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JOHN STUART MILL ON THE RELATION BETWEEN SOCIETY AND INDIVIDUAL REGARDING PERSONAL LIBERTY**

Abstract: The work of John Stuart Mill *On Liberty* is almost unanimously hailed as one of the most important expressions of the modern concept of liberty. However, both the internal coherence of the essay and its complex relationship with the rest of Mill's work have often been debated. Mill's essay offers a radical defense of liberty of thought, expression and action, making it one of the strongest expositions ever advanced in defense of individual freedom. But along with this aspect of the work there is also another less obvious one with which it is difficult to integrate: it is the need, defended by Mill in different parts of his essay, to establish political and social mechanisms of control and restraint, thus giving rise to a certain paternalism that has been strongly criticised by some sectors of liberal thought. This essay aims to show that this is a question not of the inconsistency in Mill's political theory, but of approaches whose relationship arises from the global conception of the human and morality that underlies the essay.

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THE MEANING AND AMBIGUITIES OF THE PRINCIPLE OF LIBERTY

To establish the meaning of the principle of liberty advanced by John Stuart Mill in *On Liberty* it is necessary to keep in mind what he means by *liberty* in his essay and what kind of liberty he espouses. The concept of liberty with which Mill is concerned is so-called *Civil or Social Liberty* (Mill, 2003: 73), and amongst things intimately connected with it there is the question of the relationship between democracy and freedom, as well as the question of what is understood by the sovereignty of the people. Mill's express intention was to mount an unambiguous defense of the liberty of the individual against the power of society, which through tradition and established customs exercised a tyranny over individuals. Although such a tyranny is less evident than political tyranny, it is no less dangerous to those who are subject to its power and constraints. In order to achieve

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the defense of the principle of liberty, it is necessary to define as clearly as possible the limits imposed on the interference that society can exercise on an individual.

The *principle of liberty*, also referred to as a principle of harm to others (Feinberg, 1984), constitutes the fundamental thrust of Mill's essay, so his understanding of liberty, and the dispute with its main criticisms, requires to be as precise as possible with the meaning and scope of this principle. What defines the principle of liberty is that there is no legitimate interference possible to the freedom of the individual with respect to actions that concern only him or herself, but only with respect to those actions that can affect other persons:

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 (Mill, 2003: 80).

The most important criticisms of Mill's principle of liberty are that the concept of liberty underlying it is incompatible with utilitarianism; that freedom is only determined in negative terms; that Mill leaves the concept of harm to others undefined; above all, that the liberty principle cannot apply in practice, and that this difficulty is contained within its very definition.¹ The difficulty in defining and applying the liberty principle was not only the most repeated criticism of his contemporaries,² but even today remains the main objection to the work. The principle is judged to be too ambiguous to be really serviceable, because the core distinction between actions that affect only the individual who carries them out and the actions that also affect others is difficult to determine with precision.

Mill does not establish a unique definition of the principle of liberty, however he formulates it in various ways and progressively unveils its consequences. Thus, in order to judge the impact of criticisms on Mill's

¹Most of these objections are already contained in *Liberty, Equality, Fraternity*, originally published in 1873, the year of Mill's death (Stephen, 1967:). This work presents the most important critique made against Mill in his own time. Its core criticisms have formed the basis of almost all subsequent critical analysis, considered for this reason as the "classic" criticism to the Mill's concept of liberty.

²It must be borne in mind that from the moment of its appearance Mill's essay aroused all kinds of discussion and reaction, both acceptance and rejection, and its fundamental approach was the subject of many criticisms. On the reception of Mill's work by his contemporaries, see Nicholson, 1998.

principle of liberty, it is necessary to take into account the theoretical context in which the different formulations are progressively presented, as well as the different developments and clarifications that arise in the work. In order to fully grasp the meaning and reach of the liberty principle, it is necessary to consider the overall theoretical context of the essay, and the political concepts which underlay it.

The core of Mill's political philosophy is his view of society as the domain that must allow and foster the fullest and most varied development of the individuals who compose it, which is only possible if individuals can determine themselves and choose their way of life in the form that seems most appropriate, with the least possible coercion by society. Mill's work, along with that of Tocqueville, was the new form of political liberalism in the 19th century. While classical liberalism had limiting the authority of *government* over citizens as its main objective, Mill's main concern lies in limiting the power that *society* can exert over the individual. He maintains in this respect that

the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. Advice, instruction, persuasion, and avoidance by other people if thought necessary by them for their own good, are the only measures by which society can justifiably express its dislike or disapprobation of his conduct (Mill, 2003: 156).

Mill notes that the power of society over the individual gradually increases with the development and extension of social democracy³, hence he considers this question not only the fundamental political problem which his time was required to face, but also an issue for any democratic system in the future. For this reason, the introduction of the first approach to the principle of liberty consists in a detailed analysis of the relationship between democracy and freedom (Riley, 1998: 39–43).

Mill observes that the struggle for liberty has developed over time and that by the 19th century this struggle resembled something different from that which was presented in other historical epochs. In ancient times liberty was understood to be the struggle of subjects of the state against the tyranny of rulers. But with the establishment of democratic governments this struggle became devoid of any meaning as the people themselves became the ruler; the people cannot persecute themselves. However Mill sees this approach as

³In order to avoid misinterpretations, it must be noticed here that “social democracy” in case of Mill's liberal thought is in essence different to Marxist social democracy.

wrong, as an error of approach that could be destructive to the freedom of the individual. This approach does not distinguish between two essentially different things: the will of society and the will of the individuals that compose it. If there is no limit to the control of the first over the second, there is the danger of *popular authoritarianism*. It was the development of democratic government at that time in the United States which clearly revealed the dangers of the power of society over individuals, and showed that democracy presented tyranny in a new way: *tyranny of the majority* (Tocqueville, 2004: 307 ff.).⁴ This tyranny meant, first of all, the political tyranny of the majority, but it could take on a more insidious form: social tyranny of the majority. In fact, what most worries Mill is not the tyranny of the majority in the sense of political oppression of minorities by the electoral majority, but the social oppression that *public opinion* exerts on individuals, since public opinion is intolerant in principle to all opinions that differ from it. He says that in this sense society

practises a social tyranny more formidable than many kinds of political oppression, 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 (Mill, 2003: 76).

Mill considers this social despotism as an obstacle to individual development and a type of servility to established customs. Mill was deeply concerned about the effects of the new form of society emerging then, the birth of a mass society, and the pressure of public opinion on individuals that was inexorably increasing with the advance of democracy. He noted that industrialisation and urbanisation accompanying this process were essential to the improved material conditions of life and higher levels of social equality. But at the same time the tendency to impose uniformity and standardization on the ways of living was growing. This could lead to restricted human development — a lack of growth, an all-powerful conformity, quietism, uniformity and a conventional way of life from which individuals would not be able to escape.

⁴What Tocqueville found in the United States was that people had less freedom of thought and expression than had been hoped for at the outset. Americans generally tended not to think for themselves, but rather to think like everyone else and to wish that everyone else would thought like them. In this way, democratic society gradually became a mass society, in which the mass exerted a silent tyranny on each individual, generating a growing homogeneity in which everyone conformed through tacit or open collectively exercised pressure. Tocqueville's analysis of democracy exerted a strong influence on Mill, who took on and developed many of Tocqueville's fundamental ideas.

Mill, like Tocqueville, considered that in the Western world this movement towards democratic society was unstoppable. Both considered this outcome desirable from the point of view of equality and justice. But the increasingly egalitarian social conditions which ushered in democracy necessarily have negative effects on the liberty of individuals. This presents a *dilemma between equality and liberty*. It was essential therefore that increasing equality was constructed with greater levels of liberty. It was necessary to defend liberty against the tendencies that threatened it as democratic society developed lessening the freedom of the individual against the pressure of the masses. We have thus arrived at a fundamental conflict in the modern political understanding of the concept of the sovereignty of the people; the opposition between the political concept that holds that popular sovereignty should have no limit and that which argues that limits regarding individuals as individuals are necessary. This second option is unequivocally advocated in Mill's political theory: "The people, consequently, *may* desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power" (Mill, 2003: 75).

The purpose of Mill's book has sometimes been misunderstood. It has been argued that its objective is to establish boundaries of the legitimate functions of the state against the ambit of the liberty of individuals particularly if such a function should tend to lead to the limitation of certain parts of people's private lives (McCloskey, 1971: 104).⁵ In this respect, it must first be borne in mind that Mill does not deal with only the interference of the state in the actions of individuals, but also with the various forms of coercion which *society* can exercise *over individual*. In this sense, it can be said that Mill "was not concerned only with political freedom, but with *all* forms of social pressure" (Ryan, 1988: 235). What really concerns him is the prevention of the views and judgments of society being the elements that determine the behavior of individuals. Such coercion takes place through the power that society exercises not only through the law — forcing the

⁵This author argues that many misunderstandings of Mill's thought stem from his occasional failure to have regard for the definitions that he himself has previously established when he develops his argument. While it is true that there are inconsistencies in Mill's approach, it is necessary to consider his essay was meant for a popular audience, thus conceptual rigor is often given less weight than a simplified approach. It is characteristic of *On Liberty*, unlike Mill's more theoretical philosophy, that he does not seek as much conceptual accuracy so that the work can be accessible to a large number of readers. For this reason Mill always tries to focus on the central questions from different angles, which is sometimes done at the expense of precise definitions. For the aspect of Mill's activity as a moralist and educator in the last stage of his life, see Collini, 1991.

state to legislate in a certain sense — but also through public opinion, whose action is less evident than legislation, but no less dangerous and harmful to individual liberty. In a democratic society with insufficient conditions of social maturity, public opinion exercises a coercion on individuals which prevents their free development, since public opinion tends to be intolerant of any types of dissident or eccentric behavior, even those that simply differ from the socially established. Mill sees the main threat to the freedom of individual coming from the customs and prejudices of society:

The despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement (Mill, 2003: 134).

