

On Liberty by John Stuart Mill

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Context

John Stuart Mill (1806-1873) was an English philosopher and economist. He wrote one of his most famous essays, *On Liberty*, in 1859. Mill was raised by his father, James Mill, to be a strict Utilitarian. Mill's childhood was rigid, and he suffered a nervous breakdown at twenty-one when he began to question some of his beliefs. Mill later struggled with his sense that Utilitarianism was too unemotional and that it failed to capture or understand the "higher" pleasures. *On Liberty* can be understood as an attempt to broaden the meaning of utility and show that Utilitarianism can provide a strong protection of rights. The essay also reflects Mill's passionate belief that individuality is something that should be protected and nurtured. As such, the essay illustrates his disgust at how he believed society squelches nonconformity. *On Liberty* is just one example of the social and political writings of Mill. Other works of his include, *Considerations on Representative Government*, *On the Subjection of Women* and *The Principles of Political Economy*.

On Liberty should at least partly be understood as a product of and response to the Victorian period of England during which it was written. This period was characterized by a particular set of social values (often called Victorian values) that emphasized hard work, thrift and "respectable" comportment and behavior. While there was some criticism of these values at the time, they enjoyed wide-spread appeal. The Victorian period was also characterized by a series of reform movements, such as the temperance movement. These movements often reflected a desire to promote Victorian values throughout society. Mill found these social institutions to be restrictive, however, and saw their all-consuming nature as a profound problem for mankind.

Terms

1. **Liberty** - For Mill, liberty encompasses both civil and social liberty, which he defines as "the nature and limits of the power of which can be legitimately exercised by society over the individual." Mill argues that society can only exert authority over behavior that harms other people, anything else is an abrogation of individual freedom.
2. **Tyranny of the majority** - This is the concept that in a democratic state the majority of people can impose its will on a minority. Mill believes this behavior is "tyrannical" when it violates a claim that the minority has as a member of society.
3. **Social Contract** - This reflects the idea that society is something that people either explicitly or implicitly agreed to be part of. Social contract theory was first formulated by Rousseau in *The Social Contract*, and defines rights as those things that people would

have agreed to have protected by society, and duties as those things people would have agreed to take on as obligations, had they been present at the formation of the state.

4. **Infallible** - Incapable of making a mistake or being wrong.

Chapter 1, Introduction

SUMMARY

Mill starts off by limiting the scope of his essay to Civil, or Social Liberty. He writes that this essay will look at what kind of power society can legitimately exert over the individual. Mill predicts that this question will become increasingly important because some humans have entered a more civilized stage of development, which presents "new conditions" under which issues of individual liberty must be addressed.

Mill then turns to an overview of the development of the concept of liberty. In ancient Greece, Rome and England, liberty implied "protection against the tyranny of political rulers," and rulers and subjects were often thought to have a necessarily antagonistic relationship. The leader did not govern by the will of his people, and while his power was seen as necessary, it was also considered dangerous. Patriots tried to limit the leader's power in two ways: 1) They gained immunities called "political liberties or rights." The leader was thought to have a duty to respect these immunities, and there was a right of rebellion if these rights and liberties were infringed. 2) Constitutional checks developed, under which the community or their representatives gained some power of consent over important acts of governance.

Mill writes that eventually men progressed to a point where they wanted their leaders to be their servants, and to reflect their interests and will. It was thought that it was not necessary to limit this new kind of ruler's power, because he was accountable to the people, and there was no fear of the people tyrannizing itself. However, when an actual democratic republic developed (The United States), it was realized that the people don't rule themselves. Rather, the people with power exercise it over those without power. In particular, a majority may consciously try to oppress a minority. Mill writes that this concept of a tyranny of the majority has come to be accepted by major thinkers. Mill, however, argues that society can also tyrannize without using political means. Rather, the power of *public opinion* can be more stifling to individuality and dissent than any law could be. Thus, he writes that there must also be protection for people against the prevailing public opinions, and the tendency of society to impose its values on others.

