

**Mill, John Stuart. *On Liberty*. London: Random House, 1969.**

John Stuart Mill (1806-1873) suffered a rigorous early education. His father inflicted Mill's ascetic erudition to create a suitable intellect to forward the banner of utilitarianism, in anticipation of the death of its founding scion, Jeremy Bentham. Mill credits his father's monomania with causing a nervous breakdown in Mill's early twenties. Mill became, however, the brilliant light his father hoped, though the utilitarianism Mill defends becomes, in the end, a perspective significantly at odds with Bentham's. Mill wrote philosophy and economics and served in Parliament. *On Liberty*, first drafted in 1854, may be Mill's most famous work, others of which include *On the Subjection of Women* and *Utilitarianism*.

- I. **Introductory.** Under what conditions may society coerce individuals? Political liberty once meant freedom from limitless and injurious intrusion on private life by rulers. To remedy this bane, sovereigns were shackled by lists of rights and constitutions. Over time, the perpetual monarch gave way to periodically-elected officials. The pressure of winning elections caused those officials to lend an ear to the opinions of their electorates. Yet tyranny lived on, no longer that of one or a few over most, but now that of electoral majorities over minorities. Such societal controls exceed mere political compulsions, and extend to all manner of influences over individuals. Groups pressure conformity far beyond its wisdom or necessity. Though we require some restraints upon the misdeeds of others to make life valuable, there must be limits. Lacking such, oppression of the most evil sort prevails. Majorities misconceive custom as self-evident truths. Majorities find it utterly transparent that all should behave as majorities deem best. So they use their opinions, however base, and laws, however misguided, to manipulate all individuals to conform. Majorities question little, and themselves never. So, minorities plead with majorities for freedom to differ, which has been granted imperfectly and grudgingly in matters of religious belief. Majoritarian coercion remains, with few exceptions, theoretically unlimited in scope.

What principle should limit societal coercion? The necessity of self-protection is the only valid justification for societal coercion. Society may prevent individuals from harming others. Society oversteps its warrant to coerce when it seeks to make life better or wiser. Increasing weal is a subject of discussion and debate, not compulsion. Individuals are sovereign as to themselves, to the extent actions cause no harm to others. This rule, of course does not apply to children or cultural primitives. But where ethical discussion aimed at improving life is possible, despotism lacks warrant.

Utility of any rule must be grounded in the broadest grasp of what it means to be human. People injure others by action and inaction. The warrant for punishing harmful actions is patent. The warrant for sanctioning harmful inactions is less plain, and requires much caution. As to inactions, conscience plays the greater role.

Society has no substantial interest in governing individual acts and preferences to the extent those affect only the individual or those who agree with and join him. For such is the sphere of liberty. That sphere includes all of conscience, exploration of ideas and feelings, and opinions on all subjects. The sphere extends to preferences and plans for one's life. The sphere includes freedom to associate with whom one pleases. Where this sphere is trammled, society is not free, regardless its form of government. In free societies, people pursue their own conceptions of the good in their own preferred manners. Man prospers better in a chaotic welter of individual choice than in the tidy conformity of compelled goodness.

Historical pressures increase societal powers and diminish those of the individual. Many believe there exist no limits to the permissible scope of societal coercions. Injurious coercions will proliferate unless moral restraints inhibit them.

- II. **Of the Liberty of Thought and Discussion.** One presumes that no defense of the free press is necessary. Governments ought not determine what citizens may think. Nor ought public opinion to quash dissenters. The many have no right or authority to censure lone dissidents. The reason is that society needs its dissidents. From dissent emerges a clearer and dearer vision of truth. Let us consider reasons for these views.

