

1. John Stuart Mill, On Liberty 1859. 3 * 5 - 10 Minutes

Note: Text from Oxford World's Classics 1998, On Liberty and other essays.

2. Part 1. The Answer. The Anti Paternal principle.

1. Intro

1. In his essay "On Liberty", written in 1859, John Stuart Mill is, at base concerned with one question
2. 5. What should be the limits to the power that society exerceises over the individual?
3. He answers this question in 3 ways:
 1. Firstly, by directly answering it.
 2. Secondly, by answering the sub issue of the nature and limits to freedom of expression.
 3. Thirdly, by considering why individuality is important.
4. I'm going to speak in three parts, each time breaking for opportunity to go 'round the circle.
5. But I'm only going to speak on Mill's first answer, that is, his direct answer to the limits of social power over the individual.
6. The question again:

2. 5. What should be the limits to the power that society exerceises over the individual?

1. Social Opinion And State intervention

1. Mill is deliberate in using a broad term like society for he is usefully interested not only in the just limits on the State, through it's laws,
2. but the just limits on mere social opinion, through its mores ("Morays!").
 1. 8 "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 mandate,
 2. " it practices a social tryanny more formidable than many kinds of political oppression."
 3. 9 "Protection, therefore, against the tryanny 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,
 4. " its own ideas and practices as rules of conduct on those who dissent from them."
3. -- Example --
4. Mill is not interested in limiting the effects of social opinion by preventing that opinion from expression. Quite the opposite.
5. How the effects of social opinion (that is a prevaing orthodoxy) ought be limited he is not explicit but I think an awariness of his single principle, to be revealed shortly, would help one be a dissenter in the face of the opinion.
6. The point here is that it's social opinion as well as state intervention that can impede individuality and we need to be on guard against.

2. Limits to State Power

1. To explore state power Mill gives us an idealized history.
2. I say "idealized" because although there may well be historical truth in his account the extent to which he is historically true is not important.
 1. Rebellion.
 1. Once upon a time there where Tryants. To some extent tryants get to sustain their rule by protecting weaker groups in societies from stronger groups. Tyrants can benefit a people by maintaining an order of sorts.
 2. If the tyrant infringed certain basic rights of the people then this justified rebellion.
 3. So one kind of way to limit state power is with the knowledge that if a tyrant rules too unjustly: rebellion will occur.
 2. Constitutional Checks.
 1. The problem with this conception of liberty is a tryant can rule with grotesque injustice for a long time, before a successful rebellion can be mounted.

- 2. So over time, in this idealized history, consitutional checks where invented to limit to kind of things a tyrant could do in the daily exercise of their power.
- ☐ 3. Democracy.
 - 1. But a better conception of State liberty was implemented: where the ruler is elected and their rule madated to be temporary.
 - 2. In this way the rulers interests might be more closely aligned the interests people.

☐ 3. The problem with democracy.

- ☐ 1. To repeat. Over time abuses of state power where limited by
 - 1. The threat or occurance of rebellion; then constitutional checks; then democracy.
 - 2. It was thought for a while, under this idealized history, that having democracy is all that is needed to limit state power, and prevent its abuse.
- ☐ 3. However the slogan "the power of the people over themselves" is not as benign as it may seem:
 - 1. 8 "The 'people' who exercise power are not always the same people with those over whom it is exercised."
 - 2. More importantly the "will of the people" means either: the majority; or the most active part
 - 4. "The people", in a democracy, can still oppress a minority, or a single individual, unjustly.
 - 5. Therefore limiting the power of democratically elected rulers is necessary.
 - 6. That is, we have to guard against a "Tryanny of the majority". This De Tocqueville's pharse that Mill borrow's.
- ☐ 7. An example Mill might allow to drive this home:
 - 1. We should be horrified if Iraq becomes a mere democracy.
 - 2. We should hope, instead, that it becomes a liberal democracy.
- 8. That is, a democracy that also observes certain minimal individual rights.

☐ 4. The Answer

- 1. Mill is not concerned to enumerate all the rights an individual should be granted against state or social interference. So he is not concerned to list those rights that we find, for example, in the Universal declaration of human rights.
- 2. He is just concerned to reveal a particularly important one.
- ☐ 3. 13 "The object of this essay is to assert one very simple principle ...
 - 1. Here it is
 - 2. "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."
 - 3. That's it. But to drive home it's meaning mill goes on.
 - 4. "His own good, ..., is not sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinion of others, to do so would be wise, or even right.
 - 5. "These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise.
- 4. In short Mill is anti-paternal: an individual ought not, generally, be compelled to do something against their will, for their own benefit.
- 5. From now on by "anti paternalism" I'll mean this specific principle of Mill's and regardless of the many ways in which can be fairly phrased.
- 6. An individual ought not be compelled to do something against will for their own benefit.

