John Stuart Mill’s “Very Simple Principle”

Wherever there’s a debate over gay marriage, free speech, or even smoking in public places, the arguments John Stuart Mill made in *On Liberty* are still in the thick of the action.

By Christopher Clausen

Almost everybody who cares about science or ideas knows by now that 2009 is the 150th anniversary of Charles Darwin’s *On the Origin of Species*, as well as the 200th anniversary of its author’s birth. *Origin of Species* is rightly hailed by scientists and non-scientists alike as one of the foundations of modern thought, but it was far from the only important work that came off the presses in 1859. While we might well discount Samuel Smiles’s mega-bestseller *Self-Help*, the eponym of a genre that flourishes like kudzu, the same momentous year brought forth John Stuart Mill’s *On Liberty*, the most passionate treatise on human freedom ever written, and a perennially sacred scripture to the world’s civil libertarians.

Like Darwin’s great work, *On Liberty* bases its argument on a single elegant principle, the sort of all-illuminating idea that makes new readers wonder why they never thought of it themselves. In Darwin’s case, the key is the evolution of living forms through natural selection. With modifications accumulated over a century and a half of scientific progress, especially in the newer field of genetics, evolutionary theory as Darwin conceived it is now taken for granted by virtually everyone who works in science or accepts its most established findings. Those who still argue against it on religious grounds are far outside the educated mainstream.

Mill’s intellectual reputation has followed a somewhat different course. Although he remains a revered figure among feminists and other reformers of many stripes, as well as one of the best known 19th-century philosophers, the argument that propels his most famous work remains as hotly debated today as it was in 1859. Its controversial status owes something to present circumstances—times of economic distress are proverbially unfavorable to individualism and its expression—but also to the uncompromising way Mill (1806–73) framed his position.

“The object of this essay,” he wrote near the beginning, “is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control,
whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”

In his autobiography, Mill correctly predicted that “the Liberty is likely to survive longer than anything else that I have written.” Why was this little manifesto neither left behind as a relic in the history of political thought nor embraced as received opinion? The argument, if not the style, seems up to date while still attracting criticism from those on both right and left who want to compel people to take or avoid actions because doing so would be better for them. “The only part of the conduct of anyone, for which he is amenable to society,” Mill insists, “is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.”

Mill’s absolute statement, intended “to govern absolutely,” still sounds radical in a way that long-ago political assertions rarely do. Like its author, On Liberty is harder to pin down ideologically than its reputation suggests. Although Mill has often been described as the patron saint of liberalism, his dictum hardly sounds liberal by today’s standards. It would rule out requiring people to save for retirement or do a great many other things that modern democratic governments routinely demand of their citizens. On

In San Francisco, protesters rally to denounce a California ballot proposition that banned same-sex marriage last year. Mill himself probably would have supported gay marriage, but advocates on both sides can find bases for their arguments in his ideas about social utility.
the other hand, few conservatives feel quite comfortable with the notion that sovereign individuals can do whatever they want so long as they cause no harm (a slippery concept) to anyone else. Moreover, Mill explicitly excludes the operations of business from his principle on the grounds that business affects other people and can properly be regulated.

On Liberty could be called a libertarian book, but much of its argument runs contrary to what those who call themselves libertarians typically believe. Despite his ringing credo, Mill does not base his theory of liberty on the concept of innate, self-evident human rights that the Declaration of Independence immortalized and the United Nations’ Universal Declaration of Human Rights later called “the equal and inalienable rights of all members of the human family.” Nor does he make much reference to the enacted laws, royal grants, and judicial opinions from which English liberties were built up piecemeal over many centuries. His starting point is utilitarianism—the doctrine that the greatest happiness of the greatest number is the only rational foundation for morals and legislation. Modern utilitarianism had been largely formulated by the philosophical reformer Jeremy Bentham, of whom Mill’s father, James, was a disciple. The younger Mill was brought up as an adherent and remained one throughout his life, though with growing ambivalence.

As a theory of ethics and government, utilitarianism retains considerable influence, which becomes understandable when one tries to think of a better basis for moral action than increasing happiness or reducing misery. As a foundation for individual liberty, however, it shows some major cracks. Suppose, for example, that a majority in Congress were to decide that mandatory health insurance would, on balance, increase Americans’ happiness. Such a decision would seem to meet the utilitarian standard, but what happens then to the freedom of the individual not to be coerced for his own sake?

More damagingly, what if in 1859, also the year of John Brown’s raid, an apologist for slavery had argued that the peculiar institution contributed to the greatest happiness of the greatest number so long as slaves were a relatively small minority? What could Mill, who (like Bentham) strongly opposed slavery, have said to the contrary without temporarily abandoning utilitarianism in favor of an inherent human right to be free? Although Mill later published an essay called “Utilitarianism” in which he tried to reconcile its contradictions and his own, he never effectively answered such questions.

Mill defines liberty, or freedom (he uses the terms interchangeably), as the absence of coercion by law or public opinion, or even more simply as “doing what one desires.” In mid-19th-century England, he felt, while legal limitations on speech and action were less onerous than they had been, public opinion had taken their place in many areas of life where individuals should be left to their own choices. One of Mill’s lifelong concerns was “the tyranny of the majority”—the phrase was borrowed from Alexis de Tocqueville’s Democracy in America (1835–40)—which both men feared was a nearly inevitable consequence of democracy. It led, at best, to conformity, at worst, to a stifling of the originality and vigor a society needed to develop further—development of both the individual and his society being foremost among the advantages of freedom as Mill saw them.

The possibility that some individuals might choose not to develop, not to live up to what an idealistic intellectual regarded as their highest potential, was one that Mill acknowledged only intermittently and reluctantly. The general principle he lays out corresponds to “negative freedom,” a concept later popularized by the philosopher Isaiah Berlin, but the utilitarian Mill somewhat paradoxically argues that individual liberty is justified mainly by its social results. (“Positive freedom,” in Berlin’s words, means the specious liberty “to lead one prescribed form of life”—precisely what Mill opposed.)

Although his deeply Romantic feelings about freedom sometimes overpowered his utilitarian reasoning, he could never quite have endorsed the dictum of another Victorian liberal, Lord Acton, that liberty is not a means to a higher political end but is itself the highest political end. On the contrary, Mill asserts that “liberty, as a principle, has no application to any state of things anterior to the time when mankind
have become capable of being improved by free and equal discussion.”

This utilitarian sense that freedom, far from being an entitlement, needs to be vindicated by its fruits, sometimes leads Mill to tie himself in knots. In the book’s second chapter, “Of the Liberty of Thought and Discussion,” he announces that three kinds of opinions exist: those that are true, those that are false, and those that are a mixture of the two. If a widely held belief is false, then an individual or minority that challenges it, however unpopular their views may be, is doing a public service. Galileo’s assertion that the earth orbits the sun, which he was forced to recant, is an obvious example, though one that Mill surprisingly fails to mention. He does point out that in the long history of superstition, persecution has often succeeded in quelling unpopular beliefs, and that complete freedom of speech is essential for truth to prevail over the almost gravitational pull of what we now call groupthink.

Hardly anybody would quarrel with this part of the argument. Similarly, where a prevailing belief is partly true and partly not, few would dispute that free debate offers the best possibility of improvement. But of course, the question of which category a particular opinion falls into—true, partly true, or demonstrably false—is the very point at issue. Should those scientists who believe that the evidence for man-made global warming is too uncertain to justify predictions of impending catastrophe be given a respectful hearing? By and large, schools and the news media have decided otherwise. Are the main precepts of contemporary feminism open to dispute? Not in most universities.

How to resolve cases in which the parties disagree irrevocably on the criteria to be applied, as in the claim that Darwin was wrong and God created all existing species either in six days or over a long span of millennia, is even more controversial. Scientists are nearly unanimous that such ideas should not be taught in public schools even if evolution is given equal time, and the federal courts have consistently upheld them, though polls suggest that most Americans support teaching both points of view. (This sort of disagreement is the chief reason Mill believed that governments should not run the schools.)

