

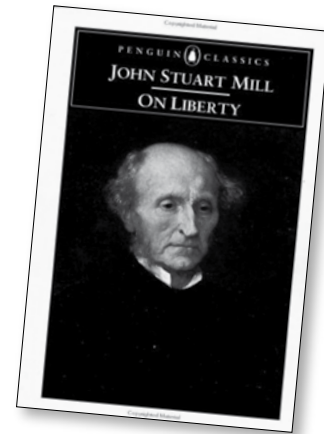
ON LIBERTY AT 150

John Stuart Mill's *On Liberty* isn't always convincing, but after 150 years it is still worth reading, writes **Andrew Norton**

On Liberty

By John Stuart Mill

First published 1859. Cambridge University Press, Oxford University Press, Penguin Books, and many other publishers.



John Stuart Mill is the only nineteenth century liberal intellectual still widely read and discussed in the twenty-first century, thanks mainly to his book *On Liberty*, published 150 years ago. In his time, several of Mill's books were influential, particularly his *Principles of Political Economy*, but it is *On Liberty* that has lasted. It has been continuously in print since 1859.

On Liberty's longevity makes it the most-read classic of the liberal canon. It retains an audience because the dilemmas Mill writes about—especially over when to regulate speech and behaviour that lacks clear harm to others—are nineteenth-century versions of issues that remain controversial today. Mill speaks to the present as well as the past. Quotations from him still appear regularly in the world's English-speaking media; his ideas proving useful and his name adding weight to arguments made more than 130 years after he died.

Despite the book's enduring popularity and influence, *On Liberty* is not undisputed as a liberal sacred text. Liberals as well as conservatives contest its arguments. Mill was a utilitarian, favouring those

policies likely to produce the greatest happiness. Liberals in the natural or human rights traditions see utilitarianism as an insecure foundation for freedom, fearing that it justifies sacrificing the freedoms of some for the benefit of the many (anti-terror laws, for example). In *On Liberty*, Mill needs sometimes complicated arguments to move from utilitarian premises to liberal conclusions. Classical liberals—their adjective a response to the then new 'social' liberalism Mill helped usher in—question the priority Mill gave to 'individuality' over other forms of life, and his critique of the role of custom in social life.

On Liberty's argument

Though every liberal wants to limit state control over individuals, in *On Liberty* Mill was as concerned by private as public power. He went further than many liberals before or since in arguing that 'social tyranny' over individuals could be worse than political oppression. While

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the penalties may not be as extreme, he said, the rules and norms of social life can penetrate more 'deeply into the details of life' than laws, 'enslaving the soul itself.'

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Against the 'despotism of custom,' Mill proposed the 'free development of individuality.' Where other people's traditions, rather than the person's own character, are the rule of conduct, Mill thought that there is 'wanting one of the principal ingredients of human happiness.' Even following good customs was not enough for Mill when it was simply conforming rather than choosing. Uncritical imitation of others does not develop qualities such as 'perception, judgment, discriminative feeling and even moral preference,' gaining no practice in 'desiring what is best.' Instead, Mill favoured, in one of the most well-known phrases from *On Liberty*, 'experiments in living.' These experiments would help individuals choose the best 'plan of life' for them. The 'moral coercion' of public opinion threatened the experiments in which individuality could be created.

Mill wasn't, however, against 'moral coercion' as such. Indeed, *On Liberty* requires it against those who would seek to smother, by their words and deeds if not their laws, the 'free development of individuality.' *On Liberty* is a call not for abolishing social norms but for their rewriting, to support individuality and the 'eccentricity' that Mill laments is under threat. Much of his book is devoted to sorting out when moral coercion could, and when it could not, legitimately be used. Mill's 'one very simple principle' on this subject is that the sole end that warrants interfering in the liberty of others is 'self-protection.' His argument is summarised in this much-quoted passage:

... the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

Mill's harm principle, as it later came to be called, may be 'very simple' to state, but its application is complex, as his own examples, and a large secondary literature over the last century and a half, show. It needs a theory of harm to decide which harms justify limits on individual liberty and which do not. In Mill's case, this theory has to draw on other aspects of his philosophical position. Mill uses utilitarian principles to justify the harms clearly caused to those who lose out in market competition as 'better for the general interest of mankind.' Society as a whole benefits if those offering cheaper or better goods and services are allowed to win in the market, even if their unsuccessful rivals clearly suffer.

