

## 25. J.S. Mill's *On Liberty*

**J**OHN Stuart Mill, the leading English philosopher of the 19th century, was born in London in 1806 and educated at home by his Scottish father James Mill, himself a philosopher, historian and economist. John Stuart was a child prodigy, learning Greek at 3, Latin at 8 and beginning philosophy at 12. His father, a follower of Jeremy Bentham, had as his explicit aim to create a genius who would carry on the cause of utilitarianism after he and Bentham died. As a non-conformist who refused to subscribe to the 39 Articles of the Church of England, Mill was not eligible to study at Oxford or Cambridge and instead followed his father to work for the East India Company, where he remained for most of his working life.

In the winter of 1826-7, at the age of twenty, he suffered a nervous breakdown, which in his *Autobiography* he claims was caused by the great physical and mental arduousness of his studies that had suppressed any feelings he might have developed normally in childhood. He felt that he would never be happy because his over-rational education had rendered him incapable of emotion, and he contemplated ending his life.

Eventually he pulled himself together, with the help of poetry, music, and the philosopher and feminist Harriet Taylor, with whom he fell in love. She was already married but for 21 years the two were close friends and inspired each other and worked together. Harriet's husband died in 1849 and in 1851 Mill became her second husband. In the autumn of 1858 the couple went to France where the climate was better for Harriet's tuberculosis, but she died of respiratory failure in Avignon in November that year. Mills' *On Liberty*, which they had written together, was published in 1859 and was dedicated to Harriet. It is a major work of enlightened humanism.

Mill returned to England in 1865, when he was elected a Member of Parliament for Westminster. In 1866 he became the first parliamentary representative to call for women to be given the vote, vigorously defending this position in subsequent debate. He also became a strong advocate of such social reforms as birth control, land reform in Ireland, trade unions and farm cooperatives. In *Considerations on Representative Government* (1861) he called for various reforms of Parliament and voting, especially proportional representation, the Single Transferable Vote, and the extension of the suffrage. He lost his parliamentary seat in 1868, so he returned to Avignon, where he died in 1873 and was buried alongside his wife.

*On Liberty* begins with an introductory chapter in which Mill points out that whereas in the past defenders of individual liberty had been most concerned with opposing the tyranny of political rulers, we now need to

guard against the tyranny of the majority. A democratically elected government can become a vehicle for the majority to tyrannize the minority: "there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own".

In his *Autobiography* Mill said that *On Liberty* was "a kind of philosophical textbook of a simple truth". It is usually described as the harm principle, but that is really only part of it, and to stress it alone is to put a negative spin on Mill's highly positive endeavour. For he is seeking, above all, to champion individual flourishing in which each person is free to develop to

the fullest of his own potential. The harm principle is the sole restriction on this individual liberty. So he writes: "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their member, is self-protection. That the only purpose for which can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others".

Mill does not, however, believe that we all have a natural right to liberty. His harm principle is underpinned by his adherence to utilitarianism rather than natural rights as such. Thus he maintains that the right action is calculated by judging its consequences: will it give rise to the greatest happiness? "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". What exactly these interests are is, of course, open to considerable debate.

Chapter 2 is entitled 'Of the Liberty of Thought and Discussion'. Mill is a passionate exponent of free speech. He writes: "if all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind". He offers three main arguments against repression of opinion. The first is the argument from fallibility: the repressed opinion may be true. "We can never be sure that the opinion we are trying to stifle is a false opinion", he writes. Thus a certain scepticism even about our own convictions is one of the basic justifications for freedom of expression. No government or social group should be permitted to claim infallibility for the limited perspective which any given group ⇨



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. His own good, either physical or moral, is not sufficient warrant.

(John Stuart Mill)

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must hold towards events. If a controversial opinion is true, then we can never exchange truth for error so long as discussion is curtailed. On the other hand, if the controversial opinion is false, by silencing discussion we prevent more lively truths from gaining by healthy collision with error. Free speech is therefore essential because the truth can only emerge from constant argument, discussion and debate, from the free competition of differing opinions.

Mill also emphasises that open discussion is significant only if it includes extreme cases. Thus we should allow even the speech we hate because truth is most likely to emerge in a free intellectual combat from which no idea has been excluded. He notes how learned persons joined with those who persecuted Socrates and Christ for holding 'extreme' opinions which later won many adherents.

Mill's second argument for free speech relates to its value in keeping established truths and doctrines alive. The presence of a 'devil's advocate' compels us to know the reasons for our beliefs. Without challenge, even accepted beliefs and moral codes become lifeless and may even be held in the manner of prejudice or dogma, with little comprehension of their rational grounds. Organised suppression of opinions which conflict with the official views destroys 'the moral courage of the human mind'. With no enemy at hand, 'both teachers and learners go to sleep at their post'. In short, free speech is educational.

Mill's third argument rests on the possibility that competing views may share the truth between them. Opinions may not be wholly right or wholly wrong. By airing all sides, we can pick and choose the best parts of each and form a more complex, sophisticated and truthful opinion. He points out, for example, that the accepted moral codes of the modern era are not purely Christian but also stem from pre-Christian Greek and Roman influences. Many of our modern ethical codes and political philosophies are based on compromises over time. So free speech and compromise are often inextricably connected.

Mill rejects any argument for suppressing opinion on the grounds of sensationalism, insults or offence. No one can be trusted with such censorship because he will label whatever he disagrees with in such terms. A law against offensive criticism would also tend to favour the politically powerful against the weak. In the third chapter, 'Of Individuality, As One of the Elements of Well-Being', he states that to hold an opinion never constitutes a harm to others, and so should never be suppressed. To express an opinion *almost* never constitutes a harm to others, and so should only be suppressed in rare circumstances.

Behaviour is clearly different and can often constitute harm to others. "No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity, when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act". He gives as illustration the difference between writing in the press that corn-dealers are starvers of the poor and delivering this message orally or on a placard to an excited mob assembled before a corn-dealer's house. In such circumstances the words become actions specifically designed to incite violence. Incitement to violence, then, is the one exception that Mill gives to free speech because only in this case will there be genuine harm to others.

As far as actions are concerned, Mill argues that it is not for the state or the church or any institution to dictate what is the good life. Each person should be allowed to realise their potential in their own distinctive way. "Over himself, over his own body and mind, the individual is sovereign". Individuality is also a prerequisite for creativity and diversity. Society as a whole benefits if people are allowed to experiment with behaviour that is contrary to custom and the opinion of the majority. Every positive advance in history that has added to human happiness was at one time contrary to custom. Moreover, to develop one's individuality, one's capacity for autonomously choosing one's own path in life, fosters happiness in and of itself. In short, "the grand, leading principle towards which every argument in these pages directly converges, is the absolute and essential importance of human development in its richest variety".

Chapters 4 and 5 are largely concerned with objections to and applications of Mill's thesis. They do not, however, really address some of its basic problems, not least what Mill actually means by the notions of harm, utility and happiness. Take harm, for example. Very few of our words or actions do not affect others in some way. How do we decide if they are 'harmful' to them? Mill rules out being offended as not an aspect of being harmed, but this seems arbitrary. If we hurt someone's feelings, are we not harming them? And might not a utilitarian argue that in certain circumstances silencing some opinions could lead to an increase in happiness, for example in the face of imminent death or other tragedy?

We may also feel that Mill has over-estimated the ability of many people to know what is likely to promote their own happiness. Being seduced into short-term pleasure at the expense of long-term happiness is a common human failing, as are human self-deception and irrationality. Nor is there any guarantee that freedom of speech will ensure the triumph of truth over propaganda. In a society where the media are controlled by powerful interests, the balance between competing opinions that Mill seems to think will automatically arise from free speech may not in fact exist at all. The overwhelming support of the British media for the invasion of Iraq and the marginalisation of opponents is a case in point.

Mill's account of liberty is actually a defence of negative freedom: freedom from. As such, it a powerful argument, though we may well question the wisdom of relying on only one vague principle, that of harm, as a restraint on liberty. But he seems to believe that ensuring this negative liberty will by itself create the conditions for positive liberty; that is, the freedom to achieve what we want in life. Unfortunately, freedom *from* does not guarantee freedom *to*. No one individual is stopping me from owning a Lamborghini Veneno, but the lack of £3m is. Our freedom of action is determined by many things, including material, physical, intellectual and educational resources, and in these respects some are clearly more 'free' than others.

Mill acknowledges that freedom of action can never be as complete as freedom of speech. So it is possible to suggest that his defence of the latter is formidable and is as relevant now as when he wrote it. Freedom of action, on the other hand, may require more interventions and restrictions by the state than he perhaps would have wished. British liberals in the 20th century recognised this truth in committing themselves to a mixed economy and the welfare state. □

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