

On Liberty

J.S.Mill

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What is freedom? The right and ability to do anything an individual wants? Clearly not, laws of nature and other contingencies constrict it. But even if you make accounts for those, the freedom of one necessarily curtails that of another. We have different interests and those inevitably come into conflict. To restrict further the latitude of choice would at least proscribe anyone the right to pursue his interests as far as they do not hurt others. Thus stated the claim is of course quite old, and something of a truism. The problem is that it is hard to draw the lines of demarcation between hurting other people and merely affecting them¹. In fact general principles are bound to lead into contradictions and absurdities if pursued consistently. Only when you limit your discourse to certain concrete aspects does it become meaningful to state principles.

Mill is at his best and most eloquent when he expounds on the freedom of opinion, assuming that there is a clear distinction to be made between speech and action. To restrict the freedom to form and above all to express opinion means assuming infallibility as to the ultimate judgement of truth. The defence of the freedom of expression works on many levels. First there is always the possibility that prevailing opinion is wrong, and even if it is mostly in the right, dissenting opinions can add valuably to complete it. As an illustration he refers to the teachings of Rousseau, that although basically wrong (at least from Mill's point of view), did contain truths, concerning the insidious effects of civilization, that needed to be taken into account. But even opinion that is true and supposedly uncontested so needs nevertheless to be constantly challenged to be kept alive. In fact he writes

When there are persons to be found, who form an exception to the apparent unanimity of the world on any subject, even if the world is right, it is always probable that dissenters have something worth hearing to say for themselves, and that truth would lose something by their silence.

Uncontested truth degenerates into dead dogma, becomes mere words with no meaning. In order for truth to be alive and properly understood it needs constantly to be created and fought for anew. As an example he recalls the main tenets of Christian dogma, to which conventional opinion pays lip service, but to which few really adhere. The great emphasis on detachment from material possessions which form the core of its teaching is hardly taken seriously by most of its present days believers. Warnings that the rich may not come to heaven deter few pious observers in their quotidian ambitions. Differently it must have been, Mill muses, when Christianity fought for its existence, when its truths were alive and real.

¹ In a competition for a position one mans success may very well spell out to be the disaster of his rival

Mill also emphasizes that anything is fair when arguing for your opinions, that there should be no imposition of any kind of decorum and modesty. In particular people of minority opinions should not be censured for one-sidedness, intolerance, nor even for sarcasm and invective. In fact such weapons are more likely to be wielded by those of the oppressing majority, than by those belonging to a despised minority fighting desperately to get a hearing.

In his repeated emphasis on the need always to contest received opinion he uncannily anticipates Popper and the falsification criteria of the latter. Mill's views on the matter seem sprung out of his rhetorical excess, while Popper provides more systematic underpinnings. But given the prestige of Mill, at least in the decades following his death, it seems unlikely that Popper would not have read him and been influenced even if subconsciously. The deepest influences are seldom if ever in the form of conscious and deliberate borrowings, but are so subsumed as to appear to have sprung out independently.

When Mill leaves the matter of free opinion, he becomes less radical and stringent, and more of a conventional, if occasionally prescient, social reformer. However, one should keep in mind that retroactive assessments of past thinkers runs the ever present risk of anachronism. A man who is singularly successful in establishing an idea, unwittingly makes himself into a purveyor of truisms in the eyes of posterity. The question of the freedom to follow your religion was a topical one in his days, and had been so for a few centuries. In his discussion of Christianity he takes a detached view which must have been perceived as rather shocking at the time, although not devoid of precedents. He points out that superior as the moral teachings of Christianity may be assumed by its adherents, those teachings do, however, not provide a complete moral system adequate for our times. In fact why should it, considering the tenor of the times during which it developed. Mill points out that many of the civic virtues, (i.e. the obligations held by the individual for the public good), which we uphold do not derive from Christianity at all but belongs to the legacy left by the Romans and the Greek. He also quotes approvingly out of the Koran, in which it is stated that the one who appoints any man to office in the face of more competent ones, sins against God and the State. The morality of Christianity is in its essentials a morality of unquestioned obedience and subservience. It teaches our submission to established authorities, not to be resisted let alone rebelled against, even when contributing to our miseries.

Freedom of action is intimately connected with freedom of trade. On those economical aspects of freedom, Mill has little to say, perhaps because he has, or intends to treat the matter elsewhere. He does, however, oppose the banning of the free sale of alcohol, arguing that this is not so much a constriction on the freedom of sellers but that of buyers. The argument that drunkenness actively hurts others he discards as specious and an example of a dangerous principle that could ultimately condone any kind of tyrannical intervention into the private lives of individuals. This attitude towards the trade of liquors is still the prevalent among Western Countries, the attempts of prohibitions having, as is well known, repeatedly backfired. But few governments tolerate the free use of narcotics, in fact most of them not actively prohibit trade but also makes consumption illegal² Thus any government consistent with the liberal views of Mill would consider the interference with the drug-trade

