

On Liberty Extract

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Extract from John Stuart Mill, On Liberty (1859) ³
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Adapted for TCFS use from Mill, J. S. (2003). On Liberty (D. Bromwich & G. Kateb, Eds.). New Haven: Yale University Press. Explanatory notes by J. Neild and F. Andrewes are provided in square brackets throughout the text ⁴
Chapter 1: Introduction
The subject of this Essay is civil, or social liberty: the nature and limits of the power society can legitimately exercise over an individual.
<i>[Mill describes the historical development of rights in England, that have enabled the people to limit the power their rulers held over them. By the nineteenth century these rights were widely acknowledged in England and Europe, and democratic governments were developing. Therefore, Mill's concern moves beyond protecting the community from their government, to the protection of an individual's freedom from both government and also social constraints. In particular he is concerned by the 'tyranny of majority'.]</i>
[With the development of democracy] government was subjected to criticism. Phrases such as ' self-government ' and ' the power of the people over themselves ' do not express the real state affairs. 'Self-government' is not the government of each person over himself, but the government of each person by everyone else . The will of the people really means the will of the majority or the most active group in society. The majority may desire to oppress other people in their community. Therefore precautions are needed against this, as they are needed against any other abuse of power. Politically, ' the tyranny of the majority ' is now included as an evil society needs to guard itself against.
Like other tyrannies, the tyranny of the majority is feared in the acts of government. But reflective people realise that when society is itself the tyrant over individuals belonging to it, society's means of tyrannizing are not restricted to the acts of its government officials. Society can and does execute its own commands. If these are wrong, it practices a social tyranny more formidable than many kinds of political oppression since it is more difficult to escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Therefore, protection against the tyranny of government is not enough. Protection is also needed against the tyranny of popular opinion and feeling; against the tendency of society to impose its own ideas and practices, as rules of conduct, on those who dissent from them. This restrains the development and formation of any individuality not in harmony with society's ways. There is a limit to the legitimate

³ Refer to this extract in your essay as (Mill, 2020a, p. x), giving the relevant page number in place of x. Refer to this extract in your reference list as Mill, J. S. (2020a). On liberty extract. Melbourne: Trinity College Foundation Studies.
⁴ In the case of an explanatory note refer to it in your essay as (Andrewes & Neild, 2020, p.x), giving the relevant page number in place of x. List it in your reference list (if you have not already done so) as Andrewes, F. & Neild, J. (2020). Introduction and notes to Mill essay. Melbourne: Trinity College Foundation Studies.
⁵ When Mill says 'society's means of tyrannizing are not restricted to the acts of government officials. Society can ... execute its own commands': he is making the point that in addition to the laws and policies of government, moral values and popular opinions also encourage conformity in society.
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interference of collective opinion upon an individual. To find that limit, and protect it, is as important to human affairs, as protection against political despotism.
The question of where to place the limit to individual freedom and social control still needs to be addressed. What these rules should be is the main question in human affairs. The power of custom creates an illusion that existing rules are self-evident and self-justifying. People's praise and criticism of others are affected by their wishes. Sometimes it may be affected by reason, at other times by prejudices or superstitions. Often people's responses are affected by their feelings towards other, particularly their envy or jealousy, their arrogance or contemptuousness. Most commonly people's judgment of others is influenced by their desires or fears for themselves, that is, by their legitimate or illegitimate self-interest. The laws and public opinion that guide people's judgement have been determined by the likes and dislikes of society, or a powerful group within it.
<i>[Mill introduces his rule for determining the limits of an individual's freedom, known as the 'harm principle'.]</i>
The intent of this essay is to present one very simple principle that identifies when society may limit the freedom of an individual, either by legal penalties or the moral force of public opinion. That principle is: the only justified reason for individually or collectively limiting the freedom of action of another person, is self-protection. Power can only be rightfully exercised over any member of a civilized community, against their will, to prevent harm to others. Identifying what is physically or morally good for someone is not an adequate reason to interfere with their freedom. No one can be compelled to act or stop acting because it is better for them, or it will make them happier, or because other people think it is wise or right. These are good reasons for arguing or reasoning with someone, but not for forcing someone to alter their behaviour. The only actions limited by society are behaviours which affect others. If someone's behaviour affects only himself, they have an absolute right to independence. Individuals rule over their own body and mind.
This principle of individual liberty should not be used before humans are capable of reasoning and being improved by free and equal discussion.
<i>[Mill considers the definition of 'harm to others' and the social obligations that may limit an individual's freedom.]</i>
I regard utility ⁶ as the ultimate test for all ethical questions. But it must be usefulness to the progress of man. If anyone hurts other people through their actions, there is a case for punishing them, by law or, where there are no legal penalties, by general moral disapproval. There are also many positive actions which benefit others that humans may be compelled to perform; such as giving evidence in a court of justice, sharing in the defence of their nation, or in any other work necessary to the interest of their society, as

⁶ Utility: usefulness. Here Mill implies the philosophy of utilitarianism, which argues that achieving the greatest happiness for the greatest number of people should be the principle guiding the conduct of every human.
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well as certain acts of individual generosity, such as saving another person's life, or intervening to protect someone who is defenceless from harm. Whenever it is obviously a human's duty to do something, they may be made responsible to society if they do not fulfill their duty. A person may hurt others not only by their actions but also by their inaction, and in either case they are accountable for the injury. However compelling someone to take action requires more caution than other cases. There are often good reasons for not holding an individual responsible, but these reasons must come from the circumstances of the case. It may be because a person is likely to act better when they are left to make their own decisions, than when controlled by society. Or because the attempt to control someone's actions would produce more evil than it would prevent. When reasons such as these prevent society enforcing an individual's responsibility, the conscience of the person themselves should be used to judge the situation, and protect the interests of others who have no protection. In these cases, where individuals are not accountable to the judgment of other people, they should

- Civil/Social liberty
 - :the nature and limits of the power society can legitimately exercise over an individual
- Historical development of rights in England
 - enabled the people to limit the power their rulers held over them
 - 19th century
 - rights were widely acknowledged in England and Europe
 - democratic governments were developing
 - Mill's concern
 - beyond/no longer about protecting community from government
 - to the protection of an individual's freedom from both government and also social constraints
 - 'tyranny of majority'

Sign that Mill is talking about a democratic society - 'Civil Liberty' is a term used in Democracy to talk about rights

MODERN RELEVANCE
This principle was made during a different era - an era when 'governments were developing'. Thus, the ideas may no longer be relevant to the issues of today.

Democratic Society

MODERN RELEVANCE
The 'tyranny of majority' still exists today with the presence of 'cancel culture' therefore this principle will also still be relevant to ensure that the majority does not silence unpopular opinions voiced by the minority

tyranny of majority - criticism of democracy

LIBERALISM = DEMOCRACY

YES, HARM
NO, NOT HARM

DEFINITION OF 'HARM PRINCIPLE'

But the world is so interconnected, almost every single action or decision someone makes will affect another person, whether it be intentional or not

This means children do not have individual liberty yet - but maturity comes at different ages for different people

Inaction can also be harm

carefully judge themselves.

[Mill identifies the most appropriate areas for individual freedom in a free society.]

Society should have very little interest in the parts of an individual's life and conduct that affect only themselves, or affect other people who have freely consented to participate. This is the appropriate area for human liberty. It includes, firstly, the inward domain of consciousness. Here, individual liberty requires freedom of conscience, freedom of thought and feeling, and absolute freedom of opinion on all subjects, practical or speculative, scientific, moral, or theological. Freedom of speech and publishing may seem to fall under a different principle, since they concern other people, but they are almost as important as the freedom of thought itself, and are virtually inseparable from it. Secondly, the principle of liberty requires freedom of tastes and pursuits. This is the freedom to plan our life to suit our own character. We may do what we like without being stopped by others, as long as we do not harm them, even though they may think our behaviour is foolish, perverse, or wrong. Thirdly, the freedom to associate with other people follows from the principle of individual freedom. This allows adults to meet for any purpose as long as it does not involve harming others.

Any society in which these liberties are respected is free, whatever its form of government. A society is not completely free if they experience any interference whatsoever. Freedom is pursuing our own good in our own way, so long as we do not attempt to deprive others of their freedom, or interfere with their efforts to obtain it. Every individual is the most appropriate guardian of their own health, whether bodily, or mental and spiritual. Humans gain more by allowing each other to live in whatever way individuals decide is best for themselves, than by compelling people to live as others think they should.

Chapter 2: The Liberty of Thought and Discussion

I hope it is no longer necessary to defend the 'liberty of the press' as one of the protections against corrupt or tyrannical government. We may think no argument is needed against restricting the ideas and arguments people are allowed to hear. But

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imagine that everyone held the same opinion, and only one person disagreed. People are not justified in silencing that one person, just as that one person is not justified, if they had the power, in silencing the whole of society. If opinions were personal possessions and valuable only to their owner, restricting opinions would cause only private injuries. But the evil of silencing the expression of an opinion is that it robs the human race. It robs future generations as well as the existing generation. It robs those who disagree with the opinion even more than those who hold it. If the opinion is right, they are deprived of the opportunity of understanding their error and replacing it with truth. If the opinion is wrong, they lose the benefit of a clearer understanding and stronger impression of truth that is produced by the collision of truth with error.

[Mill goes on to summarise why he believes freedom of thought is necessary.]

[The Infallibility Argument - We can be wrong]

If any opinion is silenced, for all we know with certainty, that opinion may be true. To silence opinions is to assume our own infallibility.

[The Partly True Argument]

Though a silenced opinion may be wrong, it may contain some truth. Since the general opinion on anything is never, or rarely, the whole truth, it is only by the collision of different opinions that we will find the remaining truth.

[The Dead Dogma? Argument - Our Mind needs to be stimulated by opposing ideas]

Even when opinions are true, unless they are vigorously contested, there will be very little understanding of the reasons that make it true. In addition, the meaning of the idea itself is in danger of being lost or no longer inspiring real conviction.

[Mill then explains how arguments should be presented]

Generally, arguments against commonly held opinions will only be heard when they are expressed in moderate language, and by carefully avoiding unnecessarily offending others. In the interest of truth and justice, it is important to avoid offensive language. We ought to condemn anyone, no matter which side of the argument they are on, whose language expresses bigotry or intolerance. We ought to praise anyone, whatever opinion they hold, who calmly, honestly and accurately states the opinions of his opponents, without exaggerating, or withholding points for or against these ideas.

⁷ Dogma: a principle or principles identified by an authority as unquestionably true.

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Chapter 3: Individuality, one of the Elements of Well-being

[Mill discuss one limit to individual's freedom of speech.]

Actions should not be as free as opinions. And even opinions lose their freedom when they are expressed to incite behaviour that would harm others. An opinion that corn-dealers⁸ are starving the poor, or that private property is robbery, should be allowed when it is expressed in the press. But this may lead to punishment when spoken to an angry group assembled before the house of a corn-dealer, or when handed out to the mob in the form of a poster. The liberty of the individual must be limited when they make themselves a nuisance to other people.

[Mill explains why individuality and diversity are valuable to individuals and society.]

Humans are fallible; truths are generally only half-truths. Unity of opinion is undesirable, unless it has resulted from a full comparison of opposite opinions. Diversity is good, rather than evil. Until humans are much more capable of recognizing all sides of the truth, these principles⁹ are also applicable to opinions held by humans. While humans remain imperfect there should be different experiments of living. We should be free to plan our lives to suit our individual characters, as long as they do not injure others. Individuality should assert itself in matters that are not the main concern of others. When rules of conduct are provided by tradition or custom rather than by individual character, one of the main ingredients of human happiness is missing, as well as the main ingredient of individual and social progress.

As human life becomes rich and diverse, it stimulates high thoughts and feelings, strengthening the ties that bind every individual to humankind, by making the society infinitely more worth belonging to. As each person develops their individuality, they more become valuable to themselves and to others.

Originality is valuable to society. We always need people to discover new truths, and to point out when truths are no longer true, but also to introduce new practices, and set the example of better conduct, and taste in human life. This cannot be challenged by anybody who believes that the world is still imperfect in its ways and practices. It is true that there are very few people whose experiments are likely to improve established practices. But without them, human life would become a stagnant pool. Geniuses are always likely to be

⁸ Corn-dealers: Mill is here referring to a bitter dispute between proponents of economic protection (by government intervention) and free trade. In 1815 the government decided to protect the economic interests of British landowners (often the aristocracy) by decreeing that no corn (actually wheat) could be imported until the price reached 80 shillings per quarter (a unit of measure). This had the effect of keeping wheat, and therefore bread, prices high. The measure was hated by the working classes, particularly in the growing industrial cities, and led to industrial agitation and a demand for higher wages in order to keep pace with the cost of bread. It also became a major issue for industrial manufacturers who claimed that it increased their costs and therefore hindered their competitive ability; this group advocated free trade and no government interference in the market.

⁹ 'these principles' refers to Mill's harm principle.

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a small minority. But in order to have them it is necessary to preserve the soil in which they grow. They can only breathe freely in an atmosphere of freedom. Geniuses are more individual than other people—and consequently less capable of fitting into the small number of moulds that society provides in order to save its members the trouble of forming their own character.

I have said that it is important to encourage uncustomary pursuits in order to identify, over time, which of these may become new customs. But different people also require different conditions for their individual development. Unless there is diversity in their ways of life, individuals will not obtain their rightful share of happiness, or fully develop their mental and moral abilities.

What has made the European family of nations an improving, instead of a stationary part of mankind? It is not due to a natural superiority, but is the consequence of their diversity of character and cultures. Individuals, classes and nations have been extremely unlike one another. They have taken a great variety of paths, each leading to something valuable. Differences in society are diminishing in this country every day as the circumstances that shape the characters of classes and individuals are becoming increasingly similar. In the past, different classes, neighborhoods, trades and professions, lived in what might be called different worlds. Today, they read the same things, listen to the same things, see the same things, go to the same places, have the same hopes and fears, the same rights and liberties, and the same means of asserting them. This assimilation is continuing. Political changes encourage it, since they tend to raise the lower classes and to lower the higher classes. Education promotes it by bringing a common set of ideas, facts and beliefs to people. Improvements in communication promotes it by bringing distant people and places into personal contact, and keeping up rapid movement between one place and another. The increase of commerce and manufacturing promotes it by encouraging competition and ambition in all classes. This creates so many influences that are hostile to individuality, it is not easy to see how individuality can be maintained. It will be increasingly difficult unless intelligent people in society can be convinced individuality is valuable.

Chapter 4: The Limits to the Authority of Society over the Individual

[In this chapter Mill examines the social obligations that limit an individual's freedom.]

What is the right limit to an individual's freedom over their life? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?

Everyone who receives protection from society owes something in return for this benefit. Living in society makes it essential that each person must follow a certain standard of behaviour towards other people. Firstly, they should not injure the interests or rights of other people. And secondly, each person should share in the labours and sacrifices associated with defending society or its members from harm. However, the actions of an individual may be hurtful to others, or lack concern for their welfare, without violating

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the other person's rights. Then, the offender should be punished by public opinion, but not by law. As soon as someone's conduct harms the interests of others, society has authority over it.

It is wrong to think this principle encourages selfish indifference, and suggests that humans should not concern themselves with the actions or welfare of others unless their own interest is involved. The opposite is needed, more unprejudiced effort is needed to encourage an awareness of the rights and beliefs of others.

No one is an entirely isolated being. It is impossible for someone to seriously or permanently harm himself without causing some harm to their family and friends, and often to others as well. If someone injures their property they harm anyone who directly or indirectly was supported by it, and reduce the general resources of the community. If someone damages their body or mind, they not only harm their family and others who depend upon them, but prevent themselves from fulfilling the service they owe to society. If they physically harm only themselves by their bad behaviour or foolishness, they still harm others by their example, and ought to be compelled to control themselves for the sake of others who might be misled or corrupted by their conduct.

If gambling, drunkenness, laziness, or uncleanness damage an individual's happiness and their improvement, laws should be made to prevent these behaviours and public opinion should encourage social penalties. This is not intended to restrict individuality or prevent new and original experiments in living. It only restricts behaviours that have been tried and condemned, ways of life which experience has shown are not useful to anyone's individuality.

When someone is unable to perform an essential public duty having injured themselves by their own actions, they are guilty of a social offence. No one 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 definite damage or a clear risk of damage to the public, this is no longer the realm of liberty and but that of morality or law.

If society allows many people to grow up to be mere children, incapable of being acted on by rational considerations, society has itself to blame for the consequences.

Chapter 5: Applications

[Mill explains the value of competition, which he excludes from his definition of 'harm'.]

Although damage to the interests of others can justify the interference of society, it does not always. In many cases an individual's pursuit of a legitimate goal legitimately causes pain or loss to others. Anyone who succeeds in an overcrowded profession or in a competitive exam, anyone who is favoured over another person in a contest benefits from other people's loss. But it is general agreed this is in everyone's interest. In other words, society does not provide disappointed competitors with a legal or moral right to immunity from this kind of suffering.

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[Mill considers the roles of social interest and individual freedom in the business realm.]

Trade is a social act. Anyone who sells goods to the public affects the interest of other people, and of society in general. This is why governments once fixed prices, and regulated manufacturing. But it is now recognized that leaving producers and sellers perfectly free, limited only by the freedom of buyers to purchase elsewhere, more effectually achieves cheap and good quality of products. The doctrine of free trade rests on arguments different to the principle of individual liberty presented in this essay. But the issue of individual freedom does arise when there are attempts to limit the sale of goods; such as the prohibition of the importation of opium into China; the restriction of the sale of poisons; or any case where interference makes it impossible or difficult to obtain a particular commodity. Interference with the selling of goods is objectionable, not as an infringement on the liberty of the producer or seller, but because it is a limitation on the freedom of the buyer.