

**Notes for a Seminar-Style Discussion of**  
**John Stuart Mill's *On Liberty***

**Session I**

General Topic of Discussion: John Stuart Mill, *On Liberty*, I-II

Outline of Discussion

1. Regulating Likes & Dislikes
2. Putting Liberty First (as a Principle)
3. What Does Mill Mean by “Liberty?”
4. Harm Principle
5. Liberty, Public Debate, & Truth

Flow of Discussion

- After we got started on Mill with some helpful conceptual and contextual pointers, Y. brought us into the text with a passage from p. 11: “The likings and dislikings of society, or of some powerful portion of it, are thus the main thing which has practically determined the rules laid down for general observance, under the penalties of law or opinion. And in general, those who have been in advance of society in thought and feeling, have left this condition of things unassailed in principle, however they may have come into conflict with it in some of its details. They have occupied themselves rather in inquiring what things society ought to like or dislike, than in questioning whether its likings or dislikings should be a law to individuals. They preferred endeavouring to alter the feelings of mankind on the particular points on which they were themselves heretical, rather than make common cause in defense of freedom, with heretics generally.”
- In general, it seems, past thinkers have weighed in on what it is we should all be liking or disliking, whereas Mill thinks the real question is to what degree the law should even involve itself in regulating such likes and dislikes. Doing so could, he fears, easily slide into the realm of policing orthodoxy and heresy.
- One major concern for past thinkers was how to get everyone on board with shared values in the name of social cohesion. Here Mill flips the script somewhat, asking us to start instead with the principle of liberty. We can then ask instead: is there a way to enrich society by cultivating diversity rather than enforcing conformity?
- Before appraising Mill’s response to such a question, we had to look at what he means by ‘liberty.’ Turning to pp. 16-17, we found him discussing liberty as the ability to live your own life in your own way—to think for yourself and then act on those thoughts. Helpfully, Mill breaks liberty down into three main forms: (1) Liberty of Thought (which includes liberty of expressing your thoughts); (2) Liberty of Tastes (extending to how you want to plan out your life); and (3) the Liberty to Associate in likeminded groups.

- Mill's framing of liberty here is expressly normative. He's not building his account up through examples, like Tocqueville did, nor is he interested in the question of free will. Instead, he tries to circumscribe a place for talking about civil liberty which would not rely upon those kinds of metaphysical considerations.
- We termed fundamental limit Mill places on his concept of liberty the "harm principle." This maxim states that harm to others is the only legitimate reason for society to inhibit an individual's liberty. Such harm would have to take place in the realm of action, not merely that of thought. Here we can see that Mill's utilitarian aims might be shifting from the maximization of pleasure to the minimization of harm (for the greatest number). Outside of that sphere of harm to others, though, liberty should reign. Even still, we discovered that this principle is not the end of the story, since it's often hard to draw the line between action that might appear harmful to society and action that actually does harm others (in Mill's sense).
- Moving on to Chapter Two of *On Liberty*, we discussed Mill's claim that liberty of thought and openness to debate is beneficial not only to suppressed minorities, but also to dominant majorities. The orthodox truth as held by the majority of the populace can in fact be strengthened by constant interaction with opposing views. If opposition is instead merely snuffed out, then the majority risks losing touch with the meaning and force of its own opinions and truths. By maintaining liberty in the sphere of public debate, Mill suggests, society can cultivate an ongoing process of validation, which would test its truth-statements and so intensify human development in the long run.
- In general, we decided, Mill seems more optimistic about historical progress than Tocqueville did. While Mill always stresses the fallibility of humankind, he also thinks we can continue inching closer to the truth through an ongoing, open, and free dialogue with one another. By aiming for a balance between challenging positions, we could hope to avoid the fall into majoritarian tyranny that both he and Tocqueville feared. The only limits to the liberty of such public debate would, again, derive from the harm principle. If one side in the debate threatens the physical well-being of the other side—through direct incitements to violence, for example—then society might have to consider limiting the freedom of discussion that motivates social progress.