The programmatic assertions of *On Liberty* lay down the rejection of all interference by society in behavior that affects the individual alone. This unrestricted application of the principle of liberty is understood by some interpreters as the defining element of Mill's political conception, such that his work is considered "the most eloquent expression of the liberal theory of the open society" (Ten, 1980: 11), and Mill himself "the most eminent advocate of individual freedom" (Rees, 1985: 125). According to this type of interpretation, what Mill proposes in his work is a defense of absolute freedom, not subject to any review or consideration. However, this approach conflicts with others that are also central to the work. In fact, such is the case of those actions with regard to which Mill accepts the interference of the state or society based on *paternalistic considerations*: the limitation of working hours, health regulations of working conditions, or the legal requirement for minimum levels of education for all citizens. This has led to Mill being accused of defending protectionism and state intervention, and of attempting to impose certain conceptions of morality on the whole of society. There are authors who consider that Mill, far from pursuing an extreme defense of liberty in his work, is really seeking an effective combination of liberty and control, so that through the introduction of various forms of moral restraint and social boundaries he is pursuing the goal of realizing a program of "cultural and moral reform" of society (Hamburger, 1999: 18), and even that the degree of control and authoritarianism in Mill's work points, in a line from Bentham, towards a "panoptic" view (Carlisle, 1991: 197). Mill's complex position on this point, which distanced him for later liberalism, is found in one of his most debated phrases: "liberty is often

granted where it should be withheld, as well as withheld where it should be granted” (Mill, 2003: 165).

The core of the liberty principle is that in no case can the actions of an individual, which affect him or her only, be punished, but only those actions that mean harm to others or a violation of a duty towards them. Society has the right to demand that individuals do not perform certain acts that may be detrimental to the community, or perform certain duties that are considered essential for the survival and well-being of society, and are therefore absolutely essential for the life of a society. In general terms, actions that may be criminally sanctioned or subjected to social coercion are those in which the individual causes harm to others without their consent. What is to be understood by coercion in this context is premeditated and organized activity by society to prevent anyone from taking any action. The negative consequences that are naturally engendered by the behavior of an individual do not fall within the concept of coercion. This distinction between punishment and the natural negative consequences of action establishes the relationship between Mill’s moral views and his conception of liberty (Ryan, 1988: 238).

Obviously, Mill rejects harmful, foolish or superficial behavior — in general, any behavior that distances the individual from a life based on the values of dignity, self-respect and respect for others.⁶ The fundamental purpose of all the Mill’s political and social thought is to attain and promote these values, but he believes that the only way to truly do so is to allow individuals to develop themselves in their own way. It is something which can never be imposed, but must be developed freely. Individuals are so different from each other in their way of achieving happiness and virtue, that establishing general laws would be counterproductive. In addition, Mill believes that diversity is something positive, and that not only should it be unrestricted but it must be encouraged, as this will enrich society and promote its growth. Vetoing diversity will necessarily lead to stagnation.

On the other hand, Mill argues that the principle of liberty can only be applied to those societies that have reached a degree of development when they are capable of improving themselves through liberty of thought and

⁶Often Mill’s commentators argue that he advocates the liberty to pursue one’s own evil and one’s own moral degradation (e. g. McCloskey, 1971). This approach ignores fundamental aspects of Mill’s thinking and gives a one-sided view of some of his propositions. This type of interpretation can only arise when concepts are plucked out from the general theoretical context of Mill’s thought.

action. This is not simply Mill's ethnocentric prejudice; it rather follows his view of progress as a *historical development toward liberty*. Mill considers freedom to be a process of intellectual and moral development, which takes place both at the individual and social level. Mill understands that the principle of liberty can only apply, therefore, when society has overcome a state of barbarism; when oppression and violence cease to be the governing principles of social relations. When society is still in that state, he considers the best solution to be some kind of enlightened despotism, in which a just and wise ruler establishes the most beneficial social norms for the community:

Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. 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 (Mill, 2003: 81).⁷

Once society has reached the degree of development in which the principle of liberty is applicable, Mill rejects any intervention by the state or society that marks out to the individual what constitutes his or her own good. The liberty principle must apply to all relationships between adults in full use of their faculties, as long as the relationships that are established are freely entered into by the individuals involved. This implies the rejection of all interference in the actions of the individual even when they are detrimental to him or her, accepting only interference in the case in which third parties who have not decided freely are involved. In this sense, Mill is fully aware that certain behaviors that are not accepted by society may be prohibited on the grounds that they are harmful to uninvolved third parties. What establishes the principle of liberty is that the burden of proof falls on those who call for such prohibition, not the reverse.

Mill argues that the principle of liberty relates to the improvement of the well-being of the human being, a well-being that is understood according to Mill's concept of human nature as essentially progressive, which allows human beings to reach successively higher levels of happiness and self-realization. In this sense, a fundamental element of Mill's conception is the education of sentiment—essential for the full development of individuals and for the promotion of diversity which Mill considers so decisive for the social progress.

⁷A development of this idea can be seen in Mill, 1992: ch. 18.

In the individual development and promotion of diversity, one finds the fundamental core of liberty that Mill analyses exhaustively in his essay, *liberty of thought*, intrinsically linked to the *liberty of expression*. This fundamental aspect of all liberalism is also one of the central elements of Mill's political and social philosophy. This part of the work is complex with regard to its fit into the whole, since it is not clear if liberty of expression is a particular case of the general principle of liberty or whether it forms a separate case with its own characteristics (Donner, 1991). It seems, in a sense, to be an additional principle, which gives liberty of discussion a greater range of applications than the general principle. Mill points out that it is only a particular aspect of the general thesis, but in developing his argument he gives this principle greater safeguards than freedom of action and offers different reasons for sustaining it. The reason for this can be found in the social importance of dialogue (Skorupski, 1989). Liberty of expression allows unrestricted discussion in pursuit of the search for truth, so that dialogue can be considered as the social expression of liberty of thought. Given the human limitation to the individual search for truth and the distortions to which free thought is exposed, only free and open discussion provides a rational foundation for the ideas of men. This heightened the importance of the defense of liberty of expression for the social benefits it entails, not simply as an individual right. While in the other parts of the essay Mill defends freedom because of its importance in the defense of individuality from social pressure, in this part he defends the liberty of thought and discussion because it is necessary *to arrive at and preserve the truth*. All this part of *On Liberty* is about truth, the central thesis being that truth depends entirely on liberty of thought and discussion.

The fundamental point of Mill's argument can be summed up in the following terms: if an opinion is silenced, it may be true, so that society runs the risk of losing the truth. Even if it is wrong, it may contain a part of truth which would be lost if the opinion is silenced. But even if the silenced opinion were completely wrong and the opinion accepted by society contained the whole truth, such truth would become a mere prejudice, because society has eliminated the possibility of comparing it with the alternative opinions. Such a truth would lose all life-giving force and all meaning, since it would not be the result of the personal search and reflection.

Thus, Mill starts from the proposition that we can never be sure that the opinions that we try to silence are false, but even granting that they could be false in certain cases, still they should not be silenced. The truth is only really solid when it is confronted with the contrary opinions through

a dialogue. Without such a confrontation, truth necessarily becomes inert; it ceases to be properly a truth and becomes a dogma. Tolerance towards dissenting opinions is one of the hallmarks of Mill's liberalism, which strives to make use of it with the most diverse arguments to confront the different forms of intolerance and dogmatism that have constituted, in his opinion, one of the fundamental obstacles to the development of society (Riley, 1998: 65–68). His radical opposition to all forms of dogmatism forces him to stress this question repeatedly and to approach it from different perspectives, since he believes that truths that are shielded from any discussion necessarily end up becoming prejudices and encouraging intolerance. Mill's liberal views are at the service of man's progress, and he thinks that the silencing of any opinion, however erroneous and harmful, leads to "robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it" (Mill, 2003: 87). This enlightened ideal is found throughout his thought.

The fundamental target of Mill's criticism is what he calls the "assumption of infallibility" (ibid.: 89); that is that attitude which presupposes that the one's own point of view is irrefutable, making any further discussion unnecessary. He considers that this is the highest expression of intolerance, and that the possibility of reaching true knowledge, which can only result from the free discussion of the different points of view, is thereby closed. This argument for liberty of expression had a special relevance in relation to *religion* in Mill's epoch, a time when many still held dogmatically that they were in possession of an infallible knowledge on religious matters, thus practically blocking any free discussion on this issue and leaving any type of criticism taboo. This had direct implications in matters of *morality*, so closely related then to religion. This points to the need to take into account, as one of the central aspects of Mill's concept of liberty, his critique of religion (Hamburger, 1999: 44). In this sense, his criticism in *On Liberty* is so relentless that his position on religion has even been described as "antitheological impetus" (Raeder, 2002: 234).

It must be borne in mind that, for Mill, the negative implications of the suppression of liberty of expression and of discussion are to be found not only when the orthodox opinion is false, but also when it is true. Without being subject to open and permanent confrontation with other opinions it is necessarily emptied of meaning and becomes something without the power to convince. For this reason, if there are no representatives of views contrary to an established truth, it is necessary that there be those who take on the role of "devil's advocate" (Mill, 2003: 105) and argue against it. In this way

truth will come out strengthened and stand on a solid foundation, instead of merely being a commonplace devoid of demonstrative power. This clearly shows that Mill's defense of freedom does not point to any kind of relativism, much less skepticism: "The steady habit of correcting and completing his own opinion by collating it with those of others, so far from causing doubt and hesitation in carrying it into practice, is the only stable foundation for a just reliance on it" (Mill, 2003: 90). Mill defends the truth to the point of considering that it must be something alive, something that grows within us because of its own force, and not merely a repetition of something known as true and transmitted as such, without any life-giving power to an individual. He considers truth to be a result of constant rational inquiry, of free discussion on any debated question that may arise; without this, any belief, however true it may be, becomes mere prejudice, even superstition.