² Or so it used to be at least until the sixties. I recall being very surprised as a child to learn that you

wrong and, in view of the conventional attitude towards alcoholic inebriation, hypocritical. As noted, few if any but the most indifferent and negligent governments do. Obviously it is not that Mill would approve of such practices, on the contrary, he would no doubt be deeply shocked by them; but the point is that he would argue that the only legal way of interfering would be by positive persuasion and negative dissuasion. As to the slave-trade, maybe the first trade, at least the first lucrative such, to have been explicitly out-lawed, Mill would not be able to bring himself to censure its abolition. There is a kind of convenient cop-out. As liberty is what every man should be entitled to, not to say obliged to, no one should be allowed to have that liberty curtailed let alone abolished, even voluntarily. Logically this is a contradiction, as the right to pursue any course of action involving yourself only must be, according to Mill, if not respected at least not interfered with. But Logic was probably never Mill's strongest suit³ and besides any consistent application of logic in the sphere of politics and social affairs is bound to run into trouble. Finally he recognizes the right of any Government to tax its people, in particular in indirect ways. Such a right opens up the option of a graduated tax, whereby the Government has in its power to use strong financial disincentives for certain practices it disapproves of. Disincentives which in fact may for all intents and purposes prohibit prospective consumers from indulging their habits. Once again we run into logical contradictions.

The main motivation for Mill to defend the liberty of individual action, within the obvious constraints, is to ensure that vigorous personalities, the salt of the earth, may develop to their full potential. Non-conformity in face of settled habits ultimately benefits all mankind, as being engines of progress. In his praise of individual originality he may seem merely to repeat his previous injunctions against the repression of opinions, merely extending the arena from speech to practical initiative, being silent on the nature of possible infringements. As a conclusion Mill contests that individuals should be no less restricted in choosing their modes of life than they are in choosing their coats and boots. He also attributes the superiority of European society and achievements, not to the excellence of their individuals, but in the great diversity of its characters and cultures, so many different paths having been tried out, each having had something valuable to offer. As a contrast he holds out China, which already possessed a sophisticated civilization when the Europeans still were barbarians, but which has since stagnated, no doubt as a consequence of a stifling conformity.

Mill puts great store at education. In fact he considers it an obligation and something for which parents (in practice fathers) are responsible (i.e. he denies them the freedom of taking responsibility for it, in fact failure to do so would injure third parties). Thus a child should not be at liberty to ignore its own education, consonant with the principle that children and the mentally infirm are not in position to know their best interests and hence should be prevented from the liberty of acting against them. In his discussion of education he goes to great length, presenting proposals which would shock many of our contemporaries. He advocates frequent tests of children as to their acquired skills, in order

could go to jail for using narcotics, wondering why not the miseries concomitant with the abuse would be considered punishment enough.

³ In spite of having written a book on the subject; but a work I suspect most serious logicians no doubt would consider trivial when not wrong

to make sure that education does its work (and that consequently no one lags behind). The system of tests should also continue into adulthood, but then be on a strictly voluntary basis, and confined to the checking of facts, i.e. who holds such and such an opinion, avoiding at all costs the question of right and wrong of the same. Also, and here he makes a special point, education should not be solely provided by the State, even if it behoves the State to make sure that each child receives an education. Diversity of education is in accordance with his views on diversity of opinion, and he does not even bring up the issue of some kind of common standards, although most likely he would implicitly endorse such, contrary to his alleged principles⁴.

Finally he makes an impassioned argument against big government. Where government becomes too dominating, i.e. in practice its bureaucracy too powerful, when it usurps all of the best talent, there will be nothing to oppose it, and would it fall, nothing to replace it. He quotes with approval the case of the American Democracy, when competence is spread widely, and thus is always available upon command. A too dominant bureaucracy concentrates all power, as even the case of an undisputed authority, like that of the Russian Czar, becomes powerless if the bureaucracy decides to stomp its wishes, simply by withholding its expertise. Mill gets to be rather systematic when he lists three points against the intrusive power of government, of which the above, being the third and most important. The first being that individuals are better equipped to handle business, by dint of their personal interests being tied up in it, than are government officials. This point is however not elaborated, as Mill makes a conscious decision to limit the discussion of political economy. As a second point he argues that even where the government may be more capable than individuals, it is to the benefit of the latter, that they are allowed practice, thereby improving their civic virtues and political expertise.

As to the division of power between the government and individual Mill proposes that the greatest dissemination of power consistent with efficiency, coupled with the greatest centralization of information together with its most rapid diffusion from the center. How is this really to be interpreted? The emphasis on the accumulation of information and its diffusion would be very much topical today, more so than during the time of Mill. The State as a passive provider of services of facts, with most limited ambitions of actual interference.

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⁴ Mill obviously would have no truck with the opinion that the contents and purpose of education could be completely arbitrary. Once you act as a guardian for certain sections of the populations, someone has to impose the values that should inspire that guardianship, as it can no longer be left to individual decision