☐ 3. Part 2: Exceptions, Explications and obligations.

- 1. Mill'a anti paternal principle can be put: An individual ought not be compelled to do something against will for their own benefit.

☐ 2. Exceptions

- 1. Mill has an exception for those who are not "mature" in their "faculties".

☐ 2. Mills examples:

- 1. Children

- 2. and "those backward states of society in which race itself may be considered as in its nonage." So, "Despotism is a legitimate mode of government in dealing with barbarians."
- 3. Those are the exceptions.
- 4. Further, Mill does not think his anti-paternal principle implies, or, at the very least would not like his principle to imply, a host of things.
- 5. So he has a few explications.
- 6. Explications
 - 1. Not an absolute freedom.
 - 1. In arguing for as great a liberty for the individual as can be reasonable to Him, Mill is not arguing for an absolute or a total freedom.
 - 2. 15 "If any one does an act harmful to others, there is a prima facie case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation."
 - 2. The principle can be extended to groups.
 - 1. 113 "the liberty of the individual, in things wherein the individual is alone concerned, implies a corresponding liberty in any number of individuals to regulate by mutual agreement such things as regard them jointly, and regard no persons but themselves.
 - 2. "This question presents no difficulty, so long as the will of all the persons implicated remains unaltered."
 - 3. So if a group of people want to have a gay orgy in a society that believes a gay orgy will harm the participants the anti-paternal principle applies: it's a matter of their lives.
 - 3. Mill's anti paternalism does not imply an indifference to others.
 - 1. 84 "It would be a great misunderstanding of this doctrine to suppose that it is one of selfish indifference."
 - 2. 15 "There are also many positive acts for the benefit of others, which he may rightly be compelled to perform; such as, to give evidence in court, ..., saving a fellow creature's life, or interposing to protect the defenceless against ill-usage."
 - 3. Incidentally, Mill wants to narrow the gap between Acts and Omissions:
 - 1. "A person my cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury. "
 - 2. ... but he doesn't want to close the gap...
 - 3. 15 "The latter case [of inaction], it is true, requires much more cautious exercise of compulsion than the former."
 - 4. Selling oneself into slavery.
 - 1. Mill does not think that his principle, to be free to harm oneself, entails one should be free to sell onself as a slave.
 - 2. 114 "It is not freedom to be allowed to alienate [one's] freedom."
- 7. The brilliant distinction.
 - 1. In giving us the anti-paternal principle, that an individual ought be free to do whatever they like as long as they are not harming others, Mill has given us one of the most important distinctions of all time.
 - 2. I'd rank it as the third most important distinction: after ought V is; and a priori V a posteriori
 - 3. The distinction is between morality and self-interest; or between the "moral" and the "Prudential"
 - 4. Def 3 of Prudence, Maq Dictionary 2001, is "regard for one's own interests."
 - 5. It is vital, I think, to mark of matters of self-interest from matters of morality (or synonymously ethics).
 - 6. By letting morality be confined to what ought be done, or not done, where the welfare of others are directly effected.
 - 7. And matters of self-interest be confined to what ought be done, or not done, where the welfare of the self is directly effected.
 - 8. Sometimes these two spheres can be aligned, at other times in opposition, and at other times be operating independently of each other.

- 9. To exemplify when they operate independently: If I choose to watch "the new price is right" over running in the park this may have no moral dimension, have no significant effect upon others, but it may have a significant effect on me.

