

## Mill's On Liberty

### Key Questions and Considerations

Is Mill's harm principle justified? Is Mill's harm principle reasonable in its anti-paternalistic implications? Is Mill's harm principle intelligible? How can we reconcile the inviolability of rights with utilitarianism? How can we reconcile Mill's endorsement of imperialism with his advocacy for negative liberty?

### Summary of the Text

Basically, Mill advances the harm principle, that "the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others." Mill advocates for two types of rights: the inward freedom of expression and thought and the outward pursuit of individuality. Mill grounds his theory of rights upon utilitarianism and qualifies that his theory is only applicable to civilised societies and not barbarians or children. Mill strongly rejects paternalism and endorses negative liberty.

### Key arguments and Quotes

#### Utilitarian foundation of Rights

- "I regard utility as the ultimate appeal to all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being"
  - Also see Chapter 5 of *Utilitarianism*: On the Connexion between Utility and Justice
  - By permanent interests, Mill seems to imply the higher-lower order pleasure distinction
- Utilitarianism as a theory, given that it is dependent on the empirical pleasure-response/preferences of humans, is contingent in nature

#### Supremacy of Rights

Applicability of his theory of rights

- Only applies to humans in their "maturest of faculties"
  - "Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury"
  - "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"
- Does Mill really have a principled demarcation between when a human is considered a "barbarian" vs an intelligent being
  - More precisely, does Mill's notion of a human in their "maturest of faculties" exist even today? Surely in society there exists a large diversity of individuals with different capacities

## Mill's theory of rights

- Our notion of inviolable rights (except for harm principle) consists in 3 main principles
  - Inward domain of consciousness: liberty of consciousness, thought and feeling, opinion and sentiment on all subjects
  - Outward domain of pursuing one's rational life plan: liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse or wrong
    - Mill seems focused on negative liberty rather than positive liberty → but we still need to have the positive ability to pursue what we want (too poor to pursue my life plan), unless our rational life plan needs to take into account our constraints i.e. constrained optimisation
  - Freedom of association
- The harm principle implies that for no amount of benefit to society can we violate someone else's right → the only permissible instance of violation is in response to qualitative harm i.e. the violation of another's right
- Political Background for this theory
  - Tyranny of the Majority: democracy and "self-government" and the "power of the people over themselves" do not express the true state of society → instead, the majority "may desire to oppress a part of their number" and thus exercise their will over others
    - Mill (unlike Rousseau) appreciates the full extent of political and value plurality: Preferences are never objective + "when given, are a mere appeal to a similar preference felt by other people, it is still only many people's liking instead of one" → no reason to oppress a minority
      - Mill's position is that rights are qualitatively more significant than any majority's desires
    - These "likings or dislikings" which are subjective, have become the rules and laws laid down in society
  - We want to set limits to the power of the ruler
    - "By obtaining a recognition of certain immunities, called political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe"
    - "establishment of constitutional checks; by which with the consent of the community, or of a body of some sort, supposed to represent its interests, was made a necessary condition to some of the more important acts of governing power"

## Justification of Liberty of expression and thought

- Liberty of expression and thought is inviolable because it is extremely utility conducive
- “Mankind would be no more justified in silencing one person, than he, if he had the power, would be justified in silencing mankind”
  - Deontological application of rights → disjunct from his utilitarian premise
- Mill anticipate this inconsistency of the inviolability by attributing its character as the “peculiar evil of silencing the expression of an opinion”
  - It “[robs] the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error”
    - Does not seem to give any special reason for its “peculiar evil” such that silencing one man = silencing whole of mankind → unless Mill is saying that it is a “higher pleasure” of sorts
    - Mill also seems to have a very utopian notion of what discourse looks like → false information can be maliciously false → premeditated spreading of falsehood for the sake of sowing chaos → not genuine ignorance
- People are not infallible → even those who desire to suppress it → “no authority to decide the question for all mankind and exclude every other person from the means of judging”
  - “All silencing of discussion is an assumption of infallibility” → disingenuous → perhaps it is infallibility regarding a very specific topic but not complete infallibility → flat earthers → destructive nature of that thought and expression (far-right extremism)
- Mill thinks that the objection is that we should be able to use our judgements (and not being able to silence anyone is an inability to use it)
  - Just because it may be used “erroneously” doesn’t mean we can’t use it at all → then we can never act on our opinions → just as we have laid bad taxes → doesn’t mean we should not have taxes at all → asymmetry in Mill’s argument that we are certain that we are infallible (ok but the existence of negation is the negation of universal so much less demanding)
  - But Mill is making it too easy → obviously he is suggesting a middle ground that you should act on your opinions but through discourse and not through silencing
  - Mill thinks that there is a great difference between “presuming an opinion to be true...it has not been refuted, and assuming its truth for the purpose of not permitting its refutation”
    - But it can be an iterated game! Not refuted before but people fail to see reason

- Mill looks to the history of opinion
  - We have made significant progress by contesting opinions: “steady habit of correcting and completing his opinion by collating it with those of others”
    - Intellectual progress is a social phenomena → Aristotle’s notion of movement vs newton
      - Newton had to be questioned (about why the Moon falls) → then people would trust
      - But does this justify its deontological application from a utilitarian standpoint?
  - Everything is doubtful so we should not be forbidden to question anything
    - Mill thinks any contrary opinion is bona fide curiosity → patently wrong in the modern age → fake news and propaganda (laws on making up history, denying the holocaust)
    - Mill sort of anticipates this by calling this “useful beliefs” that the government must “uphold” → but he thinks we are restraining discussion on the basis of usefulness of belief and not truth (surely they are related?) → so not claiming to be infallible judge
      - But this usefulness of an opinion is itself an opinion and thus the government is not infallible in making this assessment; an opinion’s usefulness is itself doubtful → but some are clearly very bad when there are only two options (allow for Holocaust deniers/far-right extremism vs do not)
      - Truth is itself part of its utility
  - Infallibility is “the undertaking to decide that question for others, without allowing them to hear what can be said on the contrary side”
- Mill further anticipates the question on damaging “immoral beliefs” by drawing on the example of Socrates
  - We often ascribe many true beliefs as “immoral” because they are contrary to our conventions and traditions in society → but we know Socrates was mostly right and unrightfully called the “corrupter of the youth”
  - We can even talk about Galileo → Mill brings up Christ as a parallel
  - But for things like the Holocaust → it is an empirical fact that we have witnessed → many of Socrates’ claims were moral in nature and abstract (not verifiable) → Galileo’s were empirical in nature but still required lots of scientific and mathematical sophistication to understand it during that age so considered abstract
  - Basically, we are often wrong in ascribing the immorality of opinion → but if we know their intent → like terrorists who cause destruction (killing people) → seems different from Jesus or Socrates who have done no concrete damaging acts of their own
- Utility of discovery

- Mill is just yapping: “To discover the world something which deeply concerns it, and of which it was previously ignorant; to prove to it that it had been mistaken on some vital point of temporal or spiritual interest, is as important a service as a human being can render to his fellow creatures...” → still doesn’t mean it has infinite utility
- And we put to death these innocent bearers of truth → but we no longer do even in Mill’s time (so its better) → but he says we still punish them
- Our “merely social intolerance kills no one...but induces men to disguise them, or to abstain from any active effort for their diffusion”
  - Is this consistent with the course of history? Many people probably derided Einstein (as per Kuhn’s paradigm shifts) and also Newton etc → but their theories still persisted
- It is reasonable to think that Mill may conceive of such utility gained from intellectual achievement as a “higher-order” good
  - Since it would “strengthen and enlarge ,men’s minds, free and daring speculation on the highest subjects”
- Utility of discourse
  - forces us to learn “the grounds of one’s own opinions”
  - Especially for more complex subjects like morals, religion, politics etc
    - “three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favour some opinion different from it” → helps us gain a better understanding
    - So essential is this discipline to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them, and supply them with the strongest arguments which the most skilful devil’s advocate can conjure up”
  - Mill anticipates the objection that we do not need everyone to know everything → we can restrict discussion of topics to the experts → epistemic division of labour
    - But we still need free discussion → everyone must be able to challenge the opinions even if everyone need not understand everything!
    - We cannot have an elite mental culture
  - Doctrines are not helpful especially when they are hereditary → **we receive them “passively” and the mind is no longer compelled to “exercise its vital powers on the questions which its belief presents to it”**
    - So we can compare these doctrines to ascribing the knowledge to the experts only → we receive the information passively → we should challenge to exercise our minds

- But still doesn't show the deontological application from a utilitarian standpoint
- "Much more of the meaning even of these would have been understood, and what was understood would have been far more deeply impressed on the mind, if the man had been accustomed to hear it argued pro and con by people who did understand it"
  - Mill is trying to say freedom of speech is good for everyone
- Objection anticipated by Mill: is he saying that intelligence must coexist with a subset of men being constantly in error → "as soon as mankind have unanimously accepted a truth, does the truth perish with them"
  - But Mill thinks the ultimate aim is to unite mankind more and more in the acknowledgment of important truths → "number of doctrines which are no longer disputed or doubted will be constantly on the increase" → and humanity is better off
    - But our lack of discussion from forming doctrines have drawbacks → Mill suggests some replacement because it is a non-trivial loss in utility → make the learner argue against a "dissenter's champion"
- Mill has some methodological constraint about knowledge (justification maybe)
  - No one's opinions "deserve the name of knowledge" unless he has gone through some debate or rigorous discourse with peers and have been convinced or convinced others
    - But does this not have an asymptotic character to it? There will always be people who dissent → why do we have to stall the status of knowledge simply for obvious and trivial objections
- Final reason for utility of discourse
  - **Many opinions on non-empirical subjects are often incompletely true or as Mill writes, "never the whole truth"**
    - Example of politics: need a party of "progress or reform" and a party of "order and stability" → necessary for health political discourse because they reach the middle and have both attributes (by Hotelling's linear city model)
    - A lot of opinions are one sided and incomplete → utility conducive to complete them through discourse

Justification for liberty of pursuing one's rational life plan

- "It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself"
  - But anything affects everyone → buying things contributes to inflation → saving contributes to economic growth!

- “No one’s idea of excellence in conduct is that people should do absolutely nothing but copy one another”
- Customs are not the best → should be free instead
  - “yet to conform to custom, merely as custom, does not educate or develop in him any of the qualities which are the distinctive endowment of a human being”
    - For Mill, the exercise of the intellectual faculty seems extraordinarily important → continuous with his higher-lower good distinction
    - “He who lets the world...choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation”
  - For Mill, it is the way in which that act that matters → because it must express freedom, for “an intelligent following of custom, or even occasionally an intelligent deviation from custom, is better than a blind and simply mechanical adhesion to it”
  - Freedom is to balance our “desires and impulses” against our “beliefs and restraints” → men act ill not because their impulses are strong but because their “consciences are weak” → individuality helps develop conscience then
- Mill devotes a lot of utility-conduciveness to perfectionistic theories of the good → in talking about people following custom for pleasure, he says **“they have no nature to follow: their human capacities are withered and starved”**
  - It is as if Mill is saying that following a custom for pleasure is less good than following your own life plan for pleasure, ceteris paribus → by virtue of its quality, the latter is superior
  - Mill thinks that “individuality is the same thing with development” and it is only the “cultivation of individuality which produces, or can produce, well-developed human being”
    - Why is this utility conducive? Probably because Mill thinks of this as the higher-order good → exercise of our distinctively human nature
- Social benefits of individuality
  - We need exceptional geniuses to express their individuality and exceptional nature in a democracy of “merely average men” → “Many have left themselves be guided...by the counsels and influence of a more highly gifted and instructed One or Few”
    - But not hero worship → dictatorships corrupt the strong man himself
    - But this notion brings into question why individuality is even important if we can have a society, with not so developed individuals, but nevertheless prosperous in economy under a dictatorship vs a less prosperous economy with highly developed individuals under some more mediocre democracy → unless freedom itself is a higher-order pleasure

- Fundamentally, Mill thinks that because everyone is different (he is a pluralist), everyone needs different conditions for their development and cannot exist “healthily in the same moral”
  - We need to allow people to be free to do what they want
- Mill thinks that liberty is more important than improvement
  - “The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people; and the spirit of liberty, insofar as it resists such attempts, may ally itself locally and temporarily with the opponents of improvement; but the only unfailing and permanent source of improvement is liberty”
    - What about mandating education? People cannot improve without some capabilities → surely some conception of positive liberty is needed first → Mill only considers negative liberty as his conception of liberty
    - Mill thinks that a people “stop[s]” being progressive when “it ceases to possess individuality”

### **The Harm Principle**

Mill on the self-regarding/other-regarding sphere

- Assumes the existence of two spheres of actions
  - “the individual is not accountable to society for his actions, insofar as these concern the interests of no person but himself”
- Mill anticipates how the public/private sphere is not as delineated as he may think
  - “I fully admit that the mischief which a person does to himself, may seriously affect...those nearly connected with him, and in a minor degree, society at large”
    - Mill thinks it becomes amenable to “moral disapprobation” → but seems too extreme and unintuitive? → my drinking may affect your life but it does not seem to be an injustice to the extent that punishment must be invoked
    - “No person ought to be punished simply for being drunk; but a soldier or a policeman should be punished for being drunk on duty”
  - “Whenever...there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law”
- Mill’s corn-dealer example to show that the risk of harm is important
  - “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 among the same mob in the form of a placard”



- Clearly, the risk of harm is what differentiates the second from the first action

Mill on distinguishing harm from mere damage/inconvenience: In summary, Mill argues that [see quote 1] damage or inconvenience is a necessary but insufficient condition for invoking the harm principle. The harm principle can only be invoked when the general welfare will be promoted by interfering with the action, which is specially preserved for the infringement of rights. (but does the harm principle itself not define what rights are?)

- “As soon as any part of a person’s conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion”
  - Here, Mill seems to argue that actions are only injurious to others should they conflict with the “interests” of others
  - But just because “damage...to the interest of others, can alone justify the interference of society, [it does not mean] that therefore it always does justify such interference” → punishment depends on whether it promotes general welfare or not → this is why we need to **qualitatively distinguish between interests and only invoke the harm principle for special interests/rights**
- It is not that no damage can be done to a person; rather, the cause of that damage cannot solely arise from another individual’s decisions, but must naturally arise from the consequences of the agent’s own actions → these damages to one’s interests are self-regarding and the responsibility does not lay on the people around him but himself
  - Mill says that “We may give others a preference over him in optional good offices, except those which tend to his improvement. In these various modes a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself; but he suffers these penalties only insofar as they are the natural, and, as it were, **the spontaneous consequences of the faults themselves, not because they are purposely inflicted on him for the sake of punishment**”
  - Mill explicates the distinction: “the inconveniences which are strictly inseparable from the unfavourable judgement of others, are the only ones to which a person should ever be subjected for that portion of his conduct and character which concerns his own good, but which does not affect the interests of others in their relations with him”
- Mill seems to argue that what is considered harm is that of injury against our special interests of rights
  - “Encroachment on their rights; infliction on them of any loss or damage not justified by his own rights....are fit objects of moral reprobation, and, in graver cases, of moral retribution and punishment”

- But there seems to be a dangerous circularity: this requires us to define rights independently of the harm principle, but rights are themselves dependent on the harm principle
  - Further evidence when he talks about utility: “it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being.”
- Social actions not necessarily being constitutive of harm
  - Some things require us to violate the interest of others such as “succeed[ing] in an overcrowded profession, or in a competitive examination”
    - “Whoever succeeds in an overcrowded profession, or in a competitive examination; whoever is preferred to another in any contest for an object which both desire, reaps benefit from the loss of others, from their wasted exertion and their disappointment.”
    - “But it is...better for the general interest of mankind, that persons should pursue their objects undeterred by this sorts of consequences. In other words, society admits no rights, either legal or moral, in the disappointment competitors, to immunity from this kind of suffering; and feels called on to interfere, only when means of success have been employed which it is contrary to the general interest to permit – namely, fraud or treachery, and force”
      - This seems to suggest that Mill is advocating for the definition of rights independent of the harm principle → and that the violation of thus defined rights are precisely the impetus for restricting liberty

### **Anti-paternalism and negative freedom**

Mill rejects most forms of state paternalism that forces you to do things for “your own good”

- Mill thinks that “the strongest of all arguments against the interference of the public with purely personal conduct, is that when it does interfere, the odds are that it interferes wrongly, and in the wrong place”
  - Why would this yield the least utility? → if government was rational, expected value could be high
  - And is there even such a thing as “purely personal conduct” → whatever I do, unless situated alone on an island, will affect someone somehow → my taking up resources affects another by letting them have less; my purchase of goods gives rise to higher prices
    - Mill would counter this that a “conduct which they have a distaste for” is not a violation of their liberty → they can still express their own individuality in spite of it
  - Prohibition vs positive coercion
    - “nobody’s religion makes it a duty to eat pork”

- “No stronger case can be shown for prohibiting anything which is regarded as a personal immorality, than is made out for suppressing these practices in the eyes of those who regard them as impieties; and unless we are willing to adopt the logic of persecutors, and to say that we may persecute others because we are right, and that they must not persecute us because they are wrong, we must beware of admitting a principle of which we should resent as a gross injustice the application to ourselves”
- Mill wants to restrain the harm principle → does not want too weak a “social right”
  - “the **absolute social right** of every individual, that every other individual shall act in every respect exactly as he ought; that whosoever fails thereof in the smallest particular, violates my social right, and entitles me to demand from the legislature the removal of the grievance. **So monstrous a principle is far more dangerous than any single interference with liberty; there is no violation of liberty it would not justify**”
    - Basically, if I allow everything to be considered a harm to me, then I would be justified in punishing everyone → but obviously this is self-defeating because then there would be no rights
    - Mill does not want such a loosely defined notion of harm
- Mill defends the legality of vices like drinking or gambling as “experiments of living” and remain expressions of individuality
  - Things that are banned since beginning are things not useful to one’s individuality
- Rejects the social contractarian premise: “Society is not founded on a contract, and though no good purpose is answered by inventing a contract in order to deduce social obligations from it, every one who receives the protection of society owes a return for the benefit, and the **fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct towards the rest**”
  - Mill thinks that social obligations are founded upon a utilitarian premise by rejecting its deontological opponent of the contractarian theory → his notion of owing and duty seems to also stem out of “claim-rights” founded in utilitarianism
    - If Claim-rights fail, then the whole notion of civil society will crumble and everyone will lose → utility is maximised via coordination
- Important to Mill is to prevent unnecessarily adding to State power
  - “To determine the point at which evils, so formidable to human freedom and advancement, begin...to predominate over the benefits of attending the collective application of the force of society, under its recognised chiefs, for the removal of obstacles which stand in the way of its well-being; to secure as much of the advantages of centralised power and intelligence, as can be had without turning into governmental channels too great a proportion of the

general activity, is one of the most difficult and complicated questions of the art of government”

- “The mischief begins when, instead of calling forth the activity and powers of individuals and bodies, it substitutes its own activities for theirs...or bids them stand aside and does their work for them”
- “The worth of a State, in the long run, is the worth of their individuals composing it; and a State which postpones the interests of their mental expansion and elevation, to a little more of administrative skill, or of that semblance of it which practice gives, in the details of business
- “A State which dwarfs its men...will find that with small men no great thing can really be accomplished”

### **Mill’s conception of autonomy and his theory of happiness**

Mill’s argument in On Liberty relies on his conception of autonomy (Gray)

- Justifying autonomy as a necessary condition ingredient of any higher pleasure “and of any form of life or activity expressive of individuality”

What Mill’s conception of autonomy and his theory of happiness is

- Aversion to simply adhering to custom
  - Berlin (on the danger on blindly following custom for Mill): “Mill...observes that the [social] sciences are too confused and uncertain...There are in them no valid generalisations, no laws, and therefore no predictions or rules of action can properly be deduced from them”
  - Mill: “yet to conform to custom, merely as custom, does not educate or develop him in any of the qualities which are the distinctive endowment of a human being”
  - Mill: “If it were only that people have diversities of taste, that is reason enough for not attempting to shape them all after one model...The same things which are helps to one person towards the cultivation of his higher nature, are hindrances to another”
- Individuality as development and the identification of one’s true wishes
  - Mill: “But it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way...to find out what part of recorded experience is applicable to his own circumstances and character”
  - Mill: “In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. There is a greater fullness of life about his own existence”
    - Capability of autonomy: Mill assumes that man is the best judge of what is best for him, and he is capable of making such autonomous choice that ends up being the rational one

- Berlin: “Mill believes that man is spontaneous, that he has freedom of choice, that he moulds his own character, that as a result of the interplay of men with nature and with other men something novel continually arises, and that this novelty is precisely what is most characteristic and most human in man”
  - “Because Mill’s entire view of human nature turns out to rest...but on his perception of human lives as subject to perpetual incompleteness, self-transformation and novelty”

Why Mill thinks that autonomy is necessary for higher pleasure

- Gray: “the higher pleasures are found in forms of life and activity whose content is distinctive and peculiar in each case, but which necessarily involve the exercise of generically human power of autonomous thought and action”
  - In Utilitarianism, Mill’s theory of higher pleasures seem to have distinctively intellectualist contours: “It is better to be Socrates dissatisfied than a pig satisfied”
- Mill must prove why one’s actions merely coinciding with one’s actual higher pleasures is insufficient to be constitutive of higher pleasures but **must be autonomously chosen**. He does this in two ways: (1) that autonomous choice is itself a constituent of the higher pleasure and (2) that autonomous choice uniquely accesses our higher pleasures
  - It cannot just be because of the plurality of human tastes – for we can conceive of a social arrangement when a social planner, so well-acquainted with each individual, forces each person to engage in what would be his higher pleasure, and Mill would reject such an arrangement for it violates all types of liberty
  - For Mill, the act of choosing itself is an exercise of our “distinctive endowments” and “strengthening their active faculties”
- Further, Gray argues that Mill thinks that higher pleasures are only available to those who have “developed their distinctively human capacity for autonomous thought and action”
  - But why is there such a unique accessibility from autonomous choice to our higher pleasures?
  - According to Berlin, Mill thinks that the higher pleasures of men are not ‘fixed points’ awaiting discovery but instead arises from the “spontaneous...interplay of men with nature and with other men something novel continually arises”
  - Evidence from Mill: On people who “introduce good things”, Mill posits that “Not only is it they who introduce good things which did not before exist; it is they who keep the life in those which already existed.” It is the spontaneous creation via “experiments of the living” that successfully locates the best life for each

- This is why the spirit of liberty is the “only unfailing and permanent source of improvement” → it is by autonomous choice that discoveries of the good life are made

## Main Problems and Objections

### Vagueness of the Harm Principle

- The vagueness of the harm principle can be located in the nature of ‘harm’ that Mill intends to be included in his Harm Principle.
  - Are we to take harm as meaning injurious “effects” or damaged “interests” of people? Further, are we to classify damage to *any* interest as a harm, or only to specific interests?
  - Rees identifies this initial ambiguity as arising from the lack of “self-regarding actions”; if self-regarding actions do not exist, then all actions having negative effects on other people would be considered “harmful [to others]”. This pushes Mill’s Harm Principle into absurdity: we would be justified in restricting liberty for a vast majority of actions which invariably have harmful effects.
- Clearly however, Mill does not intend to consider all adverse “effects” as harm.
  - Consider Mill’s example of a successful participant in a competitive examination who “reaps the benefit from the loss of others”. That successful participant’s success has an adverse effect on others, but one would be hard pressed to say that he *harmed* other students.
- Rees proposes that Mill, in distinguishing the notion of “affecting others” from “affecting the interests of others”, actually only classifies an adverse effect on the interest of others as constitutive of others.
  - Restated, the harm principle would read that “social control ought to only be exercised only in cases where the interests of others are either threatened or actually affected”.
  - But note that the notion of “interest” itself is extremely ill-defined – returning to Mill’s example of the competitive examination, we could justifiably say that these unsuccessful participant’s interests have been affected as well.

### Discontinuity Between Utilitarianism and On Liberty

- The naïve sketch of the discontinuity is as such: consider a case where Mill’s society with all proposed rights are adopted. There exists one person where we can violate his rights for a greater amount of utility. This creates a tension between utilitarianism and a theory of rights – the former advocates for the violation of rights while the latter rejects it. How can Mill’s theory of rights, which advocates for a deontological application, be grounded on a utilitarian foundation, which is contingent and consequentialist in nature?

- Further inconsistencies in Mill's argument with utilitarianism: "Mankind would be no more justified in silencing one person, than he, if he had the power, would be justified in silencing mankind"
- Berlin: "Mill constantly protests against the fact that social and legal rules are too often determined merely to be the 'likings and dislikings of society', and correctly points out that these are often irrational or are founded on ignorance. But if damage to others is what concerns him most (as he professes), then the fact that their resistance to this or that belief is instinctive, or intuitive, or founded on no rational ground, does not make it the less painful, and to that extent, damaging to them. Why should rational men be entitled to the satisfaction of their ends more than the irrational?"
  - "If happiness is the sole criterion, then human sacrifice...at times when such practices had strong public feeling behind them, did doubtless, in their day, contribute to the happiness of the majority. If there is no other moral criterion, then the question whether a higher balance of happiness was yielded by the slaughter of innocent old women...is to be answered by mere actuarial calculation"
  - But Mill seems to deny that such an action would ever be permissible

### **Problem of providing a rational basis for Imperialism**

- Basic problem is with Mill's exclusionary clause regarding "barbarians" → gives no concrete reason or demarcation for when someone is a barbarian vs someone is a rational man
  - Moreover, we could say that many civilised countries have a mix of what Mill would deem barbarians and people in their "maturest of faculties"
  - And is imperialism not inconsistent with Mill's position in how extractive it is and how damaging it is to individuals under the imperial rule?
- Liberal imperialism, as a distinctive theory of imperial legitimacy, was founded on a specific link between a project of liberal reform or improvement (civilising project) and the ends of empire
- Mantena argues that there are "instabilities inherent in his account of legitimate imperial rule itself" → distance between these two aspects, that is, the gap between the theoretical commitment to improvement and the practical account of the limitations to progress in barbarous societies, would be exploited by critics of liberal empire to both sever the link between empire and dream of reform as well as to insist on the radical difference between civilised and barbarian societies as the permanent ground of imperial rule
  - Mill's particular characterisation of civilised and barbarian societies which undergirded his justification of empire was itself complicit in shifting the burden of imperial legitimation (and responsibility) onto colonised societies themselves → less about inherent tension within liberalism per se but rather

something more specific about the kinds of theoretical and political conundrums that transformative, universalist discourses of empire necessarily encounter

- Criticisms of imperialism

- Lie in the use of force and conquest → early Company rule as resorting on a nexus of criminal acts → many argued for a liberal framework of imperial rule precisely as a way to compensate and atone for the original injustice and resultant burdens of imperial conquest
  - Focus should be on working “towards the improvement of the subject race, thereby intertwining the moral defence of empire with a platform of liberal reform” → basic premise is that the purpose must be moral education and betterment of the subject people rather than benefiting the home empire (which is the stance Mill took)
- But Mill argues that the central error of Bentham’s theory of government was its austere universalism, its tendency to assume that “mankind are alike in all times and all places”
  - But what makes despotism, rather than free institutions, more appropriate for savage or barbarous societies?
  - For Mill, what makes the life of the savage materially poor and fragile is his inability to compromise, to sacrifice “some portion of individual will, for a common purpose.” → did not know how to calculate beyond immediate impulses
  - But Mill never specified in great detail what kinds of policies would educate a subject population towards greater individuality → in fact, in *On Liberty*, Mill describes the precarious dynamic between custom and individuality, between the love of liberty and tendency toward (mental) slavery, which had hitherto shaped human history, as a permanent condition of even the most progressive states of societies
    - In doing so, Mill’s analysis raises the theoretical question of why liberal institutions and government authority as mechanisms of improvement, were not considered equally applicable to both advanced and stationary societies
- Analogy between immaturity of children and barbarous societies
  - Intellectual maturity is empirically contingent and thus not universal; Mill committed himself to a more diversified account of character, more thoroughly conditioned by custom and society → Mill thinks that character is not biologically determined, but shaped by society
    - So Mill objects to racial theories of human diversities, but his theory of character formation was meant in part to explain and account for these same, entrenched differences in collective



terms → the nation was the site for “the growth and development of a people”

- And because barbarian societies were not a nation since “nationality and independent [for them] are either a certain evil, or at best a questionable good” → the subject societies are the displaced site of imperial legitimation, as collectively responsible for the necessity of imperial rule
- Tensions in Mill’s portrait of civilisation
  - Idea of human nature as malleable lost its purchase when linked to a philosophy of history and a theory of character formation that at the same time emphasised the precarious and incremental development of progressive societies in human history
    - Critics would emphasise the latter aspect over the former, **concluding either that models of perfectibility needed to be abandoned or that moral reform would require a great deal more coercion than liberals could countenance**
- Objection towards Mill’s classification of civilisations/societies rather than individuals
  - Stephen pointedly questioned Mill’s attribution of the status of civilisation and barbarism only to societies and not to individuals therein. And if the collective nature of the classification of stages of civilisation was undermined, the principles of imperial government, as a model for legal and moral coercion, could no longer be held off at water’s edge
    - Intuitive objection → since Mill defines barbarians to be those who have not developed themselves to the “maturest of faculties”, it follows that such is contingent on the individual rather than homogeneously applying over everyone in society
- Is our response merely to suggest that we can remove the restriction (like Rousseau’s exclusionary citizenship problem?)
  - My response would be to disentangle between the empirical manifestation of imperialism vs its conceptual counterpart
  - I think it is consistent to hold Mill’s view in coherence with a conceptually benevolent imperialism rather than the imperialism that actually happened; the *idea* of imperialism

### Paternalism and restrictiveness of the Harm Principle

- Paternalism is about preventing harm to *one’s self*, while the harm principle is limited to liberty-restrictions about *harm to others*
- Many thought experiments regarding this. Basic point is that there are things that are obviously bad for ourselves that we still do → but also a conceptual problem; why is paternalism in itself wrong?

- Example: Imagine an entrepreneur for a commercial gladiator battle to the death + Rupert Murdoch has all the TV rights and can watch them live everywhere. Now Feinberg says, a true Millian would have no grounds to ban the gladiatorial combat; the consensual nature of it puts these actions in the self-regarding sphere
  - Moralist response would be to ban it because it is immoral: but this puts many other things in fragile positions → plus Mill would be committed to arguing that paternalism is a greater evil, which (by utilitarian standards) seems to be highly counterintuitive
- This seems to suggest that there exists circumstances of valid paternalistic intervention
  - So paternalism is not conceptually or universally objectionable as Mill paints it to be

### **Mill's 'radically defective' conception of the Autonomy**

Gray: Mill's account is undermined by its reliance on what he calls a "radically defective" conception of individuality.

- "By individuality Mill means a form of self-realisation in which the powers of autonomous thought and choice that mark the human species are exercised in living a form of life in which the needs peculiar to each person's nature are satisfied."
  - "By its invocation of a strong conception of autonomous choice, distanced from convention, it condemns as devoid of individuality all traditional forms of life... In ruling out traditional conduct as incapable of embodying or expressing individuality, Mill betrays a modernist prejudice which dismisses as repressive of individuality the ways in which almost all men have always lived."
- Its demands are inconsistent with reality and seems to rely on a naive perception on humans' capability of being autonomous
  - Hart argues that "Mill endows the average individual with 'too much of the psychology of a middle-aged man whose desires are relatively fixed, not liable to be artificially stimulated by external influences; who knows what he wants and what gives him satisfaction or happiness; who pursues these things when he can'"
    -

### **Solutions to the Problem**

*On the Vagueness of the Harm Principle*

Rees' harm as *harm to special interests*

- Rees specifies the notion of harm as a specific kind of damage to interest; that this damage must stem from actions that deviate from "prevailing standards" on what "sort of behaviour a man can legitimately expect from others". Alternatively stated,

the kind of interests whose damage are constitutive of harm would be those that are closely connected with rights.

- But in grounding what harm is on social norms and values, Rees's is adopting a relativistic conception of harm. The problem with such relativism is that norms and values do not just differ across societies, but *within societies* as well. Differing cultures within societies may have different 'moral outlooks' and perceive different things as constitutive of harm. For the harm principle to be practicable, it must be at least consistent within society. So, we require a definition of harm that is universalistic.
- Further, Rees' relativistic proposal seems inconsistent with Mill's own view, who talks about the "permanent interests of man as a progressive being", implying a universal class of interests which are essential (and thus cannot be permissibly damaged) -- security and autonomy (Gray's words).

Gray's location of harm in 'vital interests' such as security and autonomy

- Gray thinks that what we must find are the interests that should count as rights
  - "The most marked cases of injustice ... are acts of wrongful aggression, or wrongful exercise of power over some one; the next are those which consist in wrongfully withholding from him something which is his due; in both cases, inflicting on him a positive hurt, either in the form of direct suffering, or of the privation of some good which he had reasonable ground, either of a physical or of a social kind, for counting upon."
- Mill constructs his theory of rights to protect freedom of speech, association and pursuit of one's plan of life
  - For Gray, this consists in protecting one's vital interests of security and autonomy → the violation of which is what ultimately constitutes 'harm'
- But the reason why we cannot so easily accept Mill's permanent interest conception of harm is because there remains vagueness to whether all threats to security and autonomy are constitutive of harm. More specifically, do the cases like the successful student reaping benefits from unsuccessful individuals count as harmful affronts to autonomy, for they can no longer succeed because of him?
  - Mill may have anticipated this by attempting to differentiate mere "inconveniences" from "harm". In the context of the permissibility of social disapproval of one's suboptimal conduct, Mill argues that such disapproval is "inseparable" from our judgement of others, and thus such "harm" actually results from one's own actions rather than the actions of others. But this notion of "inseparability" is suspect; clearly Mill is intending to say that such "inconveniences" are inevitable self-affecting consequences from one's suboptimal conduct, but do we not have a choice in judging him? Mill does not provide a proper principled demarcation of "inconveniences" from harm.

Waldron's moral distress argument (specifically deals demarcation of inconveniences from harm)

- I extend Waldron's argument on the value of "moral distress" beyond ethical confrontation (debates about what is morally acceptable). Waldron's essential argument is that while we do experience pain and damage to our interest during ethical confrontation with others, the overriding (and thus permanent) interest of a progressive being is in self and societal *improvement* since that is the true expression of autonomy, and thus excludes the "distress" resulting from confrontations from our cost calculations.
  - After all, Mill often talks of the value of liberties in terms of the "exercise" of our distinctively "human capacities", which is analogous to self-development. But it seems hardly the case that this kind of "distress" arising from debate need be only restricted to cases of ethical confrontation.
    - In fact, when Mill speaks of the liberty of thought, he seems to preclude the costs of debate from all spheres of confrontation: intellectual (Socrates), ethical/religious (Aurelius) and scientific.
  - This extension is not only regarding the spheres of confrontation, but also the nature of confrontation. Mill's examples of the "competitive examination" or "overcrowded profession" seem to be similar in kind to ethical confrontation, not only in the *kinds of costs* arising from them, but in their conduciveness to self and societal improvement. In light of this, we can see why the unsuccessful individuals in these examples are not *harmed* per se – their overriding interest is not with regards to success, but with regards to expressions of autonomy through exercising the capacity for self-improvement.
    - The interest of the progressive man lies in the participation of such competitive examinations or overcrowded profession, not the success in it.
    - Intuitively, our success is determined by exogenous factors while our attempt at self-improvement is wholly our choice – a true expression of autonomy.
  - Their right or, to use Rees's language, legitimate expectation is their participation, not their success. Their consequent failure is merely "distress" from confrontation, and thus is not constitutive of harm, since their overriding interest and right lies in participation.
  - What constitutes harm then, would be genuine threats or damages to the "permanent interest" of a progressive individual that are not merely "distress" from confrontation.
- This reduces the vagueness of what harm is considerably and is consistent with Mill's own argument.

### *On the circularity of harm principle and rights*

- An objection to trying to select rights and interests as the object of the harm principle would be that the harm principle itself demarcates what rights we are entitled to and so rights themselves are dependent on the harm principle
- Solution is then to bite the bullet and argue that Mill did not intend to construct rights as dependent on the harm principle but instead, constructs the harm principle as dependent on the inviolable rights which gives sufficient cause for government intervention
  - The harm principle is not just a principle of political liberty and rights, but a practical principle to instruct governments for when it is permissible to intervene in private lives
  - This is why Mill advances much justification for both liberty of expression and individuality
  - The importance of such rights act as *justification* for the Harm Principle

### *On the discontinuity between utilitarianism and inviolable rights*

Gray's indirect utilitarianism to reconcile utilitarianism and rights

- Gray proposes reading Mill as an "indirect utilitarian" – while the principle of utility remains the axiological principle (of value), it is not directly the practical principle according to which society arranges itself. Rather, society adopts moral constraints (protections of liberties) because those constraints would maximise utility in the long run.
  - This reading of Mill seems consistent with Mill's own essays, where he considers the principles of justice as "secondary rules" in *Utilitarianism*, while the principle of utility remains the arbiter for which secondary rules to adopt.
- But Gray is right in realising that the reading of Mill being an indirect utilitarian is not sufficient to guarantee that protections of liberties/rights would be the utility-maximising social arrangement. After all, which social arrangement is the utility-maximising one is a (difficult) empirical question – we can conceive of many social arrangements without rights that may have greater utility.
- Gray then argues for another necessary condition: the incorporation of Mill's higher-lower pleasure distinction, proposing that autonomous choice is a "necessary ingredient of any higher pleasure".
  - Mill seems to endorse such a view. Mill not only criticises following customs as not developing "distinctive endowment[s]" of humans, but often emphasises intellectual advancement (and Mill's notion of higher pleasures are heavily intellectual) as the principal advantage of liberty, in "strengthening their active faculties" and that the value of individuality is in "produc[ing]...a well-developed human being".
  - Higher pleasures, according to Gray, are only available to "men who have developed their distinctively human capacity for autonomous thought and

action”.

- This is consistent with how Mill thinks of higher pleasures as the result of a choice made by “competent judges” – higher pleasures, then, are not governed by the specific content of pursuits, but by the rational autonomous choices enabled by protections of liberty.
- But I suspect Gray does not accept the full force of this argument, by arguing that Mill would think that ‘moral catastrophe’ would be able to violate a man’s moral rights.
  - But if, as Mill claims, pleasures protected by rights are discontinuously better, then rights can only be violated by a greater violation of rights and nothing else. I think this view is what Mill actually holds and is consistent with his Harm Principle; the most severe moral catastrophes are those which entail extreme violations of rights.
- And if autonomy is necessary for higher pleasures and since Mill thinks of higher pleasures as discontinuously more valuable than lower ones, then as the argument goes, any social arrangement that does not allow for autonomy through liberties and the harm principle would necessarily not be endorsed by Mill’s utilitarianism; conversely, any social arrangement that preserves liberty would be endorsed. Tentatively, this reconciles Mill’s utilitarianism with his argument in *On Liberty*.
- Problem: Lexicographic ordering mathematical problem
  - The upshot of this is that Mill can no longer aggregate utility together under his higher-lower pleasure framework, thus rendering this variant of utilitarianism self-defeating.
    - So conceptually, while Mill may be right in that a social arrangement with liberties are preferred to other arrangements, he cannot claim that they yield more *utility* than other social arrangements with less rights. Hence, there persists a disjunct between his utilitarian foundations and his theory of rights.
  - Moreover, if the theory of rights renders its foundation self-defeating, surely this compromises the validity of using such a foundation?
    - This problem also severely limits Mill’s intended practice of the harm principle: in claiming that harm is merely a necessary, not a sufficient condition for liberty-restriction, he is proposing that the enacting of liberty-restriction actions are contingent on considerations of general utility.
    - But since we can no longer aggregate utility of persons together and compare utilities interpersonally, we can no longer apply the harm principle in places where Mill intended to, if at all.
- Problem with higher pleasures and theory of liberty
  - Mill’s belief that there is a determinate class of higher pleasures is in conflict with his belief in the indefinite diversity of human nature: he cannot have it

both ways

- Haksar submits that the underlying moral theory is perfectionist, that it is concerned primarily with the promotion of a certain type of human excellence, and only secondarily with want-satisfaction
  - It is independent of human wants and thus inconsistent with human plurality
- But Mill's conception of the good life is only perfectionist in the sense that it ranks lives which are in large measure self-chosen over those that are customary, but this is a procedural perfectionism rather than a full theory of the good life
  - A minimalist theory of the good expressed in terms of vital interests

### *On Paternalism*

#### Gerald Dworkin's Argument Against Paternalism

- Paternalism: the interference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of the person being coerced
  - Focus on paternalism is the premise/justification of interference
    - Paternalistic justifications can be used for policies that do not restrict liberty of action
  - Pure paternalism: the set of persons whose freedom is restricted is identical to the class of persons whose benefit is intended to be promoted by such restrictions
    - Making suicide a crime, requiring passengers in automobiles to wear seatbelts
    - Existence of pure paternalism implies existence of self-regarding actions
  - Impure paternalism: In trying to protect the welfare of a set of persons, we find that the only way to do so will involve restricting the freedom of other persons besides those who are benefitted
    - Perhaps impure paternalistic efforts could always be justified on nonpaternalistic grounds i.e. preventing harm to others
    - The difference is in banning the manufacturing of cigarettes vs banning manufacturing processes which are pollutive: for the former, the harm to the victim requires the victim's cooperation and can plausibly be avoided by them if they so choose
      - So in banning the manufacturing of cigarettes for the sake of the victims, we may interfere with the set of persons whose interests are not in question and they do not have the solace of having it be done for their own good
  - Some types of legislation like preventing employees from working for 40h

may not be paternalism because they are what the employees would want collectively → but if the law was not there, they would violate this 40h rule because of prisoner's dilemma etc (payment increases + promotions etc)