THE RELATIONSHIP BETWEEN THE PRINCIPLE OF LIBERTY
AND THE PRINCIPLE OF UTILITY

To clearly understand the meaning of Mill's principle of liberty, one must make reference to his utilitarianism and its relation to his concept of liberty (see Fitzpatrick, 2006).⁸ The question of justice does not occupy a separate area of investigation in *On Liberty*, although it is closely related to Mill's view of liberty and constitutes one of the key points of reference in relation to it. It is in *Utilitarianism* that the conception of justice is presented in the most clear and concise manner (Mill, 2001, especially chapter 5: "On the Connection between Justice and Utility"). Mill argues here that the feeling of justice, which has a great psychological importance for all men, is not only completely compatible with utility, but actually derives from it. Mill considers that the conflict between different views of justice can only be resolved by appealing to a principle which encompasses them all, and this principle is the *principle of utility*. This principle, also called the principle of maximum happiness, states that the goal of every action must be to achieve the greatest happiness for the greatest possible number of people, so an action is good when it promotes general happiness and bad when it promotes the converse. But Mill introduces a refinement of this principle which distances his conception of utilitarianism to that of Bentham, founder

⁸In this work, the author embarks on an exhaustive analysis of the relation of the utilitarianism to Mill's concept of the liberty. Mill's theoretical position is defined as "liberal utilitarianism", an expression that is considered to be an oxymoron by many interpreters. For a detailed discussion on the question of liberal utilitarianism, see Riley, 1988.

of this doctrine. Bentham considers that pleasures are homogeneous — the only difference between them is quantitative. Whereas Mill maintains that pleasures are *qualitatively different*, with moral and intellectual pleasures being superior to physical pleasures. Thus, for Mill, achieving the maximum happiness for the greatest number of people demands the enhancement of the intellectual and moral dimensions of man. It requires the creation of social conditions which allow men to achieve their fullest development (Raeder, 2002: 272–275).

From this point in Mill's argument, it is useful to understand the relationship between the principle of liberty and the principle of utility. In the text of *On Liberty* there are few explicit references to utilitarian approaches and, in fact, some of the central elements of the work seem to oppose this type of approach. As a result, Mill has been criticized on the grounds that his defense of liberty as a good in itself is inconsistent with his utilitarian position (Himmelfarb, 1974).⁹ Obviously, a doctrine such as utilitarianism — whose fundamental principle is the pursuit of the greater good, or greater happiness, for the greatest number of people — can require the suppression of individual rights if such was necessary for the greater good of society as a whole. This leads to the conclusion that the defense of individual liberty as inviolable — provided that the action of the individual does not affect third parties — is simply unsustainable. The protection of the right to liberty of the individual must necessarily be subordinated to the maximization of happiness. Liberty becomes something relative and conditional on the basis of its contribution to the greater happiness of the greatest number. So it appears that absolute freedom in actions which concerns only the individual is not compatible with the utilitarianism. However, Mill states

⁹This author believes that there is a real contradiction between the approaches of *Utilitarianism* and the proposals of *On Liberty*, a contradiction that lies within a still wider problem. She speaks of the Mill of *On Liberty* and of the “other” Mill, the one of his other writings. In these writings, she argues that there is an unbridgeable theoretical chasm to the approach presented in *On Liberty*. This “other” Mill would belong to an older liberal tradition, that of Montesquieu, Burke, or the Founding Fathers, a liberalism which, while still placing freedom at the forefront, denies its absolute character and tries to combine it with other values such as justice, prudence and virtue. According to this author, Mill's ideas contained in *On Liberty* would have been strongly influenced by his wife, Harriet Taylor Mill, a consideration based not only on Mill's words in the dedication of the work and in the statements contained in his *Autobiography*, but also in comparison with other writings of Harriet. This “Mill versus Mill” case, as Himmelfarb calls it, has had a major impact on later reception of Mill's work and has led to much discussion by many interpreters. See Mill, 1989: ch. 7. On the relationship between John Stuart Mill and Harriet Taylor, see Hayek, 1969.

in his work that he considers “utility as the ultimate appeal on all ethical questions”, despite immediately afterwards qualifying his view of utility in the following terms: “but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being” (Mill, 2003: 81).

Mill’s assessment of utilitarianism is related to his particular view of it, and from here one can see how he combines his concept of liberty with his position on utilitarianism (Berger, 1984; Gray, 1983; Ryan, 1988).¹⁰ Only in a society in which the liberty principle is widely integrated, can one find the institutions necessary to guarantee men the attainment of their enduring interests as progressive beings. Among these enduring interests of man is the interest in securing the right to get justice as completely as possible. Mill considers that if the principle of justice and the principle of liberty are attained in political and social institutions, the utility defined by the enduring interests of man as a progressive being will be maximized. The idea of man as a progressive being brings with it the possibility of the development of civilization through which the socialized state, in which the principles of liberty and justice will be fully realized, will be finally achieved¹¹.

This demonstrates how Mill’s concept of liberty is intrinsically linked to his concept of justice, to the point that it has been suggested that Mill’s concept of liberty can only be understood within his theory of justice (Berger, 1984). The power that society can exercise over individuals is limited to those cases in which harm can be inflicted on others; this harm is understood by Mill in terms of the violation of fundamental rights. It is not a question of other members of society being able to derive a particular gain if an individual behaves differently, but whether that individual’s behavior attacks the basic rights of others. Social coercion is therefore legitimate only if fundamental principles of *social justice* have been violated. Outside of this limited sphere, the area of individual freedom is safeguarded. Mill seeks to protect the essential elements that constitute his political and moral concept of a human being: individuality, autonomy, the development of

¹⁰The interpretations of these authors, which have noted the unusual character of Mill’s utilitarianism and its fundamental difference with respect to the traditional utilitarian doctrine, and who have connected his utilitarianism with his principle of liberty, are regarded as “revisionists” in the literature.