8. Objections

1. But it is in the bosom of this distinction that the chief objection to Mill's anti-paternal principle lies.
2. Mill represents the basic form of the objection:
3. 88 "This distinction here pointed out between the part of a person's life which concerns only himself, and that which concerns others, many persons will refuse to admit."
 1. The first way in which the distinction is challenged is with the case of the neglected child
 1. Imagine a father who gambles and gets pissed, and so makes his life go worse.
 2. This may lead him to fail to pay for his child's vegemite.
 3. Mill's reply:
 1. 90 "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,
 2. "and becomes amenable to moral disapprobation"
 4. Example
 1. Mill goes further to point to the moral culpability being the same as the case where self-interest WAS furthered.
 2. If the father had instead, made his own life go better, by spending the money on gym classes and a scuba diving cruise, but still doesn't pay for his child's vegemite.
 3. Then the father bears the same moral culpability.
 4. What he does in terms of his own self-interest makes no difference.
2. No man is an island.
 1. However, the objection can be pressed beyond "distinct and assignable obligation" to others.
 2. Mill represents this objection:
 3. 88 "How (it may be asked) can any part of the conduct of a member of society be a matter of indifference to other members?"
 4. "No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connexions, and often far beyond them."
 5. Mill's reply is to allow that in hurting yourself you may well reduce your ability to make positive contributions to society.
 6. So he might allow the example: if you bong on every arvo and fall into a catatonic state you might be less able to, less inclined to, throw parties or volunteer at Mathew Talbot.
 7. But, in Mill's words "the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom."
 8. He allows the objection to apply but with insufficient force.
 9. So when Mill wants to separate the acts of him which affects others from that which only affects himself Mill is explicit that:
 10. 16 "When I say only himself, I mean directly, and for in the first instance: for whatever affects himself, may affect others."

4. Part 3: My Evaluation.

1. Coming Out.

1. However grey the distinction between an act affecting oneself and the effect on others this distinction is nevertheless real, valid and vital.
2. And so too the distinction between self-interest and morality.
3. A further example might help.
4. Imagine I'm considered coming out as gay to my homophobic and ill grandfather.
5. If I come out he'll be very upset, he will think that my life will go poorly, I'll be harming my interests, cause I'll be missing out on the fruits of heterosexuality.

6. Worse I'll be participating in acts harmful to myself somehow.
7. Imagine further that I can know that if I come out to my ill grandfather he will have heartfailure from the news and die prematurely.
8. It's important to concede that I will, in coming out, cause harm to him, cause his death.
9. But he experiences the upset and death in virtue of his concern of how my actions will affect my life.
10. In coming out and causally contributing to my grandfather's premature death I do no moral wrong.
11. For my coming out was not a sufficient cause and not the morally relevant cause. The morally relevant cause for his death is his mistake in not being happy for me to fulfill my desires despite his own belief that I'm causing harm to myself.
12. He is responsible for his death even though I contribute to it.

2. Importance

1. Mill principle might be put, with those exceptions and explications now in mind, very simply: Every individual ought be free to harm themselves.
2. Why is this important?
3. The violation of this principle is global.
4. We only need to point to the shining example of the prohibition on drugs in the democracies of the USA, UK, OZ, or the Netherlands.
5. The prohibition is largely motivated by a desire to protect people from themselves.
6. While that prohibition is in place, I'm confident Mill would agree, the claim by these countries to be Liberal Democracies must remain false.

3. Better principle

1. What I don't like about Mill anti-paternal principle is that it doesn't go far enough.
2. To illustrate this there are no more stark case then that of amputation seekers.
3. There are a few people around the world who sincerely, and often with a lifelong reflection, desire to have one or two of their limbs removed.
4. They are generally otherwise normal and competent.
5. For a short while in scotland a surgeon was fulfilling the wishes of amputation seekers.
6. They had to be approved by two pyschologists before the operation was performed.
7. The UK government stepped in and stopped it.
8. It's no idle desire that these people have. Without legally sanctioned support for their wish some amputation seekers throw themselves on train tracks or go to mexico to undergo operations under substandard medical conditions.
9. Sometimes they die as a consequence.
10. Mill's anti paternal principle cannot help these people. The harm to they seek to themselves can't be achieved alone. They need some minimal social assistance.
11. BTW I say "harm" not because I believe they are harming themselves but because whether we can objectively say they are harming themselves or not is beside the point. So let's grant that they are harming themselves.
12. So minimal social assistance is needed. This assistance need not be a debate between left and right on whether it's the state or private funds should pay for the operation and the subsequent support.
13. Even if bill gates gives you all his money you could not get social assistance to amputate your leg.
14. So what should we have instead of Mill's principle, with the expectations and explications in mind?
15. Every person should have the right to receive social assistance to harm themselves.
16. When the "Universal Declaration of Human Rights" gets revised it is this principle, rather than Mill's, that should be added.

5. Notes

1. "The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute."