

# JOHN STUART M



# MILL'S *ON LIBERTY* 150 YEARS LATER

**Michael Levin** analyses the most well-known work of the greatest of the Victorian Liberal philosophers, published 150 years ago this year, and assesses its relevance to 2009.

**J**OHNS STUART Mill grew up in a highly intellectual, liberal and campaigning environment. His father was the historian, philosopher and economist James Mill – a populariser of the utilitarian theories of his friend Jeremy Bentham. In 1823, at the age of seventeen, Mill followed his father into the services of the British East India Company. In 1858, the year he finished writing *On Liberty*, his life was utterly transformed. In September he retired from the East India Company in protest at its being taken under direct state control following the Indian Mutiny. Mill believed that this would make Indian policy subservient to British party-political considerations. Then in November his wife, Harriet Taylor Mill, died of a fever. *On Liberty* was sent to the publisher the same month. Mill thought that it was as much hers as his, and it is dedicated to her. As for Mill's intellectual reputation, by 1859 he was already an established figure. His *A System of Logic* (1843) has been rated the most widely used logic textbook of the nineteenth century, while

John Stuart Mill  
(1806–73)

his *Principles of Political Economy* (1848) was perhaps even more influential, and went into seven editions during Mill's lifetime. He had also gone public with highly controversial views in favour of the Irish poor during the great famine of 1845–46 and in his essay 'Vindication of the French Revolution of February 1848'.

## Mass society

Mill decided to write *On Liberty* in 1854, although its intellectual roots can already be seen in essays written in the 1830s. In 1835 and 1840 he had reviewed the two volumes of Alexis de Tocqueville's *Democracy in America* and thereby did much to make that work known and appreciated in Britain. Mill himself was much influenced by de Tocqueville's analysis of mass society. This was a condition in which the old social gradations were breaking down. Individuals were now no longer members of a particular class or group, instead being members of society in general. An atomised society of individuals was emerging, in which, said Mill, 'individuals

are lost in the crowd'. In consequence, mediocrity was becoming 'the ascendant power among mankind'.

This has sometimes been seen as an opposition to rising working-class influence, and Mill certainly believed that the uneducated were not qualified to vote. Here, however, he was quite explicit as to the people to whom he was referring: 'Those whose opinions go by the name of public opinion are not always the same sort of public: in America they are the whole white population; in England, chiefly the middle class. But they are always a mass, that is to say, collective mediocrity'<sup>1</sup> – and a mass that imposes its norms and prejudices on everybody. Mill called this 'the tyranny of the majority'.<sup>2</sup>

Liberty's old enemies were found at the apex of society: kings, governments and churches. The new enemy, the mass, was in the middle rather than at the top of the social pyramid. This could lead to liberty's defenders being caught off their guard by the new direction from which the current danger came. Mill thought the threat mattered

for three reasons. Firstly, liberty leads to the discovery of truth. Progress in thinking can only be made when diversity of opinion is tolerated. Secondly, liberty is a requirement of our natural being. He described human nature as like 'a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing'.<sup>3</sup> Just as the body, by its very nature, needs exercise, so, thought Mill, did the mind. Individuals simply could not develop themselves in a climate of mental constraint, and this had important social consequences.

Thirdly, then, liberty was the basic prerequisite for societal advancement. Mill's generation had witnessed immense developments. Industry was transforming the country, shifting traditional class patterns as new commercial powers emerged and populations aggregated in the rapidly growing cities. There had, within not-too-distant historical memory, been the European revolutions of 1789, 1830 and 1848. Britain was proud to have remained immune from the full force of these outbreaks but still felt insecure as a result of the dangers they had posed. A common intellectual preoccupation was the question of origins and destinations. How had human and social advancement occurred? What were their mainsprings? Where were we heading? These concerns were particularly marked in 1859, which, apart from Mill's *On Liberty*, saw the publication of two other immensely significant works containing theories of progress: Charles Darwin's *Origin of Species* and Karl Marx's brief but still influential 'Preface to a Critique of Political Economy', which outlined the path of social development successively through Asiatic, ancient, feudal and capitalist modes of production.

