

## Mill



## Mill and the Question of Liberty

- What is liberty? What does it mean to be free?
- What should be the rules that determine the extent to which society or the state can interfere?
- What is the principle of liberty?

## *On Liberty*

- Mill argues that the state's duty is to guarantee individual liberties
- Individual liberties should be protected as long as these liberties do not harm others
- Mill's treatise on individual liberties complements his ethical theory

## Classical Utilitarianism

1. Actions are judged right or wrong only by appeal to their consequences.
2. When evaluating consequences, all that matters is the amount of happiness or unhappiness that is created.
3. Each person's happiness counts the same.

## What is a right action?

- What makes right actions right and wrong actions wrong?
- Right actions are those that produce the greatest amount of happiness over unhappiness.
- What are wrong actions?
  - Wrong action are those that produce unhappiness

## Mill's Qualitative Hedonism

- Early versions of Utilitarianism identified Happiness with Pleasure
  - Mill realized the problems with a theory based on producing the greatest amount of happiness
- So, he thinks there are "higher" and "lower" pleasures, and the higher are better than the lower
  - "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied."
- What does Mill mean by this quote?

## We're More than Pleasure Seekers

- A human's pleasures are of a different degree than a pig's
- While a pig might be satisfied hooked up to a Happiness Machine, humans demand more from life and experience than merely the satisfaction of pleasures
- Humans strive to realize their potential as human beings and this means striving to realize uniquely human capacities and potential, not just the satisfaction of pleasures
- Mill thinks the only way humans can realize their unique human capacities is if they are free to pursue their interests and passions

## Utilitarianism and Government

- Legal, social and moral decisions should be based on utility
- Government is not a matter of natural rights or social contract
- Government is to allow each individual to develop and exercise their capacity for higher forms of happiness
- Seeking higher forms of happiness is both a desired goal for each individual and a means for society to develop and make life better for all

## Tyranny of the Majority

- While Mill advocates democracy, he realizes that the people who exercise the power to self-government are not necessarily governed by personal responsibility but by the majority
  - The will of the people can be the will of the most active or vocal part, or those who make themselves appear to be the majority
  - The will of the people can lead to the oppression of a minority group
  - This abuse of power must be protected against

## Tyranny of the Majority

- Society can be a tyrant as easily as a public authority
- “Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political expression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own.”

## Individual Liberty

- Government's promotion of individual liberty...
  - leads people to take an active, informed role in society
  - provides moral training and development of human sympathies
  - leads to viewing social issues from a disinterested, neutral position rather than from self-interest

## Individuality preferred over mass social conformity

- Education creates individuals with the strength and intelligence to resist forces of conformity (social, religious, national, etc.)
- Education helps individuals resist the forces of tyranny and seek minority views, express unusual and eccentric opinions, and seek liberties

## Mill's Three Forms of Liberty

- Mill supports and defends three forms of liberty:
  - a) liberty of thought and discussion
  - b) liberty of tastes and pursuits
  - c) liberty of combination among individuals (freedom of assembly)

## Liberty of Thought and Discussion

- Mill wants to argue that we ought not to suppress an opinion.
  - Opinions should be free and unlimited.
- "But the peculiar evil of silencing the expression of an opinion is, that it is robbing 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."

## Mill's Argument Against Suppressing Opinion

1. We can only have good reason to suppress an opinion only if we know for certain it is false.
  2. We never know for certain that any opinion is false.
  3. Therefore, we never have good reason to suppress any opinion.
- Do we need to be absolutely certain an opinion is false before we could be justified in suppression that opinion?
  - Could we be justified in suppression an opinion that was harmful, demeaning, or degrading?

## When is Interference Justified?

- Liberty is the fundamental human right
- The only justification for limiting one's liberty is self-protection
  - "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 civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant....The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, or right, absolute. Over himself, over his own body and mind, the individual is sovereign."

## When is Interference Justified?

- Harm Principle: interference in individual liberties is justified only when an action might harm another
  - Harm Principle concerned only with harm to others; harm to oneself does not count
  - For Harm Principle to apply you must (i) be an adult (ii) in full control of your faculties

## Meaning of Harm

- Two interpretations of what Mill might mean by "harm"?
  - Physically hurting others
  - Hurting others by not providing benefits or not performing a specific duty
- Suppose someone is drowning and
  - you could save them at considerable risk to yourself
  - you are a lifeguard
- Is there a duty to save the drowning person in each case?