¹¹The meaning of “socialized state” in this context is far from agenda of contemporary lefts social policy, social security and especially from a “socialist state”. In this context “socialized state” looks like a high developed democratic state which is open to civil society and close to individual choice. This is a state which is not afraid of the people but works with them and bases on their personal liberty.

an individual and the construction of his or her own character. Freedom is the soil on which these fundamental elements of a person can be grow (Donner & Fumerton, 2009: 91).

What Mill calls “the permanent interests of a man” in the passage quoted above comes from his view that a man can freely develop himself. Mill sees this potential of a human being as not limited to an individual life but more as something that progressively unfolds throughout the history of humanity. Mill’s view of man as a being capable of developing in this historical sense constitutes the main foundation of his moral and political system. For Mill, the development of man is linked to human happiness, since it is only through the full development of human capacities that we can attain the highest forms of happiness.¹²

This tendency to happiness common to all men is always threatened by social interference in the freedom of the individual when society does not agree with his or her behavior and rejects it. If the way of life of a person can be governed by society, it is impossible to protect the happiness of the individual, as free choice in his or her actions cannot be guaranteed. Thus, the rights that Mill takes pains to protect are those key interests of a human being, happiness being the most important amongst them. To avoid any threat to this fundamental human interest, it is necessary to establish a wall to hold back any invasion of society into individual behavior, as long as such behavior does not directly affect third persons. It is important to emphasize that for Mill, it is not relevant whether society’s judgment of an individual’s conduct is correct or incorrect. Even if the society was to be correct in its rejection of an individual’s behavior, and even if imposing a particular behavior undoubtedly enhanced his own good, society would restrict the individual’s possibilities for personal development if it forced him to behave in a certain way. For such an imposition prevents the individual from judging for himself, comparing his own judgment with others and weighing the possible alternatives. This process ultimately makes it impossible for the individual to use and develop his capacity of choice to choose what is best for him. Certainly, autonomy has its risks for an individual, but allowing society to intervene to avoid those risks entails even greater risks: “All errors which he is likely to commit against advice and

¹²John Rawls calls this idea “the Aristotelian principle”, and considers its highest expression to be contained in John Stuart Mill’s *Utilitarianism* along with Aristotle’s *Nicomachean Ethics* (Rawls, 1971: sect. 65).

warning are far outweighed by the evil of allowing others to constrain him to what they deem his good” (Mill, 2003: 140–141).

In this way, the link between Mill’s principle of liberty and his utilitarian position becomes clear (see Robson, 1968).¹³ But it is a utilitarianism which can only be understood in terms of a broader concept of human nature than that of traditional utilitarianism. Mill believes that human nature can be educated and developed historically, reaching a social and cultural height at which the intervention of the state or society cannot promote the good of the individual more than he can do this by himself according to his own criteria. So that a culturally developed society must be governed by the *principle of liberty*, which would thus be fully compatible with the *principle of utility*, understanding utilitarianism not in terms of maximizing aggregate utility in quantitative terms, but in terms of the greatest general happiness qualitatively understood. Obviously the relation between Mill’s utilitarian position and his principle of liberty is not simple, since his utilitarianism includes the development of all human capacities as a necessary element of happiness. In this view of utilitarianism, understood in Mill’s particular way, the concept of development—taken from Wilhelm von Humboldt’s concept of development as qualitative and organic—plays a central role by assimilating the development of human nature to the development of other natural organisms (Habibi, 2001).¹⁴

On the other hand, the relationship between Mill’s utilitarianism and his concept of liberty explains certain inconsistencies of *On Liberty*. Mill lays out principles as if they had universal application in every civilized society, as if they could not admit of any exception, and yet in the development of the work there are constantly exceptions to these principles. Many of these exceptions would never be accepted by liberal thinkers, and must

¹³This author argues that it is impossible to adequately understand *On Liberty* without referring to Mill’s utilitarianism, since this constitutes the foundations of his concept of liberty. This is the antithesis of Himmelfarb position mentioned above, which champions the view that there is no relationship between the two approaches of Mill. Most writers adopt intermediate positions, arguing that although the two approaches are not contradictory, on many occasions it is difficult to see the relationship between them, so they attempt to create various links between the two concepts.

¹⁴The interpretation of this author emphasizes that Mill’s utilitarianism is based on a view of happiness that incorporates a moral view of human development and growth. This explains Mill’s restricted view of human happiness with respect to the other forms of utilitarianism. He considers that there exists a superior form of happiness which demands the development of the higher faculties of a human being and his or her ability to appreciate pleasures which necessarily require progress and culture.

be understood within the framework of Mill's utilitarian interpretation of his concept of liberty. In this sense, it has even been argued that Mill's theory cannot be classified in any way under what is normally understood as *liberalism*. It is argued that much of the misunderstanding around his thinking is due to his attempt to restrict liberalism; that it would be more appropriate to characterize his position as *liberal utilitarianism* (Riley, 1988). This view is consistent with the fact that Mill admits that interference is legitimate in certain behaviors which affect the individual only if such interference respond to the utilitarian ideal of promoting the general good of society. In short, Mill is defending not a radical liberalism that denies any intervention of the state in the life of individuals, but a *liberalism* nuanced by the *utilitarian* idea of getting the greatest good for the greatest number of people: "Although he was a liberal, distrustful of state power, Mill was also a utilitarian, aware of how much the state could achieve" (McCloskey, 1971: 101)¹⁵. In this sense, Mill does not see the state as a value neutral, but considers it competent to make judgments about what is right or wrong for individuals, and act accordingly.