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Mill's theory of progress had diversity of character and culture as its cause. These were the factors that had gradually elevated European societies above all others. In *On Liberty* he argued that all improvements to the institutions and mind of Europe could be traced back to three periods of free intellectual ferment. One was the period immediately following the Reformation. Another was the Enlightenment, which Mill described as 'limited to the Continent'. The third was the 'intellectual fermentation of Germany during the Goethian and Fichtean period', that of German Romanticism. Though two of these instances were comparatively recent, Mill felt that their influence was coming to an end. 'Appearances have for some time indicated that all three impulses are well nigh spent'.<sup>4</sup> Europe's progress, therefore, derived from its diversity – which was now endangered.

Mill held before his readership the dreadful warning example of China. It was not a primitive or barbarian society, but an ancient civilisation that had, at one time, achieved considerable progress. It had, however, ossified at the point when freedom was curtailed. China had then become a backwater: world development had passed it by. This was a vital lesson for Britain and the western world in general. It should not take its dominant position for granted but, rather, urgently needed to maintain and fortify the basis from which its current elevation derived. As it was, Europe seemed to be squandering its inheritance, for it was 'decidedly advancing towards the Chinese ideal of making all people alike'.<sup>5</sup>

#### **The defence of individuality**

In *On Liberty* Mill warned that 'he who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the

ape-like one of imitation'.<sup>6</sup> This is a poignant sentence which indicates the psychological background to the book, for Mill has been described as a manufactured man. His father did, in fact, 'choose his plan of life for him', and brought him up to be a disciple, and so a propagator, of Bentham's utilitarian creed. This brought about a mental crisis from which Mill gradually emerged through his acquaintance with Coleridge and other Romantic writers who reached the parts that austere Benthamism was barely willing to acknowledge. That, however, was not the end of the matter, for later two rather forceful characters, Thomas Carlyle and Auguste Comte, both presumed, quite wrongly, that they had found in Mill a devoted follower who would do their intellectual bidding. The need to assert individuality against outside pressures, then, was one that he felt very keenly.

So, in order to defend individuality, Mill searched for a principle by which social interference could be limited. He declared that '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'. Consequently, the 'only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute'.<sup>7</sup> Implicit here is the belief that it is possible to draw an operational distinction between two kinds of action: self-regarding and other-regarding. Mill decided that only in the latter case had society a right to interfere with individual actions. Contemporary and later critics have found it hard to draw a clear dividing line between these two kinds of action. What remains significant is less the intrinsic value of the distinction Mill was trying to draw than the

very liberal attempt to establish a limit to social and political interference.

Thus far it might appear that Mill solely defined liberty negatively as consisting in the absence of outside pressures, but he also added a positive side. This consisted in liberty as the free exercise of rationality. Rationality, however, was not attainable by everyone, so some people were not yet fit for liberty. In his *Autobiography* Mill asserted that representative democracy was not an absolute principle. Its application was a matter of time, place and circumstances. Mill, then, may be described as a developmental liberal in that people only qualify for the liberal rights and freedoms when they attain a fairly high level of general development. In the first chapter of *On Liberty* Mill explicitly left out of account 'those backward states of society in which the race itself may be considered as in its nonage'.<sup>8</sup> Mill, presumably, had in mind, among others, the Indians who had been the subject of his employment. His father had written a famous *History of British India* and it seems that neither father nor son had what would now count as proper respect for the level of civilisation, culture and philosophy that the sub-continent had achieved. For them: 'despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end'.<sup>9</sup>

### Freedom of speech

Liberty, then, was a principle only applicable to the more advanced societies: those deemed 'capable of being improved by free and equal discussion'. This was the condition 'long since reached' in what Mill, all too vaguely, described as 'all nations with whom we need here concern ourselves'.<sup>10</sup> For these advanced societies,

freedom of speech was central to the defence of individuality. Mill's argument here is perhaps the most famous part of the book. His striking basic statement on this is as follows:

If all mankind minus one were of one opinion, and only one person of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.<sup>11</sup>

Mill then provided a number of justifications of varying plausibility for his position:

- i. To silence the expression of an opinion is to rob the human race.
- ii. The opinion may be right, in which case suppression would deprive people of the chance to exchange error for truth.
- iii. The opinion may be wrong but suppression is still unjustified, for people would lose 'the clearer perception and livelier impression of truth, produced by its collision with error'.<sup>12</sup> So even false opinions have a positive function.
- iv. 'We can never be sure that the opinion we are endeavouring to stifle is a false opinion.' It may actually be true. Of course, those who attempt to suppress an opinion may think it false but 'they have no authority to decide the question for all mankind'. 'All silencing of discussion is an assumption of infallibility'.<sup>13</sup>
- v. Even if a whole society think an opinion false, they still have no right to suppress it, because the opinions of the age are no more infallible than those of the individual. 'It is as certain that many opinions now general will be rejected by future ages, as it is that many, once general, are rejected by the present'.<sup>14</sup>

- vi. The opinion we wish to suppress may be basically wrong, but still 'contain a portion of truth'.<sup>15</sup> Since prevailing opinions seldom contain the whole truth, they might well benefit from contact with further portions of it.

Finally, one chapter later, Mill made a partial but significant withdrawal. He now considered the possible social consequences of free speech and decided that law and order had to be given priority. Opinions, then, should still be free, but their expression should be limited if they are likely to have detrimental consequences in practice:

An opinion that corn-dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard.<sup>16</sup>

### The limits of state action

This modification of his free speech principles in the light of their application is typical of Mill. More than just being a philosopher, he was always concerned with the implementation of the views he advocated. His concern with the practical consequences of his analysis led Mill to ponder the legitimate limits of state action. He gave a number of examples of wrongful state interference. One instance was sabbatarian legislation where he pronounced that it was not one person's duty that another should be religious. It was also wrong to prevent free trade, for any restrictions on trade infringe the liberty of the potential purchaser. Mill pointed out how the advantages of free trade were conceded only 'after a long struggle' and that in

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general 'restrictions on trade, or on production for purposes of trade, are indeed restraints; and all restraints, *qua* restraint, is an evil'. The extent of the doctrine, however, was limited so as to allow the authorities to prevent 'fraud by adulteration' and to enforce 'sanitary precautions' and to 'protect workpeople employed in dangerous occupations'.<sup>17</sup> Mill then turned to another category of interference where the liberty of the buyer made restrictions unacceptable. Here he denied that the export of opium into China had been an improper source of revenue for the East India Company. Its sale and consumption was, after all, legal in Britain at that time. Mill was here implicitly taking his government's side in the current Opium War of 1856–60.

Another area that deeply concerned Mill was that of education. His own education had been quite extraordinary. He had never been to school but had his father's rigorous regime imposed on him. This involved commencing Greek at the age of three and Latin at the age of eight in a childhood without either playthings or the company, so he said, of other boys (although his brothers must have been around). In his *Autobiography*, Mill mentioned that 'no holidays were allowed, lest the habit of work should be broken, and a taste for idleness acquired'.<sup>18</sup> When he was thirteen his father informed him that he knew more than other boys of his age. It must still have come as rather a shock to learn that many children received very little education or even none at all. This situation had to be remedied, and here the state had a responsibility. 'Is it', he asked, 'not almost a self-evident axiom, that the State should require and compel the education, up to a certain standard, of every human being who is born its citizen?' The state, though, should facilitate more than provide. It would be wrong

to allow the state to provide 'the whole or any large part of the education of the people', for this would produce a society all in the same mould, 'a despotism over the mind',<sup>19</sup> exactly what Mill was most concerned to prevent. His solution was effectively a voucher scheme for parents unable to pay for their children's education. This was a situation that ideally should not occur, for Mill (like Darwin, very influenced by Malthus on population) did not consider it beyond the legitimate powers of the state to forbid marriage to couples deemed unable to support a family financially.

Apart from issues concerning liberty itself, Mill provided three guiding principles against government interference. The first involved those situations where the task would be better performed by individuals than by the government; the second, where it was desirable, in terms of personal development and education, that individuals should act; and, as for the third, 'the most cogent reason for restricting the interference of government is the great evil of adding unnecessarily to its power'.<sup>20</sup> In *On Liberty*, as earlier in *Principles of Political Economy*, Mill's writings on the state were marked more by pragmatism than dogmatism. For example, he basically favoured *laissez-faire* but found grounds for considerable modifications. In terms of the conventional categories this did not so much distance Mill from liberalism as indicate his place within it. His writings mark a transition between the so-called classical liberal political economy of Adam Smith and his father's friend David Ricardo and the later 'New Liberalism' associated first with T. H. Green and then with J. A. Hobson and L. T. Hobhouse.

**Fight-back**

Mill had suggested how social developments were producing

a more homogeneous and conformist society. Yet, clearly, he wrote more than an analysis of the causes and possible consequences of mass society, for he produced what amounts to a manifesto of spirited resistance to it: a call to action. He called on individuals, especially exceptional individuals, to fight back against the pressures to conformity. They should assert their own distinct identity. Every refusal to bend the knee, even eccentricity, was a service in the battle against the stifling pressures of mass society.

It was, it seems, a fight back by individuals alone. Mill at no time suggests a pressure group or even a political party as the appropriate agency. So these lone individuals are trying not just to withstand but even to counteract the dominance of a mass society that has all the major tendencies of the age augmenting it: technology, communications and education. It is rather hard to see how the few can have a chance against the many, especially so when, in his view, the few want liberty but the many are indifferent to it. It is hard to tell the extent to which Mill considered the precise tactics of the proposed fight-back, but we may surmise that, like minority individual behaviour today, such as Mohican haircuts or body piercing, the more people do it the easier and more tolerable it becomes.

**Reception**

In 1859 Queen Victoria's speech opening the new session of parliament included the following note of serenity: 'I am happy to think that, in the internal state of the country, there is nothing to excite disquietude and much to call for satisfaction and thankfulness'.<sup>21</sup> This was not Mill's view. At perhaps the height of British pre-eminence he had sounded a highly discordant note: that those factors which had produced global dominance

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were ceasing to operate. For his contemporaries this was so implausible that they barely responded. They did, however, answer the 'mass society' charge – and totally rejected the notion that people were becoming more alike. Mill's foremost contemporary critic, the lawyer James Fitzjames Stephen, found no evidence of widespread conformity or similarity:

I should certainly not agree with Mr Mill's opinion that English people in general are dull, deficient in originality, and as like each other as herrings in a barrel appear to us. Many and many a fisherman, common sailor, workman, labourer, gamekeeper, policeman, non-commissioned officer, servant, and small clerk have I known who were just as distinct from each other, just as original in their own way, just as full of character, as men in a higher rank in life.<sup>22</sup>

So the important corollary, that sameness threatened decline, was not even considered. *On Liberty* was an instant success in that it attracted much interest and went into a second edition six months after first publication. It was not, however, a full critical success, as the critics tended to praise the philosopher yet dissent from his opinions. Most of them saw no danger in current conditions and suggested that Mill's message was actually most needed in Spain, Italy, Portugal and Russia. It seemed to them that this man living comfortably in Blackheath had adopted the tone of a dissident imprisoned by a despotic government. This rather missed the point, for Mill's complaint about his own country focused more on the society than the state: 'in England ... the yoke of opinion is perhaps heavier, that of law is lighter, than in most other countries in Europe'.<sup>23</sup>