## Withholding Benefits

- Not helping when there is a duty, and hence responsibility and obligation, to help is harming another person
- If there is no duty, then there is no harm in withholding benefits
- Other cases of acting not to harm others when there is a specific duty include contractual obligations, certain jobs, parents to their children

## Harm Principle Better Than Alternatives

- Harm Principle: only the harm principle justifies coercion. The harm principle is that coercion can be justified to the extent it prevents harm to others
- Paternalism: the idea that coercion can be justified on the grounds that a person will not hurt themselves. (examples: seatbelt and airbag laws, drug prohibition)
- Legal moralism: the idea that coercion can be justified on the grounds that one can be prevented from doing something that is morally wrong. (examples: prostitution, baby selling)

## Mill's Stance on Liberty

- Mill argues against paternalism and legal moralism.
  - Both assume that the state or controlling moral voice is right about what is best for the individual
  - Both remove control and responsibility from the individual
  - “Over himself, over his own body and mind, the individual is sovereign.”
- What matters for Mill in terms of prohibiting liberty is whether a person's actions harm another.

## Limitation on Interference

- The Harm Principle allows for the least amount of interference upon the individual
- This minimal interference on liberty will
  - allow each individual to seek his best interest
  - liberate a diversity of interests to the benefit of all
  - nurture moral freedom and rationality
- Government is supposed to foster individuality and self-development, not simply overall happiness

## Harming Others

- Mill's Harm Principle assumes a distinction between self- and other-regarding actions
  - What is the difference between self-regarding actions and other-regarding actions?
  - Can one harm others in pursuing one's own interests?

## Self-regarding vs. Other-regarding Actions

- Self-regarding actions: actions which affect only the agent
  - self-regarding actions do not directly affect someone else though they may indirectly affect someone's “moral sensibilities”
- Other-regarding actions: action which directly affect others
  - examples: injurious acts, violation of another's rights, infliction of loss or damage, falsehood or duplicity in dealings, taking unfair advantage of another

## Moral Sensibilities and Self-regarding Actions

- One might argue that few, if any, self-regarding actions are purely self-regarding
  - “if by his vices or follies a person does no direct harm to others, he is nevertheless (it may be said) injurious by his example; and ought to be compelled to control himself, for the sake of those whom the sight or knowledge of his conduct might corrupt or mislead.”
- If one’s self-regarding actions offend, disturb, or set a bad example, these actions can harm other people.
  - What can one do to protect one’s self-regarding actions?

## Defense of Self-regarding Actions

- Mill admits that some self-regarding actions might affect others
- Nonetheless, there is a difference
  - “When, by conduct of this sort, a person is led to violate a distinct and assignable obligation to any other person or persons, the case is taken out of the self-regarding class, and becomes amenable to moral disapprobation in the proper sense of the term.”
  - Only when one violates one’s duty or obligation to another is one’s self-regarding action to be considered an other-regarding action; these are cases of directly affecting others
  - Offending moral sensibilities or being a bad example does not directly affect others

## Protecting the Individual

- Mill wants to protect the individual from the tyranny of the majority
  - Just because the majority may be morally offended or disapprove of certain behaviors does not mean that individual liberties can be restricted or an individual’s behavior coerced
- Allowing people the freedom to pursue their thoughts, passions, and social relations is the ultimate form of liberty
  - It is the liberty to freely develop one’s own pleasures

## Ten’s View

- C. L. Ten argues that Mill saw happiness and liberty as essentially connected
  - The happy individual is one who is free to become the person he or she wants to become
  - Happiness depends not just on what one does but as much on how one arrives at one’s beliefs, feelings, and position in life
- Ten: “Mill’s reason for allowing liberty in self-regarding actions was not that human happiness would thereby be increased, but that without such liberty there can be no ‘individuality’. His defence of freedom is not in terms of utility, but of ‘utility in the highest sense’, i.e. individuality.”