Mill certainly insists that an individual can best decide what is good for him and that each one is the best judge of his own interest. But such statements are not without problems, for an individual may lack knowledge or the capacity for sufficient discrimination to be the best judge of his or her interests, or that person may lack determination to achieve them or the strength of character in general. And indeed Mill qualifies these approaches in terms of cases and situations, and not only that, but he also affirms that interference in the actions of an individual may be legitimate to provide him with a good that goes beyond his own immediate interest. This can take place when utilitarian considerations so counsel. Likewise, the education of a people may consist broadly in exerting legal or social pressure on its members to behave according to criteria of justice which is beneficial for the development of individuals. Mill points in this direction when he states: "To be held to rigid rules of justice for the sake of others, develops the feelings and capacities which have the good of others for their object" (Mill, 2003: 128). Thus he is clearly advancing the view that restrictions placed upon the individual so as to favor the development of others, help to foster the development of the individual who is subjected to such restrictions.

¹⁵It must be noticed anyway that both liberal and even utilitarian doctrines were by no means homogenous by mid-19th century.

So against the absolute character of Mill's claims to liberty, it seems that in practice he advocated rather an appropriate combination of *liberty* and *coercion* in order to achieve the greatest possible good for individuals. In effect, he considers that there are areas where coercive action by the state is necessary to promote the good of society, such as the public control of information or the content of consumer products that may be harmful to health. Coercive measures to prevent accidents or the legal obligation to achieve a certain level of education to ensure a minimum level for citizens are also necessary. Thus it is possible to see that Mill — in spite of his radicalism in which he affirms individual freedom and denies the legitimacy of any interference in individual behavior in matters that affect only the individual — in practice shows, through numerous exceptions to the concept of liberty present throughout his text, that the intervention of the state may be legitimate and even necessary in many cases. All this clearly shows that Mill does not share the position of radical liberalism of his time, which considered that the state should not intervene in any way in social and economic relations.

THE NEGATIVE AND POSITIVE SENSE OF MILL'S PRINCIPLE OF LIBERTY

The question of whether Mill's concept of liberty has to be understood as negative or positive is an issue that has caused the most discussion and which divides those who have interpreted his work. In one of the most influential and discussed texts of political philosophy of the 20th century, Isaiah Berlin analyses the fundamental differences between the negative sense and the positive sense of freedom, ascribing Mill's conception to the first of them (Berlin, 1969, third essay: "Two Concepts of Liberty"). This Berlin text, which was originally published in 1958 and which has come to be described as "the most famous modern essay on liberty" (Dworkin, 1977: 320), has had a tremendous influence on the discussions on the subject. Its characterization of Mill's principle of liberty in terms of negative freedom has determined the understanding of Mill's views in a large number of interpretations.

Negative freedom is understood as *freedom from*, that is, the *absence of interference* with individual behavior, while positive freedom is understood as *freedom to*, that is, the ability to decide one's goals and choose the way of life which is better for each one. Thus it is not related to the idea of interference, as negative freedom, but to the idea of *self-realization*.¹⁶ However, it is highly

¹⁶As Berlin emphasizes at the beginning of his essay, he uses the terms *liberty* and *freedom* as synonyms, as does Mill. From this difference between the two forms of liberty, Berlin reveals

debatable that Mill's principle of liberty is limited to what Berlin considers to be negative freedom, as shown by many interpreters (see Habibi, 2001).¹⁷

While Berlin rightly emphasizes Mill's defense of negative freedom, he omits all of Mill's considerations about positive freedom. *On Liberty* certainly develops the negative concept of liberty as an absence of interference in the action of the individual, but along with it one finds the positive concept of liberty as self-realisation. In fact, negative freedom for Mill is a function of positive freedom, since its fundamental goal is the attainment of rational autonomy and the flowering of individual spontaneity. Civil liberty is necessary precisely in order to attain the realization of these permanent interests of a human being.

Mill conceives the principle of liberty as a guideline of behavior established for society so that *individuality* and the autonomous development of individuals can be protected. He argues that individuality is something commendable in itself, since it constitutes an essential element of human well-being, not simply an abstract political right:

If it were felt that the free development of individuality is one of the leading essentials of well-being; that it is not only a co-ordinate element with all that is designated by the terms civilisation, instruction, education, culture, but is itself a necessary part and condition of all those things; there would be no danger that liberty should be undervalued (Mill, 2003: 122).

Mill understands individuality as the ability to make the decisions that allow us to live our own lives. In this sense it is an end in itself, not simply a means to achieve happiness. Individuality is what allows man to achieve the autonomy to determine for himself his behavior and make his own decisions accordingly. This autonomy is for Mill something that we all have to develop through our own individuality; this can only take place if the necessary conditions of freedom are present (Hamburger, 1999: 225).

that the concept of positive freedom has often led in practice to the elimination of freedom, since it has justified coercion for the sake of individual's self-realization. This happens when it is considered that individuals are not generally able to decide for themselves what is rational and correct. So the best way of life for them has to be defined by some authority better able to determine a way of life than they, so easily leading to authoritarian and despotic political systems. So limiting individual freedom in the name of greater freedom for individuals is an approach to liberty which justifies obedience, paternalism or other forms of control that can end up becoming oppression. Thus Berlin's deep suspicion about positive freedom and his championing of negative freedom, which he ascribes also to Mill.