- **The objection towards paternalism rests on whether advancing the interests of the individual by compulsion or the attempt to do so involves evils which outweigh the good done**
- Criticism of paternalism rests on whether man knows their own interest
  - Hart argues that “Mill endows the average individual with ‘too much of the psychology of a middle-aged man whose desires are relatively fixed, not liable to be artificially stimulated by external influences; who knows what he wants and what gives him satisfaction or happiness; who pursues these things when he can”
  - But Mill stands his ground, arguing that “Most persons take a juster and more intelligent view of their own interest, and of the means of promoting it than can...be prescribed to them by a general enactment of the legislature”
    - Mill is adopting a strictly subjective view of utility (pleasure/desire-satisfaction)
    - But Mill also admits that “the uncultivated cannot be competent judges of civilisation” and that people are not the best judges of their interests when they have to judge it at “some future and distant time”
  - Despite such limitations, Mill argues that the burden of proof or making a strong argument rests on those recommending government interference → but why is this so?
    - Mill has to show that “Self-protection apart, no good object can be attained by any compulsion which is not in itself a greater evil than the absence of the object which the compulsion obtains” → empirical question (prohibiting a man to sell himself into slavery)
  - But there is a non-empirical line of argument in Mill's On Liberty, which argues that **such coercion denies an agent's status of autonomy and what it means to be a person** → CONSENT
    - A man's “mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode”
    - We must preserve the freedom of agents making choices → even if we think the result may not be the best of him, preserving his capacity to choose makes him human and thus outweighs the badness of any result → individuality is of higher value
- Inconsistencies between Mill's objection of paternalism and acceptance of parental paternalism
  - Children lacking in rationality and faculties can create a vulnerability in adults and the positive “real-will theorist” to retreat into the inner citadel
  - But Dworkin argues that the only time paternalism may be justified is if the



individual enters a contract and ex ante agrees to such limitation

- Under certain conditions it is rational for an individual to agree that others should force him to act in ways which, at the time of action, the individual may not see as desirable → this can manifest in elections of officials to pass legislation which may seem unpalatable at that point in time
- Because we are aware of our own cognitive deficiencies, we take out “social insurance policies” which are “paternalistic” but are ex ante agreed to → so is not really paternalistic
- So paternalism is only justified on the basis of prior contractual agreement → so it is not really liberty-restricting
  - This is the immense burden of proof that the advocates for paternalism need to justify
- Principle of the least restrictive alternative: if there is an alternative way of accomplishing the desired end without restricting liberty although it may involve great expense, inconvenience, etc., the society must adopt it
- My thoughts: Mill does not seem to reject paternalism outright → his objection towards paternalism depends on the maturity of mankind and the state of society
  - Through Mill’s own endorsement of parental paternalism, one could argue that Mill was being excessively and unreasonably charitable towards the self-determinacy of individuals in Western civilisation; that in accepting the full strength of his argument, few societies could possibly even imagine of not having paternalistic measures → **if we accept that Mill’s generalisation of societies, rather than individuals, as barbaric is wrong, then this compromises his objection to paternalism**

### Defending Mill’s Theory of Autonomy and Happiness

Gray’s defence: that (1) Mill’s theory of Autonomy is not so absurd and (2) that individuality is a constituent of the doctrine of liberty

Resurrecting Mill’s Theory of Autonomy

- What is autonomy?
  - Stoics (freedom as rational self direction): A man may be said to act freely, if and only if he has engaged in rational deliberation on the alternatives open to him
    - Even under coercion can display powers of rational reflection and possesses strength of will
    - Negative freedom and freedom as rational self-direction do not come together
  - Autarchy: enjoys negative freedom and the unimpaired normal capacities and powers of a rational chooser → autarchy is an endowment: the capability of being rational, but not the *exercise of rationality*

- Autonomy: possess all features of an autarchic agent but also “in addition to exercising capacities for rational reflection and strength of will in the objective choice-conditions which are not distorted by the presence of force and coercion, an autonomous agent must also have distanced himself in some measure from the conventions of his social environment and from the influence of the persons surrounding him”
  - His actions express principles which he has ratified by process of critical reflection; autonomous agency is something which must be achieved rather than as a natural human endowment
  - Frankfurt: an autonomous agent is one who has a will of his own, who has subjected his volitions to a sustained critical evaluation, who has the opportunity to translate his will into action, and whose will is free
  - Autonomy embraces all three positive, negative and autarchic conceptions of freedom → not naive because it tries to embrace all forms of liberty
- Evidence from Mill: “A person whose desires and impulses are their own – are the expression of his own nature, as it has been developed and modified by his own culture – is said to have a character. One whose desires and impulses are not his own, has no character, no more than a steam engine has a character”
  - “He who does anything because it is the custom makes no choice...The mental and moral, like the muscular powers, are improved only by being used”
- Mill argues for liberty, not because he believes that, once liberty is protected, there will be a society of free men; rather, he seeks to promote a society of free and autonomous men, and argues that this is impossible of achievement if liberty is curtailed beyond the domain circumscribed by his principle.

#### Individuality and the Doctrine of Liberty

- For Mill, individuality is displayed via having desires and projects of his own
  - While reason and self-criticism are indispensable to determining one’s authentic projects and desires, Mill thinks that autonomy and authenticity are not equivalent, for a man could display autonomy in a very high measure, and yet be mistaken as to where his unique endowments and potentialities lie
- Autonomy is not just about the value of choice (which would be a naive argument), but its value in attaining self-knowledge
  - Otherwise, the argument for liberty would not have the instrumental aspect that makes it a utilitarian argument
  - Mill: “Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but 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”

- There is a natural tendency in men to self-realisation which social arrangements may nurture or thwart; customs have restricted the inborn tendency of the great majority of men to assert their individuality
- But the “teleological language which Mill uses, and the whole context of his discussion, suggests the thesis that each man has a unique range of potentialities, expressible in a relatively small range of possible lives, and that the actualisation of these potentialities is indispensable for any man’s greatest well-being”
- Fundamentally, so long as we allow Mill the notion of an individual endowment open to discovery by observation and experiments in living, the rationalist or essentialist idiom of individual essences or natures can be given an empiricist translation
  - It is the growth of these powers which allows the cultivation of diverse excellences or forms of self-development, elevates the character of human wants, and fosters cultural and social development in ‘innumerable divergent directions’ by facilitating ‘experiments of living’