The question, then, as Mill sees it, is where and how to limit public opinion's sway over individual independence. There has been very little consensus among nations about the answer to this question, and people tend to be very complacent about their own customs in dealing with dissent. People tend to believe that having strong feelings on a subject makes having reasons for that belief unnecessary, failing to realize that without reasons their beliefs are mere preferences, often reflecting self-interest. Furthermore, on the occasions when individuals do question the imposition of public opinion on social standards, they are usually questioning what

things society should like or dislike, not the more general question of whether society's preferences should be imposed on others. Mill also notes that in England there is no recognized principle by which to judge legislative interference in private conduct.

After laying out the major issues, Mill then turns to what he calls "the object of his essay." He writes that he will argue that the only time individuals or society as a whole can interfere with individual liberty is for self-protection. Mill states that the argument that a certain law or public opinion might be for an individual's own good or welfare does not suffice to justify that law or public opinion as a coercive force; coercion by the many toward the individual is only acceptable when an individual poses a threat to others. It is fine to argue with a person about his actions, but not to compel him. Mill writes, "Over himself, over his own body and mind, the individual is sovereign."

Mill notes that the right of liberty does not apply to children, or to "backward" societies. It is only when people are capable of learning from discussion that liberty holds; otherwise the people must be taken care of. Mill also notes that he is not justifying the claim of liberty as an abstract right. Rather, he is grounding it in utility, on the permanent interests of mankind.

Mill writes that if a person causes harm to others actively or inactively, it is appropriate for society to condemn him legally or through general disapprobation. Individuals can even be compelled to do good for other people, such as to save someone's life, because to do otherwise would be to cause evil to another person. In contrast, society only has an indirect interest in what a person does to himself or to other freely consenting people.

Mill divides the appropriate sphere of human liberty falls into three categories, claiming that any free society must respect all three. First, there is the domain of the conscience, and liberty of individual thought and opinion. Second, there is planning one's own life, and the liberty of tastes and pursuits. Third, there is the liberty to unite with other consenting individuals for any purpose that does not harm others. These liberties reflect the idea that true freedom means pursuing one's own good in one's own way, as long as it does not prevent others from doing the same. These ideas directly contradict society's increasing tendency to demand conformity, and unless moral conviction turns against this tendency, the demand for conformity will only increase.

COMMENTARY

Mill's introduction is one of the most important parts of his essay, as it contains the basic structure of his argument, as well as some of his major presuppositions. Mill describes civilization as a struggle between society and the individual about which should have control over the individual's actions. Mill sees the world as tipping toward a balance in which society, through laws and public opinion, has far more power over the actions and thoughts of an individual than an individual has over himself. Mill rejects this status, arguing that society should have control over only those actions that directly affect it, or those actions that harm some of its members. Mill argues that an individual harming himself or acting against his own

good provides insufficient reason for others to interfere. His essay will be a description of why this is the case.

It is important to note that in rejecting social interference with individual thought and activity, Mill is not just writing about laws, but also about "moral reprobation." An individual or group cannot rightly punish a person's behavior by, for example, treating him as an enemy, if his actions only affect himself. In rejecting the legitimacy of coercive opinion, Mill drastically broadens the scope of his claims. It is worth paying attention in later chapters to why Mill is so critical of public disapproval of behavior, and to the avenues that Mill *does* leave open for people to express disapproval of actions they dislike.

The idea of progress is integral to Mill's essay, and this chapter reflects a few of his ideas on the subject. Mill believes that individuals and society as a whole can improve themselves. Fitting with this idea, he considers different societies to exist on a clear hierarchy of value: barbaric societies are childlike, without the necessary tools of self-government. They must be governed like children, so that they can eventually become capable of exercising their liberty. Yet while Mill considers progress and civilization to be definite goods, he also expresses concern that with progress comes conformity. In later chapters he will try to show that such conformity could undermine further individual and social improvement.