What Mill would have thought about the substance of this particular dispute is impossible to say, but his impassioned claim that even the most far-fetched views must be freely stated in order that the truth may be better understood sounds like a desperate argument for free speech. In many European countries, including Britain, making derogatory assertions about other races or ethnic groups is now a criminal offense. Statements whose legality (if not social acceptability) Americans take for granted can lead to jail sentences, not only in Europe but in Canada, where the question of what may lawfully be said about Muslims has become a point of heated contention. The British writer David Irving was actually tried and imprisoned in Austria in 2006 on a charge of denying the Holocaust.

If free speech has to be justified in hard cases by its social benefits, you have a situation very different from that in the United States, where even obnoxious expressions of opinion such as Irving’s are protected because the First Amendment was based on an Enlightenment notion of inalienable individual rights. It would be difficult to argue persuasively that advocating incendiary racial views advances the interests of society as a whole, and therefore, by Mill’s utilitarian criterion, easy to urge censorship. Yet one suspects he would have pleaded that such advocacy be tolerated, so long as it carried no incitement to vio-
It seems not to be enough that if individuals are free to pursue happiness in whatever way they wish, happiness will be maximized one person at a time. Instead, Mill feels a need to show that society—the ghostly abstraction that in other parts of his argument presents the greatest obstacle to liberty—profits collectively from the myriad choices of its members because it thereby avoids stagnation. In this tortured line of reasoning, liberty itself becomes a form of utilitarian social engineering. If it could be proved that rigidly stable societies were happier than innovative ones, as many social theorists have argued, then Mill’s rationale for the freedom of individuals would collapse.

Mill would have been on firmer ground had he based his “simple principle” on an inherent human entitlement to live as one chooses, but even in the land of Thomas Jefferson he would have found the same conflict between liberty and other values. As Berlin wrote in revisiting the same issues a hundred years after Mill, “The extent of a man’s, or a people’s, liberty to choose to live as they desire must be weighed against the claims of many other values, of which equality, or justice, or happiness, or security, or public order are perhaps the most obvious examples. For this reason, it cannot be unlimited.”

Since 2001 the war on terror has highlighted, as previous wars did, the multiple difficulties of balancing security and freedom. Reviling the Bush administration for shredding the Constitution and abolishing American liberties quickly became an academic and journalistic ritual, conducted many thousands of times with complete impunity. The New York Times and Washington Post won praise and prizes for revealing classified intelligence programs; no reporter or editor was ever prosecuted. More than one Hollywood director fearlessly portrayed the United States as a fascist dictatorship bent on enslaving the world for oil, and nobody ever got a knock on the door from the FBI. If Mill were still around, he would surely have something to say about the interrogation or detention of persons accused of being enemy com-

“On Liberty”

The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people,” wrote John Stuart Mill, shown here in 1873.
batants, the authority required to eavesdrop on suspected terrorist conversations, and other issues that remain conundrums for the new administration; but he would also observe that freedom of expression seems strikingly unimpaired.

Other anomalies in present-day America would look quite familiar to him. In Connecticut and Massachusetts (and briefly in California, until a 2008 referendum), court decisions have made it possible for two people of the same sex to marry—something new in history. If they want to visit a bar that caters to smoke-consenting adults and exercise their age-old freedom to light up, however, they have to find another state, one of the shrinking number where smoking in enclosed public places is still allowed. As Mill shrewdly pointed out, whenever an old prejudice dies, a new one takes its place, as though the amount of tolerance in human nature were fixed and constant.

The Mormons, whose troubled history was widely publicized in 19th-century Europe, succumbed to government pressure more than a century ago and abandoned plural marriage, but male members of dissident sects in the Southwest who continue to practice it are still tried and imprisoned periodically. As a leading supporter of women’s rights, Mill thoroughly disapproved of polygamy, and like most Englishmen he regarded Mormon revelations as fraudulent. Even so, he wrote, as long as women participated in plural marriages voluntarily, and “other countries are not asked to recognize such unions” or allow their own citizens to enter them, Mormons should be left free to practice their way of life in what was then the remote territory of Utah.

