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14 Mill in a liberal landscape

Mill's essay *On Liberty* had both the good and the ill fortune to become a "classic" on first publication. The immediate success of the book, dedicated as it was to preserving the memory of Harriet Taylor, could only gratify its author. Yet its friends and foes alike fell upon it with such enthusiasm that the essay itself has ever since been hard to see for the smoke of battle.¹ That it is a liberal manifesto is clear beyond doubt; *what* the liberalism is that it defends and *how* it defends it remain matters of controversy. Given the lucidity of Mill's prose and the seeming simplicity and transparency of his arguments, this is astonishing; ought we not to know by now whether the essay's main target is the hold of Christianity on the Victorian mind² or rather the hold of a monolithic public opinion of whatever kind; whether its intellectual basis lies in utility as Mill claimed or in a covert appeal to natural right; whether the ideal of individual moral and intellectual autonomy is supposed to animate everyone, or only an elite; and so indefinitely on?

The account of Mill's essay I offer here does not settle these issues. My account is neither conclusive nor comprehensive, nor will it resolve very many of the problems that Mill's readers have had with the essay. My argumentative aim is to emphasise the difficulties a late twentieth-century reader will have with Mill's liberalism, and to mark quite sharply its differences from many contemporary – that is, late twentieth-century – liberalisms. I therefore begin with a sketch of Mill's argument, then say something about the context of Mill's discussion, that is, about whom the essay was aimed at, negatively and positively; I conclude by contrasting Mill's liberalism with the liberalisms of John Rawls and Isaiah Berlin, in order to bring out some of the ways in which Mill

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was and was not a pluralist, did and did not attend to "the separateness of persons," did and did not espouse a fully-fledged teleological and ideal conception of the autonomous individual.³ I make no secret of my preference for Mill's ambitious and comprehensive theory over Rawls's more limited and defensive (latterly a narrowly "political") liberalism, nor of my uncertainty about quite what to say about Mill's seeming blindness to the attractions of colourful but illiberal cultural alternatives – such as that presented by the Indian subcontinent, whose political affairs he directed.⁴ There is much in Mill's essay that I do not discuss here, but I have tried to avoid repeating what I have written elsewhere and what others have (to my mind at any rate) dealt with adequately.⁵ It is in the nature of "classics" that their students are exhausted before they are.

I

Mill's essay was conceived in 1854 when he discovered that he and Harriet were suffering from consumption, and might well die in the near future. It was to be part of the "mental pemican" that they would leave to thinkers "if there should be any" after themselves.⁶ The absurdity of their fears for the wholesale collapse of British intellectual life has often been commented on, and the kindest gloss on it is that no two people who had waited to be married as long as they had should be chided for excessive gloom when they so soon afterwards discovered that their long-deferred happiness was to be snatched away.⁷ *On Liberty* was conceived at a time when Mill was for the first time contemplating a long essay on Comte, his intention in part being to counter the excessively favourable impression that his use of Comte's work in *A System of Logic* had created. Mill abandoned the Comte essay for the rest of the 1850s (it eventually appeared in 1865), but *On Liberty* has the marks of Mill's ambivalence about Comte all over it.⁸ On the one hand, Mill thought highly of Comte's appreciation of the need for a scientific reorganisation of social and economic life; on the other, Mill condemned Comte's version of that project as "liberticide." On the one hand, Comte saw deeply into the need for some kind of moral system to play the role in individual lives that Christianity had formerly played; on the other, Comte's version of the religion of humanity "could have been written by no man who had ever laughed."⁹ On the one hand, Comte

understood that as society became increasingly complex, the bonds of duty must tie us ever more tightly to one another; on the other he wholly failed to see that unless we lived for ourselves as well as for others, nothing would be worth living for, nothing would exist for which it was worth doing our duty. Of course, Mill had many other writers in mind. *On Liberty's* famous epigraph invokes von Humboldt and the German concern for *Bildung*;¹⁰ the historical sociology of democratic culture on which Mill relied to explain the nature of the threat to liberty posed by that culture was lifted bodily from Tocqueville's *Democracy in America*. But the intellectual and political vision that Mill was anxious to check is one that his friends and colleagues found tempting – not just the “soft” despotism in the form that Tocqueville feared, but that of a benevolent bureaucracy also.

Like that of *Utilitarianism*, the argument of Mill's essay is not so much familiar as notorious. Mill writes that “The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control. . . .”¹¹ Commentators have complained about Mill's appeal to one very *simple* principle; they have said that little in human life is simple, and the question of when to interfere with each other's liberty is not part of that little. This complaint may be mistaken; simple principles are often complicated to apply – a planning minister or his civil servants may be required not to withhold consent “unreasonably” when a citizen applies for permission to build a house or a garage, but that simple requirement leads to complicated lawsuits. Mill's simple principle is that we may coerce others into doing what they do not choose to do only for the sake of self-defence, and by extension to make them perform a small number of good offices (such as giving evidence in a court of law) required if others are not to be harmed by their inaction. It *is* a simple principle, however complicated it may be to apply.

Mill was less interested in employing the principle to restrain coercion by single individuals than to restrain the coercive actions of groups. It is not the fear that we shall individually assault or incarcerate others when we ought not that motivated him, but the fear that we shall collectively gang up on eccentric individuals when we ought not. The fear is based on two things. The first and more obvious is Tocqueville's observation that Americans had less free-

dom of thought and speech than one might suppose from their constitutional arrangements; Americans were notably bad at thinking for themselves, and were vulnerable to the desire to think like everyone else and to the desire that everyone else should think like them.¹² The second and less obvious is an idea that Mill picked up from the Saint-Simonians during the late 1820s and early 1830s. This is the view that the progress of modern civilisation is a movement away from individual genius and towards action *en masse*.¹³ Mill largely relied on the first thought. It was a corollary to the view of the history of democracy that he had come to, partly under Tocqueville's tutelage, but quite largely independently of that influence. The ordinary people of a country like Britain had successfully altered the balance of power between themselves and their rulers, until the country was in practice, though not in constitutional principle, democratic; but they had not noticed that in fending off the tyranny of monarchs and aristocrats, they rendered themselves vulnerable to a different and more insidious tyranny, the tyranny of all collectively over each individually.

The insidiousness of this tyranny was not only that "self-government" often meant in practice the government of each by all the rest, but that this was a soft, constant social pressure for conformity rather than a visible political tyranny. The consequence was that they tyrannised over themselves as well as over each other:

reflecting persons perceived that when society is itself the tyrant – society collectively, over the separate individuals who compose it – its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.¹⁴

There was nothing to be done about the movement towards political democracy. It was a movement that Mill thought inevitable, and like Tocqueville Mill thought it was on balance morally desirable on the grounds of justice and liberty alike. All the same, a new view of liberty was needed to counter the threat posed by the tendency of

the public to suppose that once its mind was made up, dissentients should defer to public opinion. Mill's "very simple principle" was intended to provide part of that counter. Individuals must acknowledge the right of society to coerce them out of behaviour that harmed other people, that violated their rights, that damaged their legitimate interests; over all else, each individual remained sovereign.

Critics have complained, not only that Mill's principle was too simple, but that he had no business offering it as an "absolute" principle. Mill himself was aware that it was dangerous for a utilitarian to offer any other principle than utility as "entitled to govern absolutely" the dealings of society with its members. Utilitarians prided themselves on having reduced morality to principle: ethics had been rationalised when the principle of utility justified the everyday morality that utilitarians accepted and the non-everyday morality with which they wished to improve everyday morality. The status of any other principle was thus a delicate matter. Mill was ready with his answer. The individual's sovereignty over himself or herself was not based on natural right; it was derived from utility. It was absolute not in the sense that the liberty principle is "ultimate," but in the sense that it is exceptionless. This claim, however, raised another difficulty. The impetus to the writing of *On Liberty* was to protect freedom from the assaults of illiberal do-gooders – as it were an advance warning against the "bourgeois, benevolent and bureaucratic" Sidney and Beatrice Webb when they should arrive on the scene, and perhaps a warning against his own good friend Edwin Chadwick, with his enthusiasm for Prussian efficiency. This supposed a conflict between the pursuit of freedom and the pursuit of the general welfare; but Mill proposed to defend freedom in terms of its contribution to the general welfare.

In essence, the rest of *On Liberty* spelled out the way in which the principle of *no coercion save to prevent harm to others* promoted utility. The first step was to point out that the utility involved had to be taken "in its largest sense": it was the utility of "man as a progressive being" that was at stake, not only the bread-and-butter utility of man as a consumer, with fixed tastes and desires.¹⁵ Giving a persuasive account of what the utility of such a person was based on, as most critics have seen, forms the substance of the work.¹⁶ It is worth noting that Mill's expansive conception of the utility of a

progressive being rested on a sober basis. In terms of recent discussion, Mill's liberalism is "perfectionist" in the sense that it proposes an ideal way of life; in the sense in which his contemporaries would have understood such terms, it was more nearly "anti-perfectionist" inasmuch as it repudiated the idea that the state or society generally had a right to *make* individuals conform to some existing ideal of good character. In any case, Mill's concern for individual liberty rested both on a doctrine of self-protection and on a doctrine of self-development. We have two great needs that rights protect: the first and most basic is for security, and the second is for room to expand and flourish according to our own conception of what that entails.¹⁷ In *Utilitarianism*, Mill went on to explain the achievement of security as the province of *justice*, and to tie the notion of justice to the notion of rights. Our interest in security has the character of a right that must be protected against threats from other persons.

Although Mill was not a functionalist, he plainly thought that organised human society and its legal and political arrangements existed in order to provide each individual with a collective defence against such threats. One of the ways in which the principle of no coercion save to prevent harm to others is glossed by Mill, therefore, is to include the right of society to make each of us bear our share of the burden of sustaining the institutions that provide collective security. The refusal to give evidence at a trial is not a matter of our making a legitimate decision to withhold a kindness to the person whom that evidence would help, but a threat to the arrangements on which everyone's security depends, and so a case of harm to others; we may therefore be coerced into giving evidence:

There are also many positive acts for the benefit of others which he may rightfully be compelled to perform; such as, to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow-creature's life, or interposing to protect the defenceless against ill-usage, things which whenever it is obviously a man's duty to do, he may rightfully be made responsible to society for not doing. A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury. The latter case, it is true,