While the harm principle clearly prohibits purely paternalistic interventions, few people are so isolated that the things they do to themselves are without any effects on others. *On Liberty* discusses the disgust felt at other people's behaviour, which may feel like harm in the offence or upset it causes. Mill's theory of harm rules out this as grounds for intervention: The revulsion Muslims feel when Christians eat pork, and Mill himself felt at Mormon polygamy in the United States, do not qualify as actionable harm to others. If the harm principle is to defend liberty it must disqualify psychological harms; otherwise, as Mill notes, 'there is no violation of liberty which it would not justify.'

Ruling out offence or mental hurt as ills covered by the harm principle complicates Mill's argument against 'social tyranny.' It means liberty of thought and discussion, the subject of an eloquent chapter in *On Liberty*, cannot be restricted to prevent people with unpopular views being 'ill-thought of and ill-spoken of.' With Mill's utilitarianism again putting a broader social good ahead of protecting individuals from harm, Mill offers several advantages of free speech. It is important in discovering and exposing error he says, with 'every age having held many opinions which subsequent ages have deemed not only false but absurd.' To compel silence may suppress an opinion that turns out to be true, or to contain a portion of truth. In a nice twist, Mill also defends free discussion in the name of orthodoxy, arguing that it is kept alive in the process of defending itself from attack.

Mill reconciles his arguments for free speech and for free-flowering individuality by saying that the greater harm in deterring those who might offer ‘heretical opinions’ is not in the cramping of their mental development but in the world’s loss of unexpressed ideas. There is, however, a fine line between, on the one hand, valuable-to-society sharp criticism of erroneous ideas and, on the other hand, not deterring ‘timid characters’ from offering their thoughts. Mill balances the two by calling for civility. With ‘studied moderation of language,’ and no stigmatising as bad or immoral those expressing contrary opinions, we will get the benefits of new ideas evaluated by public discussion.

Criticism of *On Liberty*

On Liberty marks a turning point in liberalism. To the freedoms all liberals support, it adds an ideal of individuality, complete with experiments in living. Ironically, Mill’s views on free-flowering individuality almost certainly owe something to his having been the subject of an ‘experiment in living’ himself, conducted by his father, James Mill. As Richard Reeves explains in his 2007 biography *John Stuart Mill: Victorian Firebrand*, Mill senior was a friend and disciple of the utilitarian philosopher Jeremy Bentham, and applied Bentham’s *tabula rasa* theory—the idea that children are blank slates who can be shaped entirely by life experiences—to young John Stuart. The aim was to ‘produce an ideal standard-bearer for radicalism, rationalism and reform.’

The result was perhaps the most crushing educational workload ever imposed on a child. According to Mill’s *Autobiography*, he started learning ancient Greek at age three and Latin at age eight, and wrote histories of Rome and Holland before reaching his teens. He wasn’t allowed any friends his own age for fear of the ‘contagion of vulgar modes of thought and feeling,’ and no holidays ‘lest the habit of work be broken.’ Unsurprisingly, perhaps, at age 20 Mill suffered a ‘crisis in my mental history,’ or what we would now call depression.

While liberal freedoms permit ‘experiments in living,’ Mill’s own early life warns against necessarily encouraging them. Mill’s extraordinary education contributed to his later intellectual success, but at high cost to his personal well-being—the ostensible

reason for supporting a quest for individuality. Survey research on well-being since Mill’s time confirms a connection between free societies and high average levels of happiness, but not that ‘free development of individuality’ is essential to well-being. To the contrary, highly creative individuals are prone to mental illness. By contrast, some relatively traditional individuals, such as religious believers, persistently report higher-than-average levels of happiness.

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On Liberty’s attacks on the ‘despotism of custom,’ while still resonating in twenty-first century liberal democracies, now seem overstated. Mill’s passion on this subject almost certainly owes something to the discomfort he felt over his long and semi-scandalous relationship with a married woman, Harriet Taylor. They carried on a probably platonic affair for many years before Harriet’s husband died, allowing Mill to finally marry her. If a contemporary John Stuart met a contemporary Harriet in 2009, there would be few social or legal obstacles to their relationship. The courts would even award Harriet her children and a significant share of her former husband’s assets. Given Mill’s concern in *On Liberty* about permitting couples unable to support children to marry, today’s norms and laws governing adult romantic and sexual relationships may be too liberal for Mill’s tastes.

Despite his own childhood experience, Mill was optimistic that experiments in living would turn out well. In practice, only some experiments will succeed, and many people are ill-equipped to deal with failure. An ideal that may work for the upper middle class, of which Mill was a part, with the intelligence and education to make plans in life, the income and leisure to try new things, and personal or family wealth to fall back on if things go wrong, isn’t necessarily suited to ordinary citizens lacking some or all of these attributes. For most people, the most feasible and prudent ‘plan

of life' is to follow or adapt practices that have evolved over time.

Classical liberalism is less rationalistic and individualistic, but more pluralistic, than Mill's liberalism. Classical liberals support the freedom to conduct 'experiments in living,' as they support entrepreneurship in business. Innovation is necessary to progress but error-prone; only some social and commercial experiments will prove themselves to be better than the status quo. So classical liberals take a more benign view than Mill of custom and established social practices, which offer template 'plans of life.' People's lives are not second-rate just because they are derivative rather than original. Nor should civil society be attacked by the state for not supporting individuality, as modern left-liberals do in using anti-discrimination law to enforce Millian ideals of personal autonomy on conservative religious institutions. There are diverse ways of living a good life, and governments should not try to reduce their number.

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***On Liberty's* durability**

On Liberty's durability owes something to qualities not always found in political treatises: it is short and easy to read. Mill, who was in the 1850s already a prominent figure in British society, wanted to write a book that would have wide influence. After completing a first draft in 1854, he revised it extensively before publication five years later. The text of Penguin Books' latest edition runs to a little more than 120 pages. Once readers adjust to the long sentences and paragraphs favoured in the mid-nineteenth century, the argument flows smoothly. The sterile legalese of recent rights-based arguments for freedom is unlikely to carry its authors' prominence through to sesquicentennial celebrations.

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cannot be explained solely by disagreements with the book's argument. Few of liberalism's great books are accepted uncritically by all liberals, and inevitably books from earlier times contain analysis that cannot easily be carried forward to the very different social, economic and political conditions found decades or even centuries later. With Mill, the problem is less *On Liberty* itself than Mill's other work and influences.

Mill was an eclectic thinker, drawing on conservative writers as a young man and dabbling with socialist ideas later in life. Despite Mill's objections, his work in economics was used to justify protectionism in nineteenth century Australia. These intellectual impurities, along with his place in the intellectual history of 'social' liberalism, gave Mill his marginal position in the classical liberal canon. A few years ago the *IPA Review* went so far as to list *On Liberty's* publication among Australia's '13 greatest mistakes' for the credibility it added to Mill's protectionist arguments.

Mill's relegation is undeserved. He should be read as eclectically as he wrote, with far more attention to *On Liberty* than *Principles of Political Economy*. Bad arguments on free trade do not infect good arguments for free speech. Though *On Liberty* is not convincing on every point, many of Mill's dilemmas are our dilemmas too. How do we balance individual freedoms against broader social goods? Which social norms are valuable, and which obstacles to freedom and well-being? What rules of debate make it robust enough to discredit ill-founded beliefs, but civil enough that ideas get heard? Like other great political books, *On Liberty* remains worth reading because it asks questions that still need answers.