His conclusion sounds very much like one of the fragile compromises in effect nowadays to deal with same-sex marriage outside those states that recognize it. Opponents of same-sex marriage have often pointed out the inconsistency of arguing in its favor while continuing to criminalize another form of marriage that has been common in many cultures. Today Mill would probably urge that on both issues the law should follow where his principles led him in 1859, though he might well share the mixed feelings of most Americans contemplating legal alterations to traditional monogamy.

I once had a teacher who was outspoken in her devotion to the American ideal of liberty, though whenever it threatened to become operational among her unruly charges, she would hastily point out that liberty is not license. She might just as well have added, as the British union leader Hugh Scanlon did in a 1977 interview, “Liberty in my view is conforming to majority opinion.” Lord Scanlon (as he became) was on the far left politi-
displays of affluence that would have seemed quite normal in Europe.

As would Lord Scanlon, a century later, too many Americans in 1859 believed in individual freedom only when it did not violate what a British prohibitionist group called “social rights.” The prohibition of alcoholic beverages, which had so far made little headway in Britain but was now law in some American states, would be only one consequence of social rights. Other groups could use the same principle, Mill warned, against tobacco and other substances that were considered dangerous to their users. (In 1859, opiates and similar drugs were still legal in both Britain and America.) The theory of social rights, in effect an insistence that no one must ever behave in a way that offended others’ sensibilities, “acknowledges no right to any freedom whatever, except perhaps to that of holding opinions in secret, without ever disclosing them.” By uniting political power with the intimidating force of majority opinion, the growth of democracy encouraged just such threats to liberty.

Mill, like Tocqueville, was convinced that whatever its defects, America represented the future of Europe. Both freedom and the growing homogenization of modern societies were more advanced there than in Britain. Walt Whitman put the paradox squarely: “One’s-Self I sing, a simple separate person, / Yet utter the word Democratic, the word En-Masse.” Since Mill and Whitman’s time, not only democratic ideals, but most of the technology that simultaneously advances and retards individuality, from the automobile to the Internet, have spread from west to east. For most Americans, the car ranks with the Statue of Liberty as a symbol of personal autonomy. At first glance, nothing could be more liberating than the ability to drive wherever you choose, whenever you want. Yet few inventions have so increased government control over everyday life.

Governments build and own the roads, tax and regulate every machine that drives on them, bail the manufacturers out in hard times, license the drivers, install lights that peremptorily command us to stop or go, police the highways, and set mandatory standards for everything from speed to emissions to the age at which one can begin driving. As in other areas of life, some of the rules would strike Mill as incomprehensible. For example, in most jurisdictions drivers and passengers are required to protect themselves with seatbelts, but in most states it remains perfectly legal to use a cell phone while driving, a practice that causes numerous fatal accidents every year. In spite of everything, most drivers feel free on an interstate highway so long as the traffic keeps moving.

Despite its apparent absoluteness, On Liberty refuses to fade away partly because its contradictions and confusions are much like our own. Is freedom really an end in itself, or a means to something else? What obligations does each individual have to all the other individuals who together make up a society? Governments in Britain, America, and other democratic countries are far more powerful and intrusive than they were in Mill’s day, sometimes interfering with liberty and at other times protecting it against other forces. The long-term trend toward bigger government shows few signs of reversing, to put it mildly. Yet on the whole, speech is freer than it was—although its equally important counterpart, the freedom to keep one’s secrets, has been greatly diminished by changing attitudes and technology—and so are many choices about how to live. Far more people possess the resources to exercise their liberties.

How would Mill balance his “very simple principle” with his earnest belief in cooperation and civic duty if he had to consider the prospect of mandatory national service for the young? How would he set about evaluating the tradeoffs between individual liberty and collective action as governments undertook to control something as comprehensive as the climate? Predicting which sides he would take in particular controversies is often impossible, but his searching ambivalence about freedom and the other good things that sometimes conflict with it may be the strongest reason that On Liberty remains such a living and urgent work.

Only the future, Mill felt, would show whether the democratic societies that he and many of his contemporaries saw as both desirable and unavoidable could overcome their tyrannical side effects. “It is then,” he predicted, “that the teachings of the Liberty will have their greatest value. And it is to be feared that they will retain that value a long time.”