In this introduction, Mill explicitly calls his justification of liberty utilitarian. In doing so, he says outright that his defense of liberty will not be based on natural rights, such as those proposed by Locke, or on metaphysical claims, such as those proposed by Kant. Rather, Mill bases his argument on what is best for mankind, and in doing so suggests that his arguments will show the individual and social benefits of human liberty. In later chapters, it is worthwhile to examine when and how Mill makes broad utilitarian arguments for liberty, and to similarly look for instances when Mill resorts to non-utilitarian arguments.

Chapter 2, Of the Liberty of Thought and Discussion (Part 1)

SUMMARY

In Chapter 2, Mill turns to the issue of whether people, either through their government or on their own, should be allowed to coerce or limit anyone else's expression of opinion. Mill emphatically says that such actions are illegitimate. Even if only one person held a particular opinion, mankind would not be justified in silencing him. Silencing these opinions, Mill says, is wrong because it robs "the human race, posterity as well as the existing generation." In particular, it robs those who *disagree* with these silenced opinions.

Mill then turns to the reasons why humanity is hurt by silencing opinions. His first argument is that the suppressed opinion may be true. He writes that since human beings are not infallible, they have no authority to decide an issue for all people, and to keep others from coming up with their own judgments. Mill asserts that the reason why liberty of opinion is so often in danger is that in practice people tend to be confident in their own rightness, and excluding that,

in the infallibility of the world they come in contact with. Mill contends that such confidence is not justified, and that all people are hurt by silencing potentially true ideas.

After presenting his first argument, Mill looks at possible criticisms of his reasoning and responds to them.

First, there is the criticism that even though people may be wrong, they still have a duty to act on their "conscientious conviction." When people are sure that they are right, they would be cowardly not to act on that belief and to allow doctrines to be expressed that they believe will hurt mankind. To this, Mill replies that the only way that a person can be confident that he is right is if there is complete liberty to contradict and disprove his beliefs. Humans have the capacity to correct their mistakes, but only through experience *and* discussion. Human judgment is valuable only in so far as people remain open to criticism. Thus, the only time a person can be sure he is right is if he is constantly open to differing opinions; there must be a standing invitation to try to disprove his beliefs.

Second, there is the criticism that governments have a duty to uphold certain beliefs that are important to the well being of society. Only "bad" men would try to undermine these beliefs. Mill replies that this argument still relies on an assumption of infallibility--the usefulness of an opinion is still something up for debate, and it still requires discussion. Furthermore, the truth of a belief is integral to whether it is desirable for it to be believed.

Mill observes that the assumption of infallibility about a certain question implies that one not only feels very sure about a belief, but also includes the attempt to try to decide that question for other people. It is in stifling dissenting opinions in the name of social good that some of the most horrible mistakes in human history have been made. Mill writes about Socrates and Jesus Christ, two illustrious figures in history, who were put to death for blasphemy because their beliefs were radical for their times. Mill then considers whether society should be able to censor an opinion that rejects a common moral belief or the existence of God and a future state. He gives the example of Emperor Marcus Aurelius, a just and kind man who still persecuted Christianity, failing to see its value to society. Mill argues that if one is to accept the legitimacy of punishing irreligious opinions, one must also accept that if one felt, like Marcus Aurelius did, that Christianity was dangerous, one would also be justified in punishing Christianity.

Third, Mill considers the criticism that truth *may* be justifiably persecuted, because persecution is something that truth should have to face, and it will always survive. Mill replies that such a sentiment is harshly unfair to those who actually are persecuted for holding true ideas. By discovering something true, these people have performed a great service to humanity. Supporting the persecution of such people suggests that their contributions are not truly being valued. Mill also contends that it is wrong to assume that "truth always triumphs over persecution." It may take centuries for truth to reemerge after it is suppressed. For example, Mill writes that the Reformation of the Catholic Church was put down twenty times before Martin Luther was successful. It is mere sentimentality to think that truth is stronger than error, although truth will tend to be rediscovered over time if it is extinguished.