First, dissenters may be right. While all acknowledge themselves fallible, none ever seems, in a dispute, to believe a particular matter may be an instance of such. Each, it seems, relies unwaveringly on the opinion of his own people, despite the contrary opinions of differently-situated others. Some object that governments exist to form the truest opinions they can and then impose them on populations. Mill answers that suppressing dissent creates seeming truth in opinions artificially insulated from criticism. We amend our errors only in the face of critical discussion. We should trust the opinion of only those who remain open to criticism; their ideas have been tested. Every belief should be probed, tested. A deeply-criticized idea is as close to certainty as human cognition permits. Nothing should be called a certainty while even one person remains to doubt and criticize it. Some argue that ideas may be useful, even if wrong, and so should be above criticism. Such an opinion is itself an opinion, subject to criticism. And no false opinion is ultimately useful. Society has long tortured its dissenters, to its ultimate chagrin. Socrates was compelled to drink the hemlock. Jesus was crucified. Marcus Aurelius, a sensitive and thoughtful man, authorized persecution of Christians. Some find in persecution of an idea its proof. Those ideas that survive merit allegiance. But this idea is wrong-headed. Those who discover one truth previously unadopted by mankind do humanity its greatest service. Persecution of ideas effectively suppresses them. The government line becomes “true” not because of merit, but because of fear of other opinions. The British no longer kill their heretics. But dissenters are still persecuted. Religious “revivals” revive bigotry and intolerance. Legal penalties serve only to confirm and strengthen bigotry. Social stigma exceeds force of law. Public intolerance for dissent quashes it more effectively than rack and gallows. It squeezes many imaginations, and crows reason. Only pre-eminent minds can resist. With them, their errors deserve more respect than the “truths” of the indeliberate many. In intolerant times, normal people never rise to the independence of thought of which they are capable. Mill cites, as a period rising above intolerance, the post-Reformation eighteenth century, especially in Germany.

Second, conflicted discussion invites clarity and personal attachment to truths. Without free-ranging discussion, even what is true becomes stale, and hence a dead dogma. One does not “know truth” when believing it merely as authoritatively-received opinion. One must marshal reasons to warrant one’s beliefs and iterate them. So too with opponents’ views. Knowing, one sees reasons for each perspective on a subject (except perhaps mathematics and geometry). If no opponent exists, conjure one and endow him with powerful arguments for his position. A great error of the Catholic Church lies in its bifurcation of thinking members, denying to the laity the opportunity for more than mere acceptance of dogma. When one lacks the arguments for a position, one begins to lose the meaning of the position itself. Such is the fate of ethical and theological dogmas. When one inherits a faith, it serves only to keep one’s mind empty. One bows to the formulae, honors the accustomed homilies, but keeps them far from affecting his actions. Every man thinks best when challenged, and sleeps when the issue is settled. It is good that mankind reaches a growing number of ideas beyond contest. Nevertheless, the role of dissent perseveres. All should revere dissenters for the wealth they bring humanity.

Third, conflicted dialogue serves to complete partial truths, which truth usually lies fractured in the arguments of both sides of any question. Society flits among partial truths, abandoning stale ones, adopting something fancy and new. Truth is not augmented by this, but traded. Great dissenters, like Rousseau, drop their opinions into comfortable thought like bombs. Nothing is the same thereafter. Most of common life revolves around polar questions: property-equality, cooperation-competition, liberty-discipline, democracy-aristocracy. These competing values shape life. Few men have minds adequate to parse these dichotomies, and rely instead on parties and debates to help them sort.

New Testament morality adjusts Roman Judean morality. It is no system. Christianity unduly exalts obedience, and neglects positive pursuit of the good, rather punting that to the next life. Christian ethics present a partial picture, and must necessarily be challenged by other truths, if it be truth one seeks. Many of humanity’s best thinkers knew, and rejected, Christian faith. We should compel people to listen to both sides of arguments.

None can effectively regulate the civility of public discourse. People whom all would call persons of good faith routinely distort facts, suppress arguments, and misrepresent

opponents' positions. They also smear dissenters as immoral persons. Calumny marks dissenters for persecution, while the calumnies of the majority opinion are applauded. We are right when we disapprove dishonesty, hatred, and intolerance in contestants, whatever their stripe, and approve those who argue honestly against opinions contrary to their own. This is morality in public discussion.

**III. Of Individuality, as one of the Elements of Well-Being.** One should be as free to act as to think.

As with speech, the appropriate limit of action is injury to others. Where such injury occurs, opposing language and community sentiment may be followed, in egregious circumstances, by legal action. Freedom is no license to make of oneself a nuisance. Every man, however, is entitled to his experiments in living. Most people tolerate unusual behavior, but see no positive benefit from it. As Humboldt argued, individual freedom to create novel situations is the essential human goal. We must allow men to interpret their experiences in that manner which seems appropriate to them. A person makes no choice in conforming. Judgment is exercised only when deviating. Following tradition requires only imitation. First among every man's task is to make of himself what seems to him best. Man is not a patterned machine, but a tree in need of pruning and space to grow. Human impulses are mere energy. Persons with powerful impulses need potent consciences to self-bridle. Those who do, being shaped also by culture, exhibit character. Most have no character, since their only quest is to do as is commonly done. The humanity of such persons has withered. Mill castigates Calvinism, for its undue emphasis on duty. Calvinists cramp mankind. Mill prefers the Greek ideal of self-development. Humans grow beautiful where they find freedom to deviate and be unusual, barring injury to others. All must cultivate individuality.

Such freedom has benefits. Odd persons discover new truths, and show old ones superseded. Some experiments in living succeed, and by propagation enliven all humanity. Genius grows in a soil. That soil must be nurtured. Lacking genius, all good things would vanish. Normal people have no use for genius or originality, and are satisfied enough when all descends toward mediocrity. Mediocrity is the normal state of the average man. His only glory is that he is smart enough to follow along with those glorious few individuals who point a better way. Eccentricity preserves what is best. The great danger of Mills's time was deficiency of eccentricity. Not geniuses only, but all men, must create their own life pattern. Human differences are not trivial. All cannot grow in a single pattern. Still, most people lack potent desires. They want all to conform, and like them, to desire nothing strongly. In their view, all persons should be compressed to fit into one size of shoe. England's despot is custom. Most of the world lacks meaningful history because custom's reign is so utterly complete that no progressive idea can find purchase in custom's meager soil. So suffers China. It had great and creative men. Now it has conformity. Europe, it seems, longs for the same result. All the social institutions and pressures tend toward conformity. Worst, public opinion now governs government. And the public lusts for conformity. We must seize a place for eccentricity now. Once the public becomes unaccustomed to ever see such, nonconformity will be outlawed utterly.

**IV. Of the Limits to the Authority of Society over the Individual.** What limits ought to exist in

societal authority over the individual? Society is not contractual, but where one receives benefit, one owes a complementary effort to contribute. One must seek to avoid injury to others' interests. One must contribute labor and effort in defending society from injury. Where injury occurs, opinion, or even law, should intervene, for over such events society has jurisdiction. Where no injury occurs, society has no warrant to govern.

All should work to promote the good of all, even where self-interest is absent. Every persons owes it to all to seek good and eschew evil, and to teach others the same. But every man's interest in and knowledge of his own well-being vastly exceeds that of society. Society, in general, should step aside where individuals are making decisions. Leave individuals free to their spontaneities. Exhort them if you must. But do not fetter them.

You too have your rights. Associate or not as you please. Warn others of a person's predilections to do harm. Think ill of a man if you must. Each person deserves the response from others that he, by his choices, elicits. But punish no man for his individuality and

oddness. Moral improvement is not obligatory, except as it ignores duties to others. People reap the whirlwind for their character defects. We need not pile on punishments. But when ill-action injures others, society can and must retaliate, and with sufficient severity to deter.

Many object that no action of a man is so isolate as Mill pretends. Every action affects some others, often many others. And some actions have proved over millennia to be unworthy, leading to no good outcome for a man or his fellows. Consider drunkenness, gambling, sloth, and filth. Should not the people intervene? Must every generation careen over the same cliffs heedless? Mill argues that when private action damages oneself or presents a clear risk of serious damage to others, then that action sufficiently affects others to warrant societal response. But where the damage lies only to himself, society should forebear in the name of individual freedom. All blame does not lie with individuals for their shortcomings. Society shapes all individuals during their minority. If in adulthood they have learned so little of self-control that they injure and inconvenience us, we have partly to blame ourselves. When society undertakes to control individual preference, it overreaches, and most frequently trends toward error. Most often public opinion means no more than the moral preferences of some as to the behavior of a few others. The public does not deliberate what is good. They require thoughtless conformity to their own preferences. All moral police believe it their right to inject themselves into properly private concerns.

Mill cites examples: 1) religious intolerance, especially as to abstinences, 2) public disgust at the expenditures of the wealthy, and 3) workmen who by their skill avoid unions and yet earn more than their fellows. Further, society often seeks to ban innocent activities, in fear they may lead to vicious ones: a) alcohol, b) working on Sundays, and c) plural marriage (as in Mormonism or Islam). Mill argues that no community has the right to compel another to be civilized.

**V. Applications.** Mill applies to government his principles, which are: 1) In what concerns only oneself, society has no say, though opponents may reason with, advise, express disapproval, shun, and warn others about a person they deem dangerous; 2) Where one's action harms others, society may intervene with social or criminal sanctions. Not all injury suffices for government intervention: competitive licensures, trade (all restraints on trade are evils), and police powers and regulation of potentially harmful or dangerous activities (though where the danger is uncertain and the person capable, no intervention is warranted). Society may protect itself from crimes by precautions, but such ought not to apply to: a) drunkenness (except in those inclined to assaults when drunk), b) laziness (except when under contract to act, or when on the public dole), and c) public indecency (which for the sake of decency cannot be discussed). All persons should be as free to recommend action as to undertake it, even when most would deem the acts deliberated evil (unless such advice is remunerated, in which case it is a profession, and can be regulated). For example, one should be free to fornicate, but possibly not to keep a brothel, or to gamble, but not to run a casino. Mill finds potent arguments both for and against government regulation in such matters.

May government paternally inhibit vice by making it more costly or difficult to enact, say by taxes on liquor, or limiting the number of brothels? In taxing, government inhibits liberty in the taxed item. And governments must tax. So, government should elect to tax items the over-use of which injures. In limiting outlets of sale, government reduces the trouble that comes from some substances. But this is to treat common men as children to be restricted. Some acts may be universally proscribed, as in selling oneself into slavery. One cannot alienate his freedom.

Baron von Humboldt opines that marriage should be severable at the will of either marital partner. Mill argues that where one party relies upon the promise of another, a new series of moral obligations emerges which need consideration. Mill argues for an end to husbands' rule of families by giving equal rights to women. Mill argues for compulsory education of children, even against parental wishes, if necessary. But he prefers the education to be private, with state tuition support for the poor. Annual testing of children to confirm progress should be required in science and history, but not religious dogma (except as it is history). No state should seek to influence public opinion.

Procreating without intention to parent well is a crime. The state may rightly require proof of financial ability before permitting marriage.

Ought the government to help citizens? First, government should never undertake that which is better managed by individuals. Second, government should never do that which can be done by individuals, even if more poorly than government, if the task tends to educate and enervate citizens. Third, government should not aggrandize power, which act emasculates its population, and causes all to loiter awaiting government action. Government should leave the primary tasks of society to the private sector. Mill criticizes the Russian Czar's stultifying government, and praises French and American improvised private genius. Powerful bureaucracies make of citizens sheep and slaves. Power should be decentralized; information should be centrally collected, then disseminated. Government exists to facilitate individual activity. Where state's dwarf citizens, no good ensues.