grounds of utility

some would argue that some views should be unquestioned because they are so useful

Mill responds that the usefulness of an opinion is itself a matter of opinion

and to suppress an opinion because it conflicts with one we find useful

is again to assume one’s infallibility

Mill recalls the example of Socrates

one who was condemned because some in Athens wanted him silenced

Mill alludes also to the case of Jesus

condemned as well because his views challenged accepted opinions in his day

Mill then brings up the case of Marcus Aurelius (Roman emperor 161-80)

as a sort of counter-example in support of his argument

Aurelius was a wise and gentle ruler and yet persecuted Christians for their beliefs

which Mill finds to be “one of the most tragic events in all history”

Mill makes the point that Christians are no more certain that atheism is false than Marcus Aurelius was in his day that Christianity was false  
this is a good example to think through Mill's argument here  
for it is often Christians today, especially fundamentalist Christians, who argue for the suppression of thought

again taking the side of his opponents  
Mill notes that some think that truth ought to pass through the ordeal of persecution  
Mill reminds those who would take this view that Christianity might have been extinguished in the Roman Empire

one objection to Mill here  
is it really always better, purely on utilitarian grounds, to know the truth than to remain in ignorance?  
are there times when knowing the truth would be worse?  
are there times when the truth is too hard to bear?  
are there times when revealing the truth might be destructive to society?  
Rousseau had suggested as much in his first essay *The Discourse on the Arts and Sciences*  
this work challenged the Enlightenment confidence in the progress of science  
and in so doing was a precursor to Romanticism  
someone today might bring up the example of nuclear weapons  
or, after Fukushima, even nuclear power  
might it have been better for humanity, had Einstein never revealed the truth that  $E=mc^2$ ?

against this tendency to suppress opinions which might be regarded as dangerous or false  
Mill's response is that the usefulness of an opinion is also a matter of opinion  
Mill argues that one should have the modesty of recognizing that one is fallible  
and also the intellectual courage to hear out contrary views  
thought should not be suppressed  
a thinker should be allowed to experiment in his thinking even if that sometimes leads to error

**(2) if the suppressed opinion was false**

Mill argues something is lost here too even if the suppressed view turns out to be false and the opinion of the majority turns out to be true  
on the one hand, if a view is held without considering possible objections then "it will be held as a dead dogma, not a living truth"

Mill is making a similar case as Plato did  
when Plato distinguished *knowledge* from *true belief*  
it is not enough for a belief to be true for it to count as knowledge  
one must know also the reason why it is true  
one must have tested the belief by considering objections to it  
thus an unexamined belief, though true, is not knowledge

furthermore, if one does not allow the accepted view to be challenged then the accepted view might not be adequately defended, even if it turns out to be true and the false view may gain a popularity it does not merit

Mill argues that one cannot defend truth by denying a hearing to possible objections  
one must grant a hearing to the other side

and one must allow it to be presented in its strongest case  
one doesn't defeat an opposing position by reducing it to something easily refuted (the strawman)  
all of this leads Mill to conclude "If the teachers of mankind are to be cognizant of all that they ought to know, everything must be free to be written and published without constraint."

Mill concludes this section of his argument by again coming back to Socrates  
Plato dialogues often were not so much trying to convince the reader of an opinion  
but rather were exercises aimed at getting the reader to question opinions

**(3) if the suppressed opinion was part of the truth**

this is the possibility which Mill contends is more often the case  
in this context Mill brings up Rousseau  
in particular, Rousseau's criticism of the Enlightenment doctrine of progress  
Rousseau's questioning of the progress of civilization  
was quite a "salutary shock"  
which exploded like bombshells in the midst of the Enlightenment optimism  
for Mill there was more truth in the Enlightenment notion of the progress of civilization  
but there was enough truth in what Rousseau said  
his extolling the simplicity of life  
and questioning the hypocrisies of artificial society  
that it would certainly have been unenlightened to have suppressed Rousseau's thought

Mill ends this section with a critique of the view which regards  
Christian moral teaching as the "complete rule for guidance"  
toward the end of this long chapter Mill sums up his argument  
supporting freedom of opinion and the expression of opinion  
on four distinct grounds:

- (1) "if any opinion is compelled to silence, that opinion may, for ought we can certainly know, be true"
- (2) "though the silenced opinion be an error, it may, and very commonly does, contain a portion of the truth"
- (3) "even if the received opinion be not only true, but the whole truth; unless it is suffered to be and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feelings of its rational grounds"
- (4) "the meaning of the doctrine itself will be in danger of being lost or enfeebled, and deprived of its vital effect"

Chapter III

*Of Individuality, as One of the Elements of Well-Being*

here Mill takes up the issue not of freedom of thought  
but to what extent should one be free to act upon their opinions  
Mill's main point here is that, again,  
it is only when actions do harm to others that they should be restricted  
and even opinions which are an incitement to violence lose their immunity from restriction

Mill provides an interesting set of examples  
like when someone tells an excited mob that private property is robbery  
outside of this limitation Mill grants the widest scope of individual liberty

so according to Mill we may interfere with the liberty of an adult only to prevent harm, or threat of harm to others  
but what does Mill mean by harm?  
it is clear for Mill that merely finding a view offensive, or disliking a view, is not harm  
Mill often uses the terminology of “interests”  
thus the Liberty Principle might be stated:  
‘act as you like, so long as your action does not harm the interests of another’  
but then we may wonder what exactly constitutes one’s “interests”?  
Mill will explore this further in the next chapter

in the remainder of this chapter Mill emphasizes that the state should not restrict private moral concerns  
“there should be different experiments of living”  
Mill argues here that the free development of individuality is “one of the leading essentials of well-being”  
individuals should thus be free to choose his or her own plan of life  
“Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing. . . .”

#### Chapter IV *Of the Limits to the Authority of Society over the Individual*

Mill sets out to establish the limits of society  
he rejects the notion of the social contract  
“no good purpose is answered by inventing a contract in order to deduce social obligations from it”

Mill argues that living in society does bind the individual from injuring the interests of another and here Mill explores further what is meant by “interests”  
the interests of another which the Liberty Principle protects from harm are what “ought to be considered as rights”  
Mill does not consider rights as something discovered in the laws of nature written by the hand of God (Locke and Rousseau’s notion of rights)  
rights are simply what is determined by human convention established by law “or by tacit understanding”  
if one’s conduct affects the rights of others then “society has jurisdiction over it”  
if one’s actions do not affect the rights of others then “there should be perfect freedom, legal and social”

this raises two problems:  
first, how do we know what rights we have?

The idea that people have certain basic rights  
rights that are universal, that is held by any human being by virtue of being a human being  
rights that are inalienable, that is cannot be taken away  
is fundamental to liberal political thought since Locke  
normally these rights are thought to include:  
the right to life, free speech, free assembly, freedom of movement  
the right to vote, the right to stand for office

some theorists add the rights to decent standards of living  
the right to adequate shelter, food, and health care

any action that violates these rights, particularly any government action, is morally wrong  
but how does one know which rights are the ones that should be considered  
universal and inalienable?

The idea of natural rights is problematic  
the idea that they are universal and inalienable because they are natural  
given in nature, “endowed by the Creator” as Locke put it  
does not allow for an adequate defense of the right  
suppose someone questions whether there are any natural rights  
how could one reply?  
furthermore, how does one know which rights are natural?

before Mill, Jeremy Bentham had delivered a devastating attack on the idea of natural rights  
“nonsense on stilts” is the way he put it  
on Bentham’s view rights are simply determined by law:  
“Right is with me the child of law . . . A natural right is a son that never had a father.”  
Mill accepted Bentham’s view that rights can only be created by law  
but this is problematic for Mill  
because he saw himself as a social reformer  
to accept that a right is only what has already been accepted by law  
would undercut any attempt to use an appeal to human rights  
as a means of liberation from social and governmental oppression  
to merely accept conventional rights  
would be to fall back on prejudice and custom  
which Mill certainly did not want to do

thus, the problem for Mill  
if one doesn’t appeal to natural rights  
and also cannot rely on merely conventional rights  
then what other options are there?  
Mill tries to defend a notion of rights derived from utilitarianism

Mill elsewhere develops this notion of rights:  
“To have a right, then, is, I conceive, to have something which society ought to defend me in the  
possession of. If the objector goes on to ask, why it ought? I can give no other reason than utility”  
(*Utilitarianism*, 309).