Anyway, where was this suppression of free thought

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that Mill bemoaned? Contemporary critics could not see it, for orthodoxies impose little constraint on the orthodox. Limitations on free thought are mainly apparent to those with controversial beliefs and there were two respects in which Mill held subversive views on highly sensitive topics: religion and sexual equality. It is fairly clear that the intolerance of which Mill complained related to religion. He mentioned that in 1857 two people were rejected as jurymen 'and one of them grossly insulted by the judge and by one of the counsel, because they honestly declared that they had no theological belief'. Denial of the right to give evidence in a court of law to those who do not believe in God was, said Mill, 'equivalent to declaring such persons to be outlaws' who could be 'robbed or assaulted with impunity ... if the proof of the fact depends on their evidence'.<sup>24</sup> Religious speculation was both socially unacceptable and also circumscribed by the laws against blasphemous libel. Unbelief was then the intellectual sin that dare not speak its name.

The publicity given this year to Darwin's speculations is a reminder of the difficulties respectable Victorians had in expressing doubts not just about religion directly but also about anything else that might have a bearing on it. According to later critics, it was on the subject of religion that Mill felt unease at not being able to speak out, although in my opinion his Chapter Two, 'Of the Liberty of Thought and Discussion', is as bold and explicit as could reasonably be expected. In a later chapter his call for toleration includes the marvellous statement, still sadly all too relevant today, that 'the notion that it is one man's duty that another should be religious, was the foundation of all the religious persecutions ever perpetrated, and, if admitted, would fully

justify them'.<sup>25</sup> This amounts to indicating that an individual's religion, or lack of it, is nobody else's business.

On the issue of sexual equality, Mill noted that the 'almost despotic power of husbands over wives needs not be enlarged upon here, because nothing more is needed for the complete removal of the evil than that wives should have the same rights, and should receive the protection of law in the same manner, as all other persons',<sup>26</sup> which was very much not the case at the time. Mill's *The Subjection of Women* appeared ten years later and can be seen as an extended discussion of this same principle. It was the only one of his books on which the publisher lost money, although it is now acknowledged as a feminist classic, and, indeed, the only one to be written by a man. Ironically, its initial reception precisely confirmed Mill's point concerning society's scathing intolerance of divergent opinions.

Mill died in 1873. *The Times* granted him an obituary but it was not exactly respectful. His status among respectable opinion may be compared to that of Russell and Sartre in the third quarter of the twentieth century: acknowledged as a great mind but seen as rather wayward in certain respects.

### 150 years later

Sir Isaiah Berlin is, to the best of my knowledge, the only person to have been knighted for services to political theory. He is also one of the most significant liberal thinkers of the second half of the twentieth century, so his judgements have no little authority. He once described Mill as the man who 'founded modern liberalism' and *On Liberty* as 'the classic statement of the case for individual liberty'.<sup>27</sup> These are standard viewpoints and so it is very much in order to note and celebrate the 150<sup>th</sup> anniversary of the book's

## Further reading

Paperback editions of *On Liberty* have been published by Penguin Books, Cambridge University Press, Hackett, Pearson Longman and Oxford University Press.

An extensive scholarly debate exists concerning various matters of interpretation. What counts as harm? Is *On Liberty* really the utilitarian work that Mill declared it to be? Is liberty a means or an end? How liberal was Mill? These and other issues are explored in the secondary literature. Particularly worthy of attention are:

- I. Berlin, 'John Stuart Mill and the Ends of Life' in *Four Essays on Liberty* (Oxford University Press)
  - J. Gray, *Mill on Liberty: A Defence* (Routledge)
  - J. Hamburger, *John Stuart Mill on Liberty and Control* (Princeton University Press)
  - J. Riley, *Mill on Liberty* (Routledge)
  - A. Ryan, *J. S. Mill* (Routledge and Kegan Paul)
  - J. Skorupski, ed. *The Cambridge Companion to Mill* (Cambridge University Press)
  - J. Skorupski, *Why Read Mill Today?* (Routledge)
- The most recent biography of Mill – *John Stuart Mill, Victorian Firebrand* (Atlantic Books, 2007) by Richard Reeves – was reviewed by Eugenio F. Biagini in *Journal of Liberal History* 60, Autumn 2008.

publication. It would, however, be contrary to the spirit of Mill himself to revere him as an infallible authority. He noted that the opinions of one age are not those of another and so, not surprisingly, some of his views are no longer acceptable. His advocacy of liberal imperialism now seems less liberal than it did then, as does his declaration that the message of *On Liberty* was not for 'backward states of society'. Also, in terms of defending individual liberty, his utilitarian heritage has lost out to the more fashionable notion of universal human rights. However, his views on religious toleration and sexual equality are clearly, partially through his own efforts, more acceptable today than when he wrote about them.

