

J S Mill "On Liberty" Lectures
Lecture Notes for Session 4
William Arthurs, March 2007

Applications of Mill's Principle of Liberty

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Lecture title.

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Mill asks, when considering the application of his principle of liberty, "What part of human life should be assigned to the individual's responsibility and what to society?" His answer: "To individuality should belong the part of life in which the individual is interested. To society, the part which chiefly interests society."

Is this doctrine one of selfish indifference to the well-being of others? No: if someone's behaviour is foolish and damages himself we are entitled to offer advice to him, to express our distaste for his behaviour, we are entitled to shun his company, and maybe we should warn others against him. But we should not make his life more uncomfortable than it already is, either by moral condemnation or by legislation.

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Mill imagines objections to his argument as follows:

Some will deny that there exists a distinction that can be drawn between that part of a person's life which concerns only himself and that part which concerns others. How can anyone's conduct, even if it hurts only himself, be a matter of indifference to the rest of society? "No man is an island." If he damages his property and financial situation, he harms those who rely on him financially. If he damages his health, he becomes a burden on others. Even if his actions do not harm others directly, they may set a bad example.

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Furthermore, if, according to Mill's principle, it is ok to protect children against the consequences of their own acts, then why should this protection not also be afforded to those adults who cannot manage their own affairs? If gambling, drinking alcohol, and idleness are injurious to happiness, why should the government not repress them by legislation? why should moral and social intolerance not condemn them? There is no question here about limiting individuality. The only things prevented here are those that have been condemned or forbidden time out of mind.

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Mill's argument against this objection is that when public interference (law or social intolerance) condemns personal conduct, it is likely that it does so wrongly. Examples are provided by the opinions and actions of many who consider any conduct that they

do not like, or that their religion condemns, as an injury to themselves, eg. if the eating of pork were forbidden in a Muslim country, this would be interfering with the personal tastes of individuals, which Mill does not agree with. Other religious examples are drawn by Mill from Christianity: eg when the Puritans, practising an austere and extreme Christianity, were in power in England in the 1650s, they tried to ban all forms of public amusement and entertainment – music, dancing, games, and theatre. More recently, the movements for temperance and abstinence from alcoholic drink, in the 19th century, and in parts of the USA in the 20th century, were partly motivated by the same principle, held by some Christians, that opposes various pleasures, and partly by the principle that "drink destroys my right of security by creating social disorder". Mill argues that this is, in effect, a principle that says: Everyone can require anyone else to act as he ought to: which is a gross infringement of personal liberty.

In general, Mill says that he would protest against religious motives for legislation. "Deorum injuria Diis curae" (Injustices to the gods are the business of the gods – and not of humans or the law, etc.)

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Further examples. Mill states that he is following these rules:

- 1) An individual is not accountable to society for his actions insofar as these actions concern no-one but himself;
- 2) but he is accountable for any actions that are prejudicial to others' interests, and may be subject to social or legal condemnation if, in society's opinion, this is necessary for the protection of society.

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Mill offers examples for free trade. Mill asserts the doctrine of free trade by which the cheapness and quality of goods are best provided for by leaving buyers and sellers completely and equally free. The principle of individual liberty is not involved with the principle of free trade and is not relevant to the questions which arise regarding the limits of that principle, eg. what if any sort of regulation is permissible to protect the public against adulteration of food etc. or to protect the health and safety of workers.

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But Mill's principle is relevant to the sale of poisonous substances. How far may liberty be invaded in order to prevent crimes or accidents? Mill believes it is consistent with his principle to interfere to prevent a crime before it happens. As for accidents, if you saw someone about to cross an unsafe bridge and there was no time to warn him of the danger, you would forcibly pull him back, but, unless that person was a child or mentally incapable of understanding the danger, Mill does not think it right to prevent them crossing the bridge, it is only right to warn them of the danger. The same with poisonous substances. Mill believes that their sale should not be prevented but they should be labelled as poisonous, and that the seller should record

details of the transaction and the purchaser. (Mill's idea is that this would become legal evidence, if the poison were later used with criminal intent.)

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Slavery. Mill points out that an agreement whereby someone sold himself into slavery would be null and void, as he would defeat the case for liberty. The principle of freedom cannot require that someone should be free not to be free.

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Marriage. At the time Mill wrote, laws in many countries in continental Europe forbade marriage unless the two parties could prove that they had the means to support a family. Mill said that these laws were not against his principle, because it concerns public life and society in that, otherwise, (1) countries may become overpopulated (2) wages may decrease as the number in the population increases (3) the children may grow up in wretched, poor conditions.

Comment: What interference in private conduct could be more stringent or more directly affect morality? Can the state be trusted with such power?

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Education. At the time Mill wrote, education of children was not compulsory by law. This was changed by the Education Act 1870. Mill said that it should be a parent's duty to educate his children and that this should be tested by state examinations beginning at an early age. Every child should be examined to see if he could read. If not, the father might be fined or be made to submit to forced labour as a punishment.

The knowledge tested in examinations should be factual/ positive science – not of matters of opinion or disputed beliefs. But parents should be allowed to have their children given a religious education.

For Mill, it is a fact that the Christian religion teaches this or that belief, but children should not be examined on whether those beliefs are true.

Higher examinations – degrees, teaching/ medical qualifications, etc. – should be voluntary (having no authority other than that conferred by public opinion) and not stipulated by the state as a condition of entry to some employment or profession.

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The end

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