

J S Mill “On Liberty” Lectures
Lecture Notes for Session 1
William Arthurs, March 2007

Nineteenth century England saw a far reaching series of reforms in government and the legal system. The Reform Acts of 1832 and 1867 vastly extended the number of men entitled to vote in parliamentary elections, as well as removing many corrupt electoral practices, establishing genuine electoral democracy for the first time, although women had to wait until the twentieth century for the right to vote.

The civil service and the armed forces were reformed to remove corrupt practices and to establish systems of promotion on merit, in the middle of the 19th century. The Universities Test Act of 1871 allowed scholars who were not members of the Church of England (the officially-established state Christian church) to hold fellowships in the collegiate universities (Oxford, Cambridge, and Durham). The legal system and court structures were reformed in 1875 to define an effective appeals process, and the structures defined then are still essentially in place at the present day.

The Utilitarian movement, of which J S Mill was a member, first emerged as a movement for legal reform, and were active at the forefront of these reforms. J S Mill lived 1806 – 1873, in London and then in Avignon, France, where he died. For most of his life he was best known as a writer who supported progressive causes such as land reform, reform of voting rights, the rights of women, and freedom of speech. Late in his life he was a member of parliament who had the opportunity to propose and vote for legislation on progressive subjects. For example, Mill proposed votes for women in 1867, a proposal rejected by his fellow legislators – for this reason, it is true that the republic of Azerbaijan in 1918 allowed women to vote, before Britain.

Mill’s lasting fame is due to his essay on Liberty, which attempts both to define, and to promote individual liberty. Mill’s general opinion was that people should be free to live their own lives as far as possible without outside interference, but that some ways of life were more worth living than others.

Perhaps it is important at this point to note the contrast between this view and that of Mill’s predecessors in the utilitarian movement, notably Mill’s own father James Mill, and Jeremy Bentham. The older utilitarians saw happiness as more important than freedom (which Mill did not – Mill thought that individual freedom was more important than happiness). The older utilitarians did not seek to judge between happiness derived from different sources – for example, Bentham’s famous observation that “pushpin [a simple board game] was as good as poetry”. That is to say, the tastes of a poorly-educated person are as valuable as those of a better-educated person. J S Mill rather valued and promoted the value of education, proposing that it should be legally compulsory for parents to have their children educated. Compulsory education and a system of schools operated by the state were introduced by the Education Act 1870, three years before Mill’s death.

J S Mill’s essay on Liberty was published in 1859. Mill had previously written about political and ethical questions in his “Principles of Political Economy”, published in 1848, which restated the theories of the economist David Ricardo. But “On Liberty” was Mill’s first clear statement of his most well-known teachings, his theory of

conduct, which is still quoted today in discussions of the rights/ powers of the state and the citizen.

I shall now summarise the arguments of this work.

Mill explains that he is not discussing the liberty or freedom of the will (as compared to determinism) but instead civil or social liberty.

Before the modern times, for example in ancient Greece, Rome, and in the early history of England (that is, before the 17th century), the word "liberty" meant "protection of the subject against the tyranny of the political rulers". Political philosophers such as Thomas Hobbes (in his Leviathan) explained that it was better to have one strong man to rule over everyone else, as a king whose power and authority could be absolute within his own kingdom, above all, no higher power existing – better to have one king than for there to be no king, and for the ordinary members of society to be the food of many vultures (that is, warlords). The aim of people who loved their country and its people was to limit the power of the king.

Remember that, at this time, in many countries, the rulers were a conquering tribe who had come from another region or country. For example, during the time of the British Empire, the Hindus in India used to refer to the British as "the Muslims" because they, the Hindus, had been ruled by their Muslim conquerors for many centuries and could not imagine anything different. In more modern times, it has been understood that the rulers shall not be separate in nationality or language from the people. The interests and objectives of the rulers should be the interests of the whole nation.

But when this has been ensured, a new evil may arise. The individual tyrant king may simply be replaced by the tyranny of the majority (of voters). The class of voters in England had in old times been men who owned land and other property and who in many cases were well-educated. Mill wished to encourage the spread of democracy to include the poorer classes but feared the possible effects of the spread of democracy, where impractical or bad policies could be promoted to appeal to many voters who were poorly-educated and unable to understand the problems with those policies. Mill also feared that "social tyranny" – by which he meant the commonly-held opinions – may be even more oppressive and worse for liberty than political tyranny. Mill's principle is intended to limit both political tyranny and social tyranny over the individual.

Mill states that the only justification for interfering with anyone's liberty of action is to prevent harm to others. If you interfere with someone's liberty of action in order to prevent him from harming himself, either physically or morally, this is not justified according to Mill.

Mill carries on to discuss this principle in its application to the freedom of thought and discussion, and its various applications to free trade, the sale of dangerous substances, the trade in alcoholic drink, gambling, marriage and the family. But today I should like to introduce the question raised by the first part of Mill's essay, should there be restraints on democratic power, and, if so, what should those restraints be, and by what means should they be put into effect?

Mill's argument is that the reasons for restraint of democratic power are the same as those for the restraint of any power exercised by the state over the individual. Those reasons may be good or not in particular cases.

To what category of people did Mill address his argument?

Mill was addressing the society of his time, England in 1859. He was not addressing a society of what he called "barbarians", that is, primitive tribal people. Mill regarded despotism as a legitimate method of government when applied to a population who may be considered, according to Mill, as similar to children or young people, who need to be protected against the consequences of their own actions. The principle of liberty, Mill says, has no application to the state of things before the time when humans have become able to be "improved", that is, to consent to and participate in social progress, by free and equal discussion.

Mill believed that before that time is reached, a nation would be lucky to have a wise ruler such as Emperor Akbar, or Charlemagne. But Mill believed that humans in all the nations which he was discussing (Britain, the nations of western Europe, the USA), "mankind has attained the capacity of being guided toward their own improvement by conviction or persuasion" and that therefore compulsion (rather than reasoning) should not be used except to ensure the security of others.

My criticism of this is that Mill has not really demonstrated exactly in what way the societies of Western Europe in 1859 differ from what he called "barbarian peoples". In all societies there have been educated, or at least, intelligent, people in positions of power (maybe as educated people they have been in a minority). All societies have contained people who are not capable of understanding an argument of the kind Mill approves of in democratic discourse (maybe they are lazy, ignorant, or evil).

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