

Notes for a Discussion of J.S. Mill, *On Liberty*

1. Introducing John Stuart Mill
 - a. John Stuart Mill (d. 1873), was a prominent philosopher, economist, and (eventually) politician in nineteenth-century England. Trained from a young age in the classics and sciences, he became something of an intellectual wunderkind. This training had been part of the intentional plan of his father—political economist James Mill—to turn his oldest son into an exceptional advocate for the cause of utilitarianism and social reform.
 - b. The younger Mill was influenced both theoretically and personally by the other political economists of his father’s generation, such as David Ricardo and Jeremy Bentham. Though we usually associate the dawn of utilitarianism with Bentham’s work, Mill would come to develop his own kind of utilitarian approach, which differed from Bentham’s in key respects.
 - c. While we can’t delve too deeply into all the subtle differences between Mill and Bentham here, we can at least sketch out a distinction between Act Utilitarianism and Rule Utilitarianism. Act Utilitarianism, sometimes associated with classical Benthamism, holds that morality consists in working toward the general utility of the population in every specific act. Each situation must be evaluated in terms of general utility, and decisions must be made on the basis of that context-specific estimation. Rule Utilitarianism, meanwhile, holds that we should develop a more constant framework of rules that, on the whole, should lead to the greater general utility. In any given situation, we would then apply that system of rules when deciding upon how to act. Even if performing an act might seem to decrease general utility in its own context, we should still do it if it is in keeping with the overall system of rules, since that system (taken as a whole) is a greater guarantor of utility in the long run. Mill’s approach tends in this direction of Rule Utilitarianism, and so his work is drawn to the question of how to connect questions of moral action to the political realities of legislation and governance.
 - d. Mill’s *On Liberty* (1859) is then an attempt to carve out of a place for liberty within this utilitarian portrayal of political society. In some sense, he’ll have to make the case that the flourishing of liberty can contribute to the general utility, which might be doubted by someone who thinks strict rule-following to be the safer way towards ensuring the happiness of the broader population.
 - e. Finally, we should take note of the sincere devotion evident in Mill’s dedication of *On Liberty* to his recently deceased wife Harriet Taylor. She was the object not just of his affection, but also of his admiration. He saw her as an intellectual conversation partner, which was not how many of his male contemporaries might have seen the women in their lives. So we should take to heart Mill’s claims that much of his thought—whether here in *On Liberty* or in *The Subjection of Women* (1869)—could only have taken shape in dialogue with Harriet Taylor.
2. What is Liberty?
 - a. Mill begins his work by getting clear on what he means by ‘liberty.’ He is not, first and foremost, interested in the philosophical question of free will. Instead, he is concerned with the potentially more pragmatic matter of “civil” or “social” liberty. (5)
 - b. This kind of liberty has been fought for by those who would stand up to tyrannical forms of authority. The classic picture Mill paints for us is here that of a ruled

people standing up against its dictatorial ruler, usually a king. In the face of monarchical authority, the people have often tried to erect two barriers or limits. The first of these consists in “political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe...” (6) The second limit resides in “constitutional checks, by which the consent of the community, or of a body of some sort, supposed to represent its interests, was made a necessary condition to some of the more important acts of the governing power.” (6)

- c. And yet, to the degree that these limits have been installed, they have often lulled the seemingly democratic populace into a false sense of security. The hunger for liberty, which had driven the deposition of the tyrant, now wanes. The people are under the mistaken impression that they cannot be tyrannized by themselves, by their own popular authority. But—as we already saw with Tocqueville—a popular majority can tyrannize just as effectively as a king. And so, in Mill’s view, we mustn’t allow ourselves to lose our hunger for preserving liberty in the face of our own communal authority. (7)
 - d. Concerning this “tyranny of the majority,” Mill writes: “The will of the people, moreover, practically means the will of the most numerous or the most active part of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power.” (8)
3. Morally Combatting the Tyranny of the Majority
- a. This majoritarian tyranny can manifest itself not only as a set of political laws, but also as the despotism of social opinion. (9) ‘Rule’ can be enforced in many ways. (Cf. here Tocqueville’s dual emphasis on the power of laws and mores in American society...)
 - b. But where do our opinions and mores come from? Mill isn’t claiming that all of our moral conceptions are bad or wrong, but he does think they come from an unfittingly unreflective place. They are rooted in “sympathies and antipathies which had little or nothing to do with the interests of society,” which “have made themselves felt in the establishment of moralities with quite as great force.” (11)
 - c. What is needed here is a sense of the reasons grounding not only our laws, but also our moral predilections. If we could ground our sentiments on reason, then we’d have a more effective basis on which to build up a society—at least from a utilitarian point of view.
 - d. Mill’s method thus consists in the rational questioning of the legal and moral frameworks by which governing authorities are able to set limits on free human activity. Even in the case of legal toleration, moral pressures can ensure that society’s opinions continue to wield great power over a supposedly liberated populace. (12)
4. The Harm Principle
- a. Our first goal, then, should be to determine where governing authority—whether in the form of laws or of mores—should stop and human liberty should begin. But we don’t seem to have a solid principle for determining such things. As Mill puts it: “There is, in fact, no recognized principle by which the propriety or impropriety of government interference is customarily tested. People decide according to their personal preferences.” (13)
 - b. Yet, Mill contends, reason can uncover just such a principle. And: “That principle is 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.” (14)

