

Mill on liberty

(Throughout this handout, I use ‘liberty’ and ‘freedom’ interchangeably.)

Mill opens Chapter 1 of *On Liberty* by saying that ‘The subject of this essay is... the nature and limits of the power which can be legitimately exercised by society over the individual’ (59). This illustrates that his concern is not with the conditions of a ‘free society’, but with the conditions of a society in which individuals can be free; and not just ‘politically’ free, but free to develop as individuals. And so he is concerned with *all* the ways in which society exercises power over individuals.

Mill argues for ‘one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control’ (68). That principle is 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. His own good, either physical or moral, is not a sufficient warrant.’ (68) We may still argue, entreat, and remonstrate with people who seem bent on doing themselves harm (as we judge it) or are simply acting in a way we don’t like. But we should not use either the law or moral condemnation to alter their behaviour, unless they are causing harm to other people.

NEGATIVE FREEDOM

Mill understands the freedom of individuals in terms of the absence of power being exercised over them, free from interference or limitation by society. This understands freedom in ‘negative’ terms – it is what someone is free from, what is absent, that makes them free.

Negative freedom is contrasted with ‘positive’ freedom. Positive freedom is understood in terms of having and exercising certain capacities or abilities. At the social level, this is usually understood in terms of self-rule; ‘the people’ are free if they rule themselves. Individual positive freedom involves the ability (and resources) to make choices and live as one thinks best.

It is possible for someone to be free from interference by society without having positive freedom. For instance, they may be very weak-willed, so never do what they think it is best to do. Or again, they may lack a sufficiently strong sense of morality, and so cannot form a proper conception of how they should live. Or again, they can lack their *own* conception of how to live because their ability to make judgments for themselves has never developed. Or again, they may have all these abilities, but so severely lack any resources such as money, that their choice over how to live is significantly restricted.

Therefore, there is potentially a gap between what is required for individuals to be free in the negative sense and what is required if they are to be free in the positive sense. Furthermore, in the negative sense of freedom, everyone who lives in a society that does not interfere with their choices of how to live is equally free. In the positive sense, even

in such a society, someone becomes *more free* as their ability to make choices according to their own conception of a 'good life' develops.

While Mill's concern is to establish negative freedom, his *aim* by doing this is to allow individuals to develop as individuals. He famously says that 'the only freedom which deserves the name is that of pursuing our own good in our own way' (72). Given that *pursuing* our own good in our own way is the exercise of a capacity, this sounds as though Mill endorses a theory of positive freedom. But the context shows that this is a misinterpretation. Mill is not discussing the development of capacities that enable an individual to form, choose and act in accordance with a conception of their own good.

Both before and after the remark, Mill is concerned with the social exercise of power over the individual. There is no question of whether the individual can, if left alone, pursue their own good. The issue is that they should be left alone to do so. Mill maintains a distinction between (negative) freedom and individual development.

The liberties involved

Mill argues that a person should have freedom in 'that portion of a person's life and conduct which affects only himself or, if it also affects others, only with their free, voluntarily, and undeceived consent and participation' (71). Of course, we can respond that nothing affects *only* oneself, but Mill clarifies his claim – the person should have freedom if his actions affect only himself 'directly and in the first instance'; it may affect others through him.

Mill identifies three types of freedom that this covers. First, freedom of thought, 'absolute freedom of opinion and sentiment on all subjects' (71); and as a derivative of this, freedom of expression. Second, freedom of 'tastes and pursuits', to act however we choose as long as we don't harm others. Third, as a consequence of the this, freedom to unite with others for whatever purpose we agree to, as long as we don't harm others and we haven't been deceived into agreement.

Mill is not concerned in *On Liberty* to give a comprehensive account of the liberties that should be respected in a democracy. For instance, there is no mention of freedom to vote or stand for political office; and in the handout on 'The applications of Mill's principles', we will see that economic 'freedoms' – the freedom to buy or sell whatever one wants – involve social acts that may legitimately be restricted according to Mill. He is concerned with a much narrower – but no less important – sphere of liberty, that area of life over which society should have *no* say at all.

DO UTILITY AND FREEDOM CONFLICT?

Mill is, famously, a utilitarian. But, many philosophers have thought, there are situations in which coercion may lead to greater happiness than freedom. Can Mill defend both utilitarianism and the Harm principle?

That utility and freedom *can* conflict is illustrated by the potential drug addict. If we prevent someone from trying a powerfully addictive drug, e.g. heroin, we contribute more to their utility (and likely the utility of others) than if we allow them to try it. But this is no objection, because Mill does not say that utility and freedom never conflict. First, some freedom is ruled out by the Harm Principle for this very reason. Second, Mill

recognises that even freedom protected by the Harm Principle can conflict with utility in some situations. His answer to it is to once again point us towards the bigger picture:

The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people; and the spirit of liberty, in so far as it resists such attempts, may ally itself locally and temporarily with the opponents of improvement; but the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals. (136)

As long as we think that Mill's appeal to utility is about what is best in this or that individual situation, we misunderstand him. It is what *permanently* contributes to utility that interests him. Preventing someone from taking an addictive drug is one example of preventing people from engaging in activities that can endanger their health; do we always want to do this? Furthermore, utility, for Mill, relates to our interests as *progressive* beings. This involves our learning – and an excellent source of learning is mistakes.