## Session II

General Topic of Discussion: John Stuart Mill, *On Liberty*, III-V

### Outline of Discussion

6. Act-Utilitarianism vs Rule-Utilitarianism
7. The Moral Education of the Laboring Classes
8. Legal vs Moral Freedom
9. Moral Censure & Dominant Mores
10. The Role of the State in Education

### Flow of Discussion

- We began class by outlining the distinction between act-utilitarianism and rule-utilitarianism. Put simply, act-utilitarianism calculates utility on the basis of particular acts considered within a limited scope. Rule-utilitarianism, meanwhile, calculates utility in view of the ongoing progress of human development, and the rules for conduct that can lead to greater utility in the long run. Mill, for the most part, can be taken by us to be a rule-utilitarian in this regard.
- Andy then pointed us to a passage on pp. 112-113: “The limitation in number, for instance, of beer and spirit houses, for the express purpose of rendering them more difficult of access, and diminishing the occasions of temptation, not only exposes all to an inconvenience because there are some by whom the facility would be abused, but is suited only to a state of society in which the laboring classes are avowedly treated as children or savages, and placed under an education of restraint, to fit them for future admission to the privileges of freedom. This is not the principle on which the laboring classes are professedly governed in any free country; and no person who sets due value on freedom will give his adhesion to their being so governed, unless after all efforts have been exhausted to educate them for freedom and govern them as freemen, and it has been definitely proved that they can only be governed as children. ... It is only because the institutions of this country are a mass of inconsistencies, that things find admittance into our practice which belong to the system of despotic, or what is called paternal, government, while the general freedom of our institutions precludes the exercise of the amount of control necessary to render the restraint of any real efficacy as a moral education.”
- This passage seems to indicate that, since we have no proof that the laboring classes deserve to be treated like children, we first have to provide them with moral education so as to see if they become capable of self-regulation. Moral education might then be a way to elevate the populace without restraining them despotically or paternally.

- In pursuing this line of inquiry, it proved helpful to introduce the distinction between legal and moral freedom. Mill writes that while you are legally free to, say, become an alcoholic, you also might have contracts with others that are morally binding (even if legally dissoluble). Marriage would constitute one such contract. Liberty that is ill-used for vice shouldn't be legally punished, but other people are free to use their liberty to refuse to employ those whom they find morally reprehensible. Alternatively, they could also freely choose to help improve such people. Here Mill seems to be leaving room for a kind of 'moral censure' that stops short of punitive legal action.
- But here also, we decided, he might be leaving an opening for a majoritarian tyranny of mores to install itself. Who gets to decide which mores will predominate? Who gets to apply moral censure in the workplace or elsewhere? And, given Mill's own worldview, would he say that there are any trans-historically bad habits that must be shunned in all cases? He does seem to suggest that there are certain practices that have been proven ineffective by millennia of humanity's social experimentation. But what is the criterion for deciding between the effective and ineffective here? Perhaps, we thought, it has to do with practices that inhibit the very progression of human development that Mill takes to be fundamental, though ultimately we had to leave this question somewhat open.
- Regardless, the State's role in education is clearly limited by Mill. Rather than deciding on dominant mores and indoctrinating the populace into them, the State should permit a variety of experiments in education, restricting itself to merely cataloguing the results of such experiments for future use. When we related Mill's position to the recent Supreme Court ruling on affirmative action, we realized that any social justice in education would have to be a result of this experimentation, rather than a State-mandated intervention into local educational regimes, however competitive they may be.
- Our discussion about moral education culminated in the problem of how to balance Mill's brand of liberty with his distaste for the tyranny of ideas. Moral education should consist in being trained in different and even conflicting moral opinions, rather than being merely indoctrinated into dominant dogmas. But how can we be sure that the majority won't use their freedom to socially dominate various minorities by subjecting them to those dominant mores, even if outside the legal system? Such a tyranny of mores would still seem to risk the kind of intellectual stagnation that would undermine Mill's goal of cultivating human progress.