- c. In all other cases, then: “Over himself, over his own body and mind, the individual is sovereign.” (14)
 - d. This robust state of liberty is not something that humankind has always been capable of realizing, according to Mill. Civil liberty arises at a key point in human history: “Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.” (15) Before then, authority is indeed mandated.
 - e. This doctrine of liberty is then not at all founded on an “abstract right” of human nature, but on the general interest of human development taken historically. It is in progress that utility finds its growth and victory: “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. Those interests, I contend, authorize the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people.” (15)
 - f. In the private sphere, free people must be allowed to occupy the whole region of liberty. According to Mill, this consists of three primary zones: the liberty of thought and expression; liberty of tastes; and liberty of association. (16)
 - g. If this region of liberty is preserved, then not just individual humans but humanity as a whole will prosper: “The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.” (17)
5. Liberty of Thought & Discussion
- a. Limitations on our freedom to think and speak freely are destructive not only to those who are silenced, but also to those who do the silencing. This is because the free exchange of ideas allows humankind, as a whole, to progress further and further along the path of truth. Variety is the engine of human advancement.
 - b. Because of this, all opinions—whether they turn out to be true or false, justified or unjustified—should be expressed in public fora. As Mill writes: “If the opinion is right, they [i.e. the populace] 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.” (21)
 - c. If we suppress every opinion that seems false to us, we will only blind ourselves to potential truths that haven’t yet revealed themselves to us. In any given historical context, we can’t really even be sure if we have a full grasp on truth and falsity in the realm of opinion. “Mere accident” often conditions the historical and cultural worlds into which we are born, says Mill, and we often need to open ourselves to the diversity of human perspectives if we want to learn anything. As he adds: “ages are no more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present.” (23)

- d. Much of what Mill says here depends on his notion of truth. He's not terribly interested in the idea of a fixed and authoritative truth that has to be defended at all costs. Instead, he's interested in the kind of work truth can do for us. He's interested in its effect and its utility. He writes: "There is the greatest difference between presuming an opinion to be true because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation." (24)
 - i. Cf. a bit later: "The truth of an opinion is part of its utility." (27)
- e. Progress happens through discussion and contestation, through which we can determine which beliefs are warranted and which are not. These beliefs remain fallible and falsifiable, although they still provide us with enough of a basis to get our work done: "This is the amount of certainty attainable by a fallible being, and this is the sole way of attaining it." (26)
- f. To overstep the bounds of our limited certainty in an attempt to project our 'infallible' views onto others is to destroy the fruits of human freethinking. As Mill writes: "it is not the feeling sure of a doctrine... which I call an assumption of infallibility. It is the undertaking to decide that question for others..." (28) This assumption of infallibility, he continues, has been responsible for attempting to silence so many of humanity's great thinkers: Socrates, Jesus, Luther, and so on.
- g. But even if these freethinkers are indeed silenced in their own time, truth still tends to win out in the long run: "The real advantage which truth has consist in this, that when an opinion is true, it may be extinguished once, twice, or many times, but in the course of ages there will generally be found persons to rediscover it, until some one of its reappearances falls on a time when from favorable circumstances it escapes persecution until it has made such head as to withstand all subsequent attempts to suppress it." (34)
- h. Quite often, this silencing power comes not from physical force, but through intellectual pacification: "But the price paid for this sort of intellectual pacification is the sacrifice of the entire moral courage of the human mind." (38) The development of an intellectually agile populace is hindered by this general drive towards conformism and stability. (Recall Tocqueville's claim that the American majority can silence nonconformist views without needing recourse to physical oppression.)
- i. If this intellectual pacification takes over the entirety of the public sphere, then the human search for truth will grind to a dogmatic halt: "However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth." (40)
 - i. Christianity looms large in Mill's juxtaposition of living truth to dead dogma. He identifies the Reformation with the progressive element in European culture, while the seemingly authoritarian Church seeks to pacify the public intellect. The result is that the Church's approved opinions are widely accepted but little understood.
- j. Humanity's mental well-being, then, depends on the freedom of opinion and expression. Near the end of Chapter II, Mill recapitulates the four basic reasons why this is the case (59):
 - i. To deny debate is to assume infallibility.
 - ii. To silence all errors is to miss the truth in them.

