

I. John Stuart Mill Biography

- Tutored by his father, James Mill, and Jeremy Bentham, who together were the originators of Utilitarianism (the moral theory that all ethical questions reduce to questions about the utility of actions).
- Learned Greek and Arithmetic at age 3, Latin at age 8, had mastered classics of philosophy, logic, economic theory by age 12, committed himself to reforming the world under utilitarian principles at age 15, arrested at 17 for distributing birth control to cure what he regarded as the evil of overpopulation, nervous breakdown at 20 due to emotional poverty of his analytic training, turned to poetry and romantic literature (German/English), met Harriet Taylor at 25 and pursued a platonic relationship (bec she was married) until he was 48, when they finally married.
- Was an advocate of social equality, liberal freedoms, including women's equality in education and in Parliament's House of Commons. Wrote "On the Subjection of Women", thus becoming one of the first and most outspoken feminists.

II. Mill's *On Liberty* offers a theory of the relation between Individual and Sovereign Governments

A. Motivation for theory: A Response to 'tyranny of the majority' (Zinn "Tyranny is Tyranny"). Substance of theory: a critique of liberal democracy.

B. Grounding principle of theory: Principle of Harm: "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*. [my italics]"[p310]

C. The Harm Principle establishes a distinction between the Public and Private spheres because "The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others." (public sphere: sphere of actions that concern or effect 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*. [my italics]"[p310] (private sphere: actions that concern only the individual him/herself)

D. Ok, but *what constitutes harm* (we must know this if we are to decide when to invoke the principle of harm as justification for applying social controls on individual actions)? Answer: "utility in the largest sense, grounded on the permanent interests of a man as a progressive being."[p311] So harm is any action that produces a result that is against the permanent interests of one of these progressive beings. *Harm=disutility of actions*.

E. The extent of the harm principle: "In all things which regard the external relations of the individual, he is *de jure* amenable to those whose interests are concerned"[p.311]. Note: Mill doesn't place any limits on this responsibility. Therefore, you are responsible for any acts that have any effect on "the permanent interests of a man as a progressive being."

F. Refinement of the Public/Private distinction: private=“that portion of a person’s life and conduct which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation.”[p312]

G. The Private sphere comprises “the appropriate region of human liberty. It comprises, *first*, the inward domain of consciousness; ... *Secondly*, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow-creatures, so long as what we do does not harm them ... *Thirdly*, ... freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.”[p313]

H. “No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified.”[p313]

III. Implications and Noteworthy Aspects of Mill’s Theory

A. The entire focus of its analysis of the relationship between state and individual is absorbed with *protection of the individual from harm by means of the state* (otherwise, why does it *begin* with an account of *which circumstances warrant restraint of individual action by the state?*). Contrast this with Plato’s belief that the best *individual life* arises when a certain kind of *state interest* is secured (i.e., those harmonious relations among the classes wherein one class, the philosophers, guides the other two in their pursuit of the good life), or with Hobbes’ view that government exists to *protect individuals from each other* by means of placing them under a general fear of the common power over them created by mutual consent. Upshot: Mill’s theory cannot be understood unless we take seriously his concern for the excesses of democratic rule (of government formed by consent). Other theories betray concerns with other problems (Locke’s with the excesses of monarchy and the problem of private property; Hobbes’ with the problem of divine right of monarchy, and the problem of barbarism).

B. Mill’s theory attempts to ground the justification for the existence of government, and restraints on government, on a broadly utilitarian theory of morality (what is utile to ‘individual man as a progressive being’ is good, and what is disutile to the same person is bad).

C. Potential problems for a utilitarian theory of morality: 1) what determines “the interests of a man as a progressive being”? Does the utilitarian theory beg the real question being answered by any moral theory, i.e., “what determines the distinction between right and wrong” because it appeals to unspecified ‘interests of a progressive being’? Aren’t the latter doing all the work in this theory, and if so, isn’t this a defect (a real explanation would tell me what makes these interests *interests*, and hence makes right actions right, and wrong actions wrong)? 2) can a Nazi claim that his interests include killing Jews? 3) Who decides what these interests are? Me? You? If someone claims that I have harmed their interests, what does the utilitarian theory of morality have to say in my defense (that is, if I should I disagree with the claim to harm)? 4)

Utilitarianism, as Mill presents it, claims that I am responsible for all the results of my actions that affect the interests of others. Since this is not in any way restricted (Mill says that where other’s interests are affected by my actions, I must be amenable to the

judgment of these others *de jure* [“by right”] [i.e., they have a right to impose on me consideration of their interests]), I would seem to be unable to take action without considering how the consequences of my actions would affect untold numbers of people, many of whom I don’t even know. How can any human moral system be reasonable that places such a demand on the finite capacities of human beings to estimate consequences of their actions?

IV. The Importance of Free Speech in Mill’s Theory

A. Mill’s First Free Speech Argument: that “No one should silence opinions”

(i) No one is infallible

(ii) To silence an opinion is to assume that *your* certainty (you, the silencer) is *absolute* certainty.

(iii) But given (i), (ii) amounts to an assertion of what no one has (infallibility)

(iv) Given (ii) and (iii), silencing a discussion assumes infallibility (of the silencer)

Conclusion: Given (i) and (iv), no one should silence opinions.

B. Corollary considerations: Mill thinks that the only reason we have a preponderance of rational opinions in our community is because we engage in open discussion. Appeal to the facts won’t settle disputes by itself, without discussion, since “few facts are able to tell their own story.”[p319]

C. This leads to Mill’s Second Free Speech Argument: that “We cannot silence a false opinion”

(i) On every subject on which differences of opinion is possible, the truth depends on a balance to be struck between 2 sets of conflicting reasons.

(ii) If cultivation of understanding consists in one thing, it is learning the grounds of one’s opinion.

(iii) One ought to be able to defend one’s own opinion (because “a belief independent of, and proof against, argument--this is not the way in which truth ought to be held by a rational being. *This is not knowing the truth. Truth, thus held, is but one superstition the more, accidentally clinging to the words which enunciate a truth.*”[p333, my italics]).

Interim conclusion: He who knows only his own side of the case, knows little of that.”[p334] (because while “his reasons may be good, and no one may have been able to refute them...if he is equally unable to refute the reasons on the opposite side .. [and] does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgment”[p334]; also, “Their conclusion may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, *know the doctrine which they themselves profess.*”[p. 334-335, my italics])

Conclusion: We cannot silence a false opinion.

V. Some Implications and Noteworthy Features of Mill’s Arguments for Free Speech

A. Mill’s concern for free speech derives to some extent from his concern for the excesses of democratic government by majority, since one well-worn criticism of

democracy is that it is government by the majority, even when the majority is dead wrong. Discussion improves the chances that the majority will hit upon the right answer. B. But this would be implausible if Mill did not also believe that our *access to knowledge* requires free discussion. This is an assumption made plain in premise (i) of the second argument for free speech. Mill is implicitly advocating a method for discerning the truth where opinions differ, and has something in common with Socrates' Elenchus Method: one must consider all opinions, and the arguments and reasons for them, in order to eliminate the bad ones through refutation by counterargument, exposure of inconsistency, etc. The truth is a byproduct of this testing procedure, and discussion is required to make it go.