Capaldi, Nicholas. "John Stuart Mill." *Liberal Moments: Reading Liberal Texts*. By Ewa Atanassow and Alan S. Kahan. London: Bloomsbury Methuen Drama, 2016. 69–75. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781474251082.0015>>.

Downloaded from Bloomsbury Collections, www.bloomsburycollections.com, 26 April 2023, 03:21 UTC.

Copyright © Ewa Atanassow, Alan S. Kahan and Contributors 2017. Released under a CC BY-NC-ND licence (<https://creativecommons.org/licenses/by-nc-nd/3.0/>). You may share this work for non-commercial purposes only, provided you give attribution to the copyright holder and the publisher, and provide a link to the Creative Commons licence.

John Stuart Mill

Nicholas Capaldi

The appropriate region of human liberty ... comprises, first, the inward domain of consciousness ... liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects. ... The liberty of expressing and publishing opinions... . Secondly ... liberty of ... framing the plan of our life to suit our own character ... so long as what we do does not harm [others]. ... Thirdly ... the liberty within the same limits, of combination among individuals; freedom to unite. ... 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. ...¹

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 ... to prevent harm to others. ... There are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil. ... Over himself, over his own body and mind, the individual is sovereign.²

Different versions of liberalism and all modern alternatives to (including rejections of) liberalism depend on how one understands the relation of the individual to the community. As a first rough approximation to differentiating Mill's position from many of the other versions of 'liberalism,' we might say that, for Mill, the autonomous individual is supreme and all social endeavours are to be judged in terms of the extent to which they serve that autonomy. On the other hand, there are versions of liberalism that acknowledge the fundamental and *equal* importance of 'all' individuals (as opposed to 'the' individual) and seek social contexts within which all individuals can be fulfilled. These egalitarian liberals do not necessarily advocate a substantive communal good, but they

do advocate a communal responsibility to help liberate all individuals. From Mill's perspective, the egalitarians misunderstand what it means to liberate an individual and they suffer from envy. From a Rousseauian and later Marxist/Socialist perspective, the espousers of autonomy are at best insensitive or patronizing and at worst exploiters.

This brings us to why Mill wrote *On Liberty*, from which the excerpts above are taken. There are two reasons. First, and foremost, Mill wanted to restate the case for individual autonomy. It needed to be restated, in his estimation, because previous versions, from the seventeenth-century English philosopher John Locke to Jeremy Bentham (a philosophical radical, social reformer, founder of utilitarianism and Mill's godfather) had failed to make a good case. There is no doubt that Mill is writing within the English tradition of civil, political and legal liberties; there is no doubt that he is attuned to the English emphasis on individualism. More important, the restatement also reflects what Mill had learned from the continental German philosopher Immanuel Kant. Mill first discovered Kant through his relationship with the English romantic poet Samuel Coleridge. In his *Autobiography*, and in his essays on *Bentham* and on *Coleridge*, Mill makes abundantly clear that the previous English understanding of 'liberty' needs a better defence, philosophically.³ In short, Mill believes that he is bringing together in a new synthesis the best insights of the British and German philosophical traditions.

Second, Mill thought that liberty, defined as individual autonomy, was under a new threat, a threat that Mill understood as a too-egalitarian version of liberalism. That threat had been previously identified by the French liberal writer Alexis de Tocqueville. In his enormously influential book *Democracy in America*, that Mill reviewed, Tocqueville identified this threat as the 'tyranny of the majority'.⁴ Mill noted in Chapter One of *On Liberty* that liberals in the seventeenth and eighteenth centuries had rightly sought to place limits on government. But, in the nineteenth century with the advent of democracy, other liberals saw in democracy a different way (what we would now call democratic socialism) in which the community through politics and increased governmental power on the one hand, and through the ever more effective power of public opinion on the other, could liberate every individual to achieve fulfilment. The new or different way entailed an increasingly powerful government that could potentially silence dissent. It assumed that human beings lacked freedom of will and reduced all social problems to issues of resource allocation and the panacea of redistribution. In Mill's estimation, this enormous misunderstanding of individual freedom

reinforced the importance of restating the case for liberty in a way that reflected what Mill thought was essential to being an individual human being.

Like John Locke who, in the *Second Treatise on Government* (1689), had argued that our right to property was based on the labour we put into developing it, and like the economist Adam Smith who had emphasized the benefits of the division of labour and specialization in his book on the *Wealth of Nations* (1776), Mill understood that human labour and ingenuity were the key both to economic growth and to personal fulfilment. Unlike his predecessors, he did not want to rest the case for individual autonomy on a quasi-religious foundation – either natural rights derived from God as in Locke, or in Smith's 'invisible hand' argument about a natural social harmony. You cannot get universal agreement on these theological or philosophical foundations. Moreover, as much as Mill applauded economic growth, he insisted not only that other forms of human endeavour besides business were worthy expressions of human fulfilment but also that growth was not merely a means to consumption but also to achievement. It is precisely because growth is a means and not an end in itself that his endorsement of a market economy is a qualified one. Moreover, government and law should function to liberate individual development and not serve the bidding of a particular interest group, even if that interest group is the majority. In short, none of the major institutions of modernity or the post-feudal world can be understood apart from a social context which promotes individual autonomy. Therefore, liberalism for Mill is not ultimately about technology, or markets, or 'representative' government, or the rule of law. It is about individual autonomy.

So, how are we to understand autonomy? In the first place, it has no objective end goal or *telos*, as had been argued by the ancients or even by many modern thinkers. Empirical observation belies this ancient claim. Worse yet, those who dismiss the variety of ways in which individuals pursue happiness and insist upon an underlying *telos* inevitably opt for an oppressive social and political structure designed to 'force' them to be free, that is, achieve the requisite end, as Rousseau had urged.

Nor does Mill believe that human beings are totally a product of their environment. Autonomy, for Mill, requires that human decisions must sometimes be undetermined by anything except the choice of the individual will, that is, free will. Any form of determinism would undermine Mill's entire world view. While some adherents of determinism opt for benign philanthropy, others are seduced into Benthamite reductivism about human beings, or worse yet, the totalitarianism as expressed by the French sociologist August Comte. In any

case, a coherent and consistent determinism eliminates any notion that one way of life is objectively better than any other or that oppression is inherently evil. Throughout his life, from the time of his nervous breakdown as a young man to his later works, Mill was troubled by the idea that he might not have free will, and wrestled with the relationship of cause and effect with regard to human beings.

By the time of his last major work, *An Examination of the Philosophy of Sir William Hamilton*, Mill was able to articulate a clear statement of the philosophical foundation of human freedom. Mill believed himself to have joined a conversation that was defined by Kant. 'Kant ... holds so essential a place in the development of philosophic thought, that until somebody had done what Kant did, metaphysics according to our present conception of it could not have been continued ... he has become one of the turning points in the history of philosophy.'⁵ What Kant had done was reorient our thinking. The ultimate source of intelligibility is neither the physical world nor a supersensible conceptual world, but the practical, everyday pre-theoretical world constituted by the interaction of human beings with their environment and with each other. Any attempt to give a scientific account of how human beings interact with the world and attempt to manipulate the world for practical purposes would itself be an interaction with the world. Any meta-theoretical explanation of the theoretical explanation of practical knowledge would itself be another interaction, ad infinitum.

The human mind, then, is not a mirror of nature but something that interprets and interacts with nature. That interpretation, moreover, presupposes a self that is spontaneously free. Philosophy cannot prove the existence of either a self or of freedom. Individual freedom is a presupposition of daily, common-sense morality. Self-understanding precedes our understanding of everything else. Each individual discovers these things for himself/herself through self-reflection. One of the things we discover is that we can control ourselves, and even change our character by an act of will. It is worth noting that in Chapter Two of *On Liberty*, Mill focuses on freedom of thought and discussion. The most important point he makes in presenting arguments against censorship is that doctrines have no meaning unless the individual thinks it through on his or her own. Character transformation takes place when one thinks for oneself, even if one's thoughts are not original.

In further elaboration of his moral psychology, Mill noted that the will becomes independent of desire. 'Will, the active phenomenon, is a different thing from desire, the state of passive sensibility, and though originally an offshoot

from it, may in time take root and detach itself from the parent stock; so much so, that in the case of a habitual purpose, instead of willing the thing because we desire it, we often desire it only because we will it.⁶ This is a point of which Mill will make further use in his later address at St Andrews – the importance of free will for virtue. The problem with the middle class is that they pursued virtue as a duty and not as an end in itself. What Mill urged divinity students to recognize was their capacity to let virtue become an end in itself.

What Mill had presented in his genetic (i.e. historical) account of the development of our moral conscience has the advantage of being inductive or proceeding from individual experiences, of denying the validity of the claim that the sense of virtue is innate or intuitive, of showing how we come in time to discover the importance of autonomy. It is not a matter of association or conditioning, it is a matter of self-discovery, of irreversible emancipatory knowledge, of character formation. Nor can we appeal to social context. There are no hidden rigid substructures to social practice, such that one can predict future permutations of that practice (there are no rules for the application of rules) and no structures that would show the ‘hidden’ logic of a practice. The application of an understanding of a practice to a *novel* set of circumstances requires imagination. Since no culture dictates its own future, human beings are free to accept, reject or redeploy specific features of their inheritance. Note that this also means that we can never start *de novo* behind what the late twentieth-century philosopher John Rawls called a ‘veil of ignorance.’⁷

One of the most important consequences of Mill’s conception of human beings as fundamentally free is that no one can constrain another (sane, rational) adult for the alleged best interest of that adult. By definition, nothing can be in the best interest of someone of this sort unless that person has chosen it for herself or himself. Liberty is necessarily understood as negative – restraining others. Liberty cannot be understood positively as obligating anyone to provide resources for others to fulfil themselves. Given this inner freedom, we need to distinguish between ‘freedom’ and ‘liberty’. Liberty, as understood in the British philosophical tradition of Thomas Hobbes/John Locke/David Hume/Adam Smith, is the absence of arbitrary external constraints. When are those constraints arbitrary? They are arbitrary if they violate the inner domain of freedom. Freedom is never licence, but living a life of self-imposed rules. Mill’s life was marked by an enormous amount of self-denial and self-discipline. For example, his long affair with his future wife Harriet Taylor did not involve sexual gratification until after they were married.⁸ Freedom, for Mill, is a matter of self-

discipline in the service of some ideal of the self-chosen meaning of one's life, hence the opening reference in *On Liberty* to German philosopher Wilhelm von Humboldt.⁹ It can never involve imposing on others, for to do so is to define oneself in terms of others.

When is the constraint on liberty justifiable? Mill insists that liberty is often granted where it should be withheld, and often withheld when it should be granted. Constraint is justifiable if there is physical harm (violating someone's 'body'). Yet no one should prevent others from exercising their mind in an independent fashion (freedom of the press, education, censorship, etc.). Nor should anyone deliberately undermine anyone's capacity for economic advancement (more on this follows). But the worst form of harm is undermining the autonomy of another person. As Mill stated in *Utilitarianism*, 'the moral rules which forbid mankind to hurt one another (in which one must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims. ... Thus the moralities which protect every individual from being harmed by others, either directly or by being hindered in his freedom of pursuing his own good, are at once those which he himself has most at heart, and those which he has the strongest interest in publishing and enforcing by word and deed.'¹⁰

As a philosopher, Mill is aware of the objection that the class of free acts might be empty. That is, what happens if everything we do impacts the well-being of others? He answers this objection in the latter part of *On Liberty*. Even if it is the case that everything one does impacts others, the application of constraint is justifiable only if (a) we prove that the harm is real, not merely alleged, and (b) the consequences of the restraining acts are not more harmful than the original alleged harm. In short, the onus is on the constrainer. This principle harkens back to the ancient Anglo-Saxon and British legal tradition in which one is innocent until proven guilty.¹¹ This deeply ingrained principle is not found in the traditions and current practice of other legal systems, including, and most especially, the civilian tradition represented, among other places, in France. This legal difference is significant even among societies that otherwise all claim to be liberal.

Let us briefly return to the economic issue. When Mill wrote the *Principles of Political Economy* (1848), he announced his support for free markets but insisted that economic freedom rests on different grounds than the points he would later make in *On Liberty*.¹² Why is that? In economic competition (we are not discussing fraud and force) there will be temporary winners and temporary losers. Hence, some will be harmed. However, the advantages of competition far

outweigh the disadvantages, in Mill's estimation. Hence, restricting the liberty of commerce does more harm than the harm done to temporary economic losers. 'Even in those portions of conduct which do affect the interest of others, the onus of making out a case always lies on the defenders of legal prohibition.'¹³ If we review the major institutions of liberal societies, namely an industrial and technological world view, a market economy, limited government and the rule of law, we can see that all of these so-called liberal institutions are dependent for their meaning on a particular cultural preconception, namely one that espouses individual autonomy. For Mill that is the key to liberalism.

What are we then to make of the question of how the individual relates to the community? In discussing the conditions of permanent political society, Mill noted (in his essay on *Coleridge* from 1840) the need for a feeling of allegiance or loyalty, that is, a feeling for the common good. He claims that the only shape in which the feeling is likely to exist hereafter is in attachment to the principles of individual freedom and political and social equality, as realized in institutions which as yet exist nowhere, or exist only in a rudimentary state. Given Mill's personal emphasis on the supreme value of individual autonomy, and given the rise of nationalism in the nineteenth century, it is important to raise the question of Mill's attitude towards nationalism. 'Nationalism' is here understood both as (a) the recognition of the historical and social context out of which we have emerged or within which we function and (b) an identification with something larger than ourselves. For Mill, this is not as problematic as it may seem. To begin with, he objected to xenophobic forms of nationalism. As he expressed it in a letter to Maurice Wakeman, 'No one disapproves more ... strongly than I do of the narrow, exclusive patriotism of former ages which made the good of the whole human race a subordinate consideration to the good, or worse still, to the mere power and external importance, of the country of one's birth. I believe that the good of no country can be obtained by any means but such as tend to that of all countries, nor ought to be sought otherwise, even if obtainable.'¹⁴ Second, individuals who are autonomous seek greater fulfilment and achievement by forming voluntary attachments to other autonomous individuals. That is why, among other things, he focused on the importance of the relationship between men and women. Third, Mill endorsed a form of patriotism that he thought was conducive to a cosmopolitan commitment to helping humanity at large become autonomous. That is why, despite his many criticisms of Britain, he was proud of the role that he thought Britain played internationally in its foreign policy of promoting freedom.¹⁵