But is Mill right that liberty is, in general, a 'source of improvement'? For instance, is he right to think that allowing diversity will help people find *better* ways of living, ones that will make them happy? Mill assumes that people learn from their and others' mistakes, so that diversity will lead to knowledge of what is truly good. But in the time since Mill wrote, we can argue that there has been greater diversity – the development of pluralistic societies – but no great increase in happiness or good living. Is individuality in the sense of pursuing our own good in our own way such a good thing? Or would people be happier with strong social guidance on how to live?

We can agree with Mill that thinking and choosing for oneself is a key component of happiness. But do we really require *as much freedom* as Mill argues for in order to gain these benefits? If not, he has not defended the Harm Principle successfully.

If freedom and utility conflict, we are faced with a choice between them. If we continue to appeal to utility and limit freedom, Mill will challenge us to say on what basis we claim to know what contributes most to utility 'in the largest sense'. Or we defend freedom even when it conflicts with utility, e.g. arguing that we have certain rights to freedom that are more important than utility.

WHETHER LIBERTY IS INTRINSICALLY OR INSTRUMENTALLY VALUABLE

Whether liberty is intrinsically or instrumentally valuable is a question about the relation between liberty and utility. If liberty is valuable only because it contributes to utility, then it is instrumentally valuable, i.e. it is valuable as a means to an end. But if liberty is valuable in itself, not just because it contributes to utility, then it is intrinsically valuable. We have discussed Mill's argument that liberty is always instrumentally valuable for utility, i.e. it never conflicts with utility in the largest sense. The question now is whether liberty has any further value of its own.

Because Mill is a utilitarian, we can expect him to say that liberty is instrumentally valuable. The only thing that is intrinsically valuable is utility. It is the final appeal on all ethical questions (70). In his arguments for the value of liberty, he defends liberty as a means to individual development and for social progress.

And yet the tone of *On Liberty* seems to be a celebration of liberty in its own right. For example, Mill talks about an individual's freedom in self-regarding actions as being 'absolute' (69). Is this only because it is always the case that such freedom contributes to utility or is the absolute nature of the freedom a reflection of freedom's intrinsic value?

We cannot find the answer to whether liberty is intrinsically or instrumentally valuable in *On Liberty*. The reason is this: if we say that liberty is instrumentally valuable to utility, we are assuming that liberty (means) and utility (end) are *distinct*. Mill only clarifies this issue in *Utilitarianism*, Ch. 4.

We have already noted that by 'utility', Mill means the permanent interests we have as progressive beings. In large part, these interests are those involved in our development of individuality, particularly the powers of thought, feeling and imagination. In *Utilitarianism* Ch. 2, Mill argues that the pleasure we derive from the development and use of these powers is much more *valuable* to us than, say, bodily pleasures.

In Ch. 4 of *Utilitarianism*, Mill argues that we should not think of utility (happiness) as something distinct from what contributes to it. 'The principle of utility does not mean that any given pleasure... is to be looked upon as means to a collective something termed happiness'. Instead, 'besides being means, they [the pleasures] are a part of the end.' In other words, instead of thinking that the development and use of thought, feeling and imagination bring us happiness (or contribute to utility) as something distinct, happiness and utility *consist in* the development of these powers. They 'are desirable in and for themselves', just as utility is, because they are the 'ingredients of happiness'. They are intrinsically valuable as *part* of utility.

Can we say something similar for liberty? To be free (in expression and one's self-regarding actions) is not just a means to being happy; it is part of what happiness is. Liberty is not just a means to our permanent interests as progressive beings, it is one of these interests in its own right. Liberty is both instrumentally and intrinsically valuable.

This may well be the best reading of Mill, but there are several objections to it as a theory. First, Mill stretches the concept of 'utility' until it breaks. If freedom is part of utility, they *could* not conflict. But clearly freedom and utility *can* conflict. Whether they do, in fact, conflict is a real question, and one that Mill recognises.

Second, the idea that freedom is part of utility does not sit well with Mill's arguments that freedom is a necessary means to utility. Can freedom be both necessary for the development of individuality and part of individuality? Can anything be a means to itself??

In reply, Mill can say that 'to be free' is part of the essence of being human. This involves both becoming and being free. Realizing my individuality includes becoming free in the sense of able to think and act for myself. But for this, I must be free in the sense of given the opportunity to think and act for myself. 'The mental and moral... powers are improved only by being used.' (122) So there is no contradiction here.