Fourth, Mill responds to the possible argument against him that since we do not actually put dissenters to death any more, no true opinion will ever be extinguished. Mill replies that legal persecution for opinions is still significant in society, for example in the case of blasphemy or atheism. There is also no guarantee, given general public opinion, that more extreme forms of legal persecution will not reemerge. In addition, there continues to be social intolerance of dissent. Mill argues that societal intolerance causes people to hide their views, and stifles intellectualism and independent thought. Stifling free thinking hurts truth, no matter whether a particular instance of free thinking leads to false conclusions.

COMMENTARY

In Chapter 2, Mill looks exclusively at issues of freedom of thought and of opinion. It is significant that he attempts to justify the importance of this freedom by showing its social benefits--for Mill, diversity of opinion is a positive societal good.

Mill's argument that the dissenting opinion may be true brings up some important points. First, it highlights that Mill believes that moral truths do exist. Thus, in defending liberty, Mill does not say that all opinions are equally valid. Mill is not a relativist; he is not saying that all things can be true according to their circumstances. Rather, he is simply saying that any single idea *might* be true, and that for this reason no idea can be dismissed, since truth is a boon to progress.

Second, Mill tries to show the contingency of popular beliefs about truth while going to great lengths to not actually state that any popular views about things like religion are wrong. To accomplish this, he observes that in the past people have been persecuted for what is now believed to be true. Thus, Mill creates a logical situation in which anyone reading must accept that if they support persecuting "false" views, then they are required to accept their own persecution if in the minority on a specific issue. Mill is thereby able to dismiss the persecution of "false" views, without condemning modern views as being false.

Third, Mill's examples of persecuted truths reflect some of his rhetorical strategies in this essay. Mill is very conscious of his audience in 19th century England, and he uses examples, like the crucifixion of Christ, which would certainly have resonance with his readers. This reflects a more general strategy in this essay of choosing familiar and often uncontroversial examples in order to make much broader moral claims. In reading this essay it is important to remember that England did not have the same legal protection of liberty that it has today; Mill uses examples to make his points that would not get him into trouble with the law or English society.

Finally, it is worth thinking about the importance of Mill's assumption in the existence of truth to his justification for freedom of opinion. If no one could be wrong or right, would this require tolerance and respect of difference, or could the strongest opinion simply try to defeat all others? Mill does not try to answer this question, because the existence of truth is assumed throughout. However, thinking about such issues is important in seeing how persuasive Mill can be to people who do not share all of his assumptions.

Chapter 2, Of the Liberty of Thought and Discussion (Part 2)

SUMMARY

After explaining how popular opinions might be false, Mill makes three further arguments in favor of freedom of opinion.

His second argument (after the argument discussed last section that the popular opinion could be false), is that even if the popular opinion is true, if it is not debated it will become "dead dogma." If truth is simply held as a prejudice, then people will not fully understand it, and will not understand how to refute objections to it. Dissent, even if it is false, keeps alive the truth against which it dissents.

Mill then turns to two potential criticisms of his argument.

First, one could say that people should be taught the grounds for their opinions, and that having been taught these grounds, they do not then merely hold prejudices but really understand the basis of their opinions. Mill replies that in cases where differing opinions are possible, understanding the truth requires dispelling arguments to the contrary. If a person cannot refute objections, then he cannot properly be said to understand his own opinion. Furthermore, he must hear these objections from people who actually believe them, because it is only these people who can show the full force of the arguments. Responding to objections is so important that if no dissenters exist, it is necessary to imagine them, and to come up with the most persuasive arguments that they could make.

A second criticism might be that it is not necessary for mankind in general to be familiar with potential objections to their beliefs, but only for philosophers or theologians to be thus aware. Mill replies that this objection does not weaken his argument for free discussion, because dissenters still must be given a voice with which to object to opinions. Furthermore, while in the Catholic Church there is a clear distinction between common people and intellectuals, in Protestant countries like England, every person is considered responsible for his choices. Also, in modern times it is practically impossible to keep writings that are accessible to the intellectuals from the common people.