- iii. To hold to a truth without debate is prejudice.
 - iv. To hold a truth as authoritative is to risk losing its meaning and vitality.
 - k. For a people interested in progress and liberty, then, the “morality of public discussion” must be preserved. (61) Law and authority mustn’t be allowed to restrain the free flow of speech, especially when that speech is representing a minority position.
- 6. Individuality
 - a. By this point, it’s rather clear that Mill believes in freedom of opinion. But should everyone also be free to act on those opinions? Well, not if that violates Mill’s Harm Principle. Provided that this principle isn’t violated, however, people should indeed be free to act on their opinions and explore life’s possibilities.
 - b. As Mill writes: “As it is useful that while mankind are imperfect there should be different opinions, is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person’s own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.” (63)
 - c. Even if children do have to be educated within some sort of tradition, adults should be able to judge for themselves how they want those traditions to affect their own lives: “it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way.” (64)
 - d. This kind of individuality is key if we want to realize “human worth,” which Mill sees as a combination of both “pagan” self-assertion and “Christian” self-denial. In his age, the greater risk seemed to be that self-denial would efface the individual’s ability to flourish in his or her own way. (69)
 - e. Writes Mill: “In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. There is a great fullness of life about his own existence, and when there is more life in the units there is more in the mass which is composed of them.” (70)
 - f. When it comes to individuality, human society tends to waver between the two poles of genius and mediocrity, with mediocrity usually winning the day. But Mill wants to create the conditions under which genius can prosper, whenever it should happen to arise: “Persons of genius are... more individual than any other people.... I insist thus emphatically on the importance of genius, and the necessity of allowing it to unfold itself freely both in thought and in practice, being well aware that no one will deny the position in theory, but knowing also that almost everyone, in reality, is totally indifferent to it.” (72)
 - g. But: “In sober truth, whatever homage may be professed, or even paid, to real or supposed mental superiority, the general tendency of things throughout the world is to render mediocrity the ascendant power among mankind.” (73)
 - h. Mill doesn’t want to advocate a brand of hero-worship, according to which all of society would bow down at the feet of some privileged genius. Rather, he just wants society to be able to make room for and listen to a genius if one happens to arise. For: “There is no reason that all human existence should be constructed on some one

or some small number of patterns.” (75) And the genius is best at busting out of those restrictive patterns.

- i. Just as truth tends to win out in the long run, so does it liberty in the long run that drives human improvement and progress. If individual freedom is lost, then society as a whole suffers: “A people, it appears, may be progressive for a certain length of time, and then stop: when does it stop? When it ceases to possess individuality.” (79)
 - j. The battle now pits individuality against assimilation, which seems to be on the ascendant: “And the assimilation is still proceeding. All the political changes of the age promote it, since they all tend to raise the low and lower the high.” (81) Placing premium value on individuality then serves the end-goal of fighting back against the assimilationist tendencies of modern politics, education, communication technologies, commerce, and industry.
 - i. Here we might be reminded of Tocqueville—especially since Mill cites him explicitly on this same page. Mill too is responding to a general trend of ‘equalization’ and he too is concerned that conformism will be the result. Yet how can we decide when progress towards equality risks becoming a debilitating conformism? Who polices that line? Is perhaps mediocrity the just price of a truly equal society? Does the preservation of the genius-ideal leave a democratic society ever open to aristocracy or totalitarianism?
7. Limits on Social Authority
- a. Though Mill holds firmly that “society is not founded on a contract,” he does think that certain codes of conduct must govern human activity in society: “This conduct consists, first, in not injuring the interests of one another; or rather certain interests, which, either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly, in each person’s bearing his share (to be fixed on some equitable principle) of the labors and sacrifices incurred for defending the society or its members from injury and molestation.” (83) Regarding individual action, then, society can only intervene to protect others’ rights or enforce individual responsibilities.
 - b. It is wrong, then, for us to invoke society’s power to stop others from engaging in activities we find frivolous or immoral. Though we remain free to hold our own disparaging opinions about such people, we’ll have to stop short of dragging them before the courts. (86-87)
 - c. Of course, if an individual’s predilections prove actually damaging to society as a whole, then there might be a moral and legal basis for sanctioning them. But if they are merely distasteful, then the rule of liberty should be observed, since “the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom.” (91) There should, in other words, be no tyranny of “taste.” (93) Boundaries must be set on the “moral police.” (94)
 - i. A good case study here would be the temperance movement and its drive toward prohibition. Mill discusses prohibition and associates it with a legal sanctioning of taste. (98)
 - ii. Mormon polygamy is used as another example later on (102).
 - d. Mill opposes himself to the notion of “social rights:” the idea that others have to live in accordance with one’s own moral framework or else face punishment of some kind. Of this he writes: “So monstrous a principle is far more dangerous than any single interference with liberty...” (99)

- e. Even if Mill himself is in personal agreement with the moral claims of many ‘civilized civilizers,’ he does not at all believe they have the right of dictating moral terms to those of whom they disapprove. (E.g. polygamists!) As he so strikingly puts it: “I am not aware that any community has a right to force another to be civilized.” (102) Again, he wants to draw a firm line between the realm of our moral opinions and the realm of liberty in society. Disapproval is one thing; abuse of authority is quite another. So: in no case can mere taste be grounds for legal, punitive, or violent action against free individuals—provided that they aren’t harming others. (This can be seen as a modified application of the Harm Principle we’d encountered earlier.)
8. Applied Liberty
- a. In the final section of his treatise, Mill arrives at two general maxims:
- i. “the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself.” (104)
 - ii. “for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishment, if society is of opinion that the one or the other is requisite for its protection.” (104)
- b. Applying these general maxims to specific aspects of society can yield varying results. In the realm of economics, for example, we might think that any kind of free market competition might be disallowed, since it leads individuals to act against the interests of their fellows. But Mill makes a special place for economic competition, arguing that this is a kind of suffering that society must allow in the “general interest of mankind.” (105)
- i. Marx might say otherwise!
- c. Yet Mill is not entirely devoted to the ideal of Free Trade at any cost. He also allows that while “restraint” in general is an “evil,” society may have compelling reasons to limit free trade for the greater good in certain circumstances. (105)
- d. After giving his opinion on everything from government registries to prescriptions and vice laws, Mill comes upon one of the extreme limits of freedom: the liberty to sell yourself for a slave. This he disallows completely: “The principle of freedom cannot require that he should be free not to be free. It is not freedom to be allowed to alienate his freedom.” (114)
- e. When it comes to the domestic setting, Mill argues fiercely against the despotism of the father over his family. This was an issue dear to Mill’s heart, as we’ll see also in his *Subjection of Women* text. (116)
- f. With regard to education, Mill favors a diversified system that will nourish the variety of human learning. This is in keeping with his general interest in encouraging diversity and experimentation in free society. Education shouldn’t be a cage of conformity, but rather an engine for innovation. (117-118)
- g. As it stands, we have liberty backwards. We tend to expand the realm of freedom when it comes to hurting others, while restricting it when it comes to helping ourselves toward happiness. If we want to progress as a society, then, we’ll have to invert our sense of freedom so as to observe the harm principle while pursuing utility—pleasure for ourselves and for each other. (120)
- h. The State, in this picture, would seem to be mostly preoccupied with the task of supporting a diversity of experiments in experience, education, and commerce. Mill has no interest in authoritarian or technocratic rule. (122-123)

- i. Still, he admits that centralization—especially of information—can have great strengths and benefits. Totally libertarian anarchy is not his idea of utopia. One of our core goals should be “to secure as much of the advantages of centralized power and intelligence as can be had without turning into government channels too great a proportion of the general activity...” (126)
- j. And the golden mean might lie in this: “the greatest dissemination of power consists with efficiency; but the greatest possible centralization of information, and diffusion of it from the center.” (126)
- k. The role of the central government in a free society would then perhaps be this: to compile information from society’s experiments and this to aid individuals in their development. But in doing this, it would never step in to decide on behalf of individuals. (127) As Mill writes: “The worth of a State, in the long run, is the worth of the individuals composing it...”
- l. The bureaucratic state, however, diminishes all variety and vital power in favor of the regularity of a machine. Eventually, this dulls the mental capacities of individuals and so weakens the State itself. And so the machine must be used to augment and support the experimental variations of human development, which flourish most when liberty is preserved.