The basic idea is to lay out a system of rights  
which will maximize the general happiness  
here one must recognize Mill’s development of Utilitarianism  
the distinction between act and rule utilitarianism  
or direct and indirect utilitarianism

in act or direct utilitarianism  
one determines the utility of an action by considering just that action  
this view faces the troubling prospect  
that it may be acceptable to punish someone innocent of a crime



if it will placate the angry mob

rule or indirect utilitarianism

holds that one must consider the general rule

while in particular instances seem to serve the greatest happiness

to make a scapegoat of someone

the long term general happiness is best served by not making anyone into a scapegoat

thus Mill's Liberty Principle might be put like this:

the greatest happiness will be achieved

by giving people a private sphere where no intervention is permitted

while allowing for a public sphere where intervention is possible

but only when it serves the long term general happiness

this utilitarian defense of the Liberty Principle seems plausible

but it has been met with strong criticism

there are plenty of examples where liberty and utility conflict

this brings out the fact that even if one is able to construct a utilitarian theory of rights

there is no necessity that a utilitarian theory would be a liberal one

it might be the case after all, one might argue,

that a society regulated by a strict, conservative morality

would achieve greater general happiness than one that allowed

“new and original experiments in living”

Mill's response to this

1) leaving people to themselves will tend to make them happier than forced obedience to societies morals

2) the exercise of freedom of choice is vital to the full development of human nature

3) human progress is best served by giving individuals liberty to engage in “experiments in living”

thus we can see the importance of his statement in Chapter I defending the utilitarian principle:

“it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being”

the cornerstone of Mill's doctrine is thus the idea of progress

underlying his view is the Enlightenment confidence in progress

in the idea that the direction of human history is toward progress

In the rest of the chapter

Mill explores further the liberty to engage in “new and original experiments in living”

Mill accepts certain limitations to this liberty

“The only thing it is sought to prevent are things which have been tried and condemned from the beginning of the world until now; things which experience has shown not to be useful or suitable to any person's individuality.”

Chapter V

*Applications*

Mill here discusses some exceptions to his general view

that whatever concerns only the individual should be left to the individual

he suggests here that this liberty should sometimes be limited

when the conduct results in the individual being injurious to themselves  
the example he gives is that society should restrict an individual  
from selling himself, or allowing himself to be sold as a slave

In this and most other civilized countries, for example, an engagement by which a person should  
sell himself to be sold, as a slave would be null and void, neither enforced by law nor by opinion.

of course, at the time Mill wrote this (1859) this could not yet be said of the U.S.A.

At the outset of the essay Mill had said  
that we should all be free to do what we want with our lives  
so long as what we do does not cause harm to others  
even if our conduct appears to others to be foolish, perverse or wrong  
but here in this case of slavery  
Mill is suggesting that individuals might be restricted from harming themselves

what other issues besides selling oneself or allowing oneself to be sold into slavery  
might Mill recognize a limitation to individual liberty?

Finally, at the end Mill turns to the question of whether  
government has any legitimate role in helping individuals

Mill lists three reasons to limit government interference:

- 1) when the thing to be done is likely better done by individuals and not the government
- 2) when the thing to be done should be done by the individual and not the government even if the government can do better
- 3) simply to limit the “great evil of adding unnecessarily to its power”

### **Mill's Influence**

Utilitarianism became one of the most influential movements of late 19<sup>th</sup> and early 20<sup>th</sup> century  
ethical and political thought both in Europe and the United States  
Mill helped initiate the 19<sup>th</sup> century debate over justice and equality  
his views of a healthy society as one that grows and changes with the times  
and which encourages individuality, even eccentricity, is deeply influential to this day