Mill then presents a third argument for the value of liberty of thought and discussion. He writes that if a true opinion is not debated, the meaning of the opinion itself may be lost. This can be seen in the history of ethical and religious beliefs--when they stop being challenged, they lose their "living power." Mill says that Christianity faces such a situation, where people's beliefs are not reflected in their conduct. As a result, people do not truly understand the doctrines they hold dear, and their misunderstanding leads to serious mistakes.

Mill presents one possible criticism of this view. He writes that it could be asked whether it is essential for "true knowledge" for some people to hold erroneous opinions. Mill replies that

having an increasing number of uncontested opinions is both "inevitable and indispensable" in the process of human improvement. However, this does not mean that the loss of debate is not a drawback, and he encourages teachers to try to compensate for the loss of dissent.

Mill then turns to a fourth argument for freedom of opinion. He writes that in the case of conflicting doctrines, perhaps the most common case is that instead of one being true and one false, the truth is somewhere between them. Progress usually only substitutes one partial truth for another, the newer truth more suited to the needs of the times. Dissenting or heretical opinions often reflect the partial truths not recognized in popular opinion, and are valuable for bringing attention to a "fragment of wisdom." This fact can be seen in politics, where differing opinions keep both sides reasonable. In any open question, the side that is least popular at the time is the side that should be most encouraged. This side reflects interests that are being neglected.

Mill then looks at a criticism of this fourth argument. He says that it could be argued that some principles, such as those of Christianity, are the whole truth, and if somebody disagrees, he is completely wrong. Mill replies by saying that in many ways Christian morality is "incomplete and one-sided," and that some of the most important ethical ideas have been derived from Greek and Roman sources. He argues that Christ himself intended his message to be incomplete, and that it is a mistake to reject secular supplements to Christian morality. Most basically, human imperfection implies that a diversity of opinion would be required to understand truth.

After looking at these four arguments for liberty, Mill briefly addresses the argument that free expression should be allowed, but only if it sticks to "fair discussion." He says that such a standard would be very hard to enforce from a practical perspective. Mill posits that it would likely only be dissenters who would be held to such a high standard of conduct. Ultimately, it is not law's place to restrict discussion in this way; public opinion must look at individual cases, and hold both sides to the same standard.

COMMENTARY

Mill makes the case that if people hold a true opinion they will benefit from hearing dissenters argue against that opinion. He also observes that he thinks most people only know partial truths, and that they might benefit from hearing other fragments of truth. This discussion reflects a particular conception of how people learn. Mill contends that people learn through debate, and through having their opinions challenged. Thus, dissenting opinions are socially useful because they help people to understand the real strength (and limitations) of their own beliefs. Mill believes that the usefulness of dissenting opinions cannot be substituted for, neither when the unpopular view is partially true, nor when it is completely false.

One idea to consider when thinking about Mill's argument is whether he has an overly idealized view of this learning process. For example, what happens when the conflicting opinions rest on fundamentally different presuppositions--are the conversations that Mill describes really possible? If people do not share the same vocabulary for discussing moral and political issues,

then will they really be challenging each other, or simply talking past each other? Think about what answer Mill might give to this problem. If his answer is unconvincing, then can he still say that a diversity of opinions is socially useful?

Finally, it is also worth looking at Mill's refutation of someone who thinks that Christianity is the whole truth. Mill seems to argue that such a person misinterprets Christianity. Would this response be convincing to a person with views on Christianity that are different from Mill's? Does Mill have other arguments that might provide a better response to this claim? More generally, Mill's discussion of religious toleration in Chapter 2 brings up the issue of whether Mill can be convincing to people whose beliefs demand intolerance of those who disagree with them. Since Mill is using social benefit as the basis of his justification for liberty, it would seem that a person who believes in intolerance could simply say that any benefits of free opinion are outweighed by allowing something evil to be expressed. Think about how persuasive such a critique is, given Mill's claims about the need for dissent in order to truly understand one's own opinions.