Furthermore Mill raised vital issues that still concern us. His treatment of the limits of free speech is even more relevant today when the media are so much more extended and influential. Consider, for example, the issues raised by 'speech codes', 'political correctness', Salman Rushdie and *Satanic Verses*, Jade Goody versus Shilpa

Shetty on *Big Brother*, Jonathan Ross and Russell Brand discussing a particular sexual conquest, and Carol Thatcher using a racist term in a BBC 'green room'.

There is also the unresolved issue of when society has a right to interfere with individual actions. To take just one example, only at first blink can we regard drug-taking as a self-regarding action. A moment's reflection will recall the consequences for families, employers and the health services. Mill recognised this and saw that such consequences transfer the initial action into the other-regarding category. So are clear-cut self-regarding actions so trivial that they fail to provide the significant dividing line that the defence of individuality requires? A more difficult example is the case of the nude walker who seems to continue, undaunted by the punishments he receives. Does he cause harm to others in ways that justify suppression? And to what extent have we a right to be offensive? In multi-faith Britain this is a particularly moot point with regard to religious and anti-religious opinions. In 2005 the play *Bezhti* was withdrawn from the Birmingham repertory theatre due to the actions of Sikh protesters. This year the Dutch MP Geert Wilders was refused entry to this country for a showing in the House of Lords of his film *Fitna*, which linked Muslim violence with verses in the Koran. On various issues you might draw the line differently from where Mill did, but somewhere a line always has to be drawn and justified, and so the concerns he raised will remain with us. On many of these issues there are clearly no easy answers, but Mill certainly asked all the right questions. Some of his principles concerning freedom have stood the test of time and it is hard to see them being superseded; others remain as valuable starting points. Mill 'feared'<sup>28</sup> that

the lessons of *On Liberty* would retain their value for a long time. He was right.

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- 1 S. Collini ed., J. S. Mill, *On Liberty and Other Writings*, [henceforth OL] (Cambridge University Press, 1989), p. 66.
- 2 Ibid., p. 8.
- 3 Ibid., p. 60.
- 4 Ibid., p. 36.
- 5 Ibid., p. 72.
- 6 Ibid., p. 59.
- 7 Ibid., p. 13.
- 8 Ibid.
- 9 Ibid., pp. 13–14.
- 10 Ibid., p. 14.
- 11 Ibid., p. 20.
- 12 Ibid.
- 13 Ibid., p. 21.
- 14 Ibid., p. 22.
- 15 Ibid., p. 53.
- 16 Ibid., p. 56.
- 17 Ibid., p. 95.
- 18 *Autobiography*, in *John Stuart Mill Collected Works* (University of Toronto Press, 1981), vol. 1, p. 39.
- 19 OL, pp. 105, 106.
- 20 Ibid., p. 110.
- 21 *Annual Register 1859*, (London: Longman, 1860), p. 3.
- 22 J. Fitzjames Stephen, *Liberty, Equality, Fraternity* [1873] (Indianapolis: Liberty Fund, 1993), p. 158.
- 23 OL, p. 12.
- 24 Ibid., p. 32.
- 25 Ibid., pp. 90–91.
- 26 Ibid., p. 105.
- 27 I. Berlin, 'John Stuart Mill and the Ends of Life' in *Four Essays on Liberty* (London: Oxford University Press, 1984), pp. 173, 174.
- 28 *Autobiography*, p. 260.