¹⁷In this work we can find an extensive list of those who defend the presence of the two types of liberty in the thought of Mill, as well as of those who, in the line with Isaiah Berlin, maintain that Mill basically defends negative freedom.

In Mill, therefore, one encounters not only the negative concept of liberty as separation and isolation from others, but also the positive, which claims that liberty consists of the determination of one's own behavior, without external coercion, over one's own decisions¹⁸. With this conception of liberty Mill argues, above all, for the *autonomy of the individual*. He considers that this is the only path for the individual to really develop his or her potential and reach the personal development of which he or she is capable. This is the fundamental reason why Mill opposes paternalism on the part of the state in a sufficiently advanced form of society. In limiting the freedom of citizens according to what the state considers good for them, it would impede the progressive development of the individual and, therefore, of society as a whole (Ten, 1991).

In his essay, Mill asserts repeatedly that liberty has value in itself, while all restrictions are intrinsically bad. Such assertions have led to Mill being considered to hold a negative concept of liberty. Thus, freedom for him would basically consist of the independence and separation of the individual from the others. However, taking into consideration other equally fundamental approaches that appear in *On Liberty*, it is clear that Mill also supports a positive concept of liberty, according to which freedom consists in the individual's ability to determine him or herself. Mill develops this point so far that he considers that the absence of conditions necessary for autonomy, such as poverty or lack of social rights, necessarily imply a limitation on liberty. Only from this point can one understand his affirmation that liberty has an intrinsic value. If freedom were understood by him simply as the absence of interference in individual behavior, such a statement would be meaningless. This is expressed with the greatest concision in one of the central phrases of the work: "The only freedom which deserves the name, is that of pursuing our own good in our own way" (Mill, 2003: 83). Only if freedom is understood as such can it be considered as having intrinsic value.

The capacity of a person to determine himself is, for Mill, the fundamental element of the *constitution of character*. This self-determination is intrinsically linked with individuality, from which the person can find his identity and realize his own development (Donner & Fumerton, 2009: 62–68). He considers that the greatest enemy of self-determination is despotism, for here the person is determined by an agency which is external to himself.

¹⁸Some authors consider nevertheless that Mill's emphasis on the value of individual freedom for human well-being, as well as his insistence on non-interference in the domain of individual choice of good life, are not sufficient to qualify him as a proponent of positive liberty.

Only within the field of liberty can the individual control his own autonomy. This implies participation and involvement in social life, as opposed to the passive role in which the individual serves in a despotic regime. Mill, however, understands that tyranny and oppression may be exercised not only by the state, for the society itself has extremely effective mechanisms to oppress and subdue the individual. Society can exercise despotism that causes a human being to lose individuality and be absorbed by the social, abandoned to conformism and passivity. Under the conditions of developed capitalism and the democratic regimes that flourish within it, a mass society develops in which the freedom of the individual is completely drowned. The struggle against this form of despotism is one of the fundamental elements of *On Liberty*, and it is undoubtedly a profound vision of what would become one of the greatest dangers in a future society as social democracy develops. This aspect of Mill's thought is one that gives his concept a greater relevance, for this danger which he envisaged in the middle of the 19th century has only increased since then.

Thus the individuality that Mill defended is not that of a human being isolated from society. Such an atomized individual is an easy prey for the mechanism of generating uniformity within a mass society. The individual has to participate in society, to access truth through rational and free discussion. It is only in this way that he can control his autonomy and develop his character (Fitzpatrick, 2006: 63 ff.). This shows the intimate connection between *individuality* and *spontaneity*. For Mill it is fundamental that the desires and impulses of a human being belong to him. The crucial element for making this possible is spontaneity, so that such desires arise out of the very nature of man. This means that such desires are not to be taken from outside of the individual himself. He must not accept them in any case in an uncritical way as something imposed by others, as something that the individual simply has to adopt. From here, the idea of spontaneity is linked to the idea of education of the human being as an independent being, rejecting any conception of culture as merely indoctrination of the individual. To educate sentiments means to help them flourish spontaneously according to the nature of man, and this can only take place in an atmosphere of freedom. In this sense, spontaneity is intrinsically linked to the free development of the individual.

This shows clearly that Mill's conception of culture is fundamentally centered on the individual. He considers that creativity can only come from individuals, and that custom and cultural institutions cannot lead to social progress. In this sense his position can be considered elitist, since

it holds that only the most gifted, even brilliant individuals can generate new necessary forms and advance society (Cowling, 1990).¹⁹ But this does not mean that these individuals should be allowed to have the power to impose their own models on the rest. What he claims is that in safeguarding individual liberty, each can draw his or her own plan of life, so that brilliant individuals can be allowed to develop their own life path. In this sense they can lead the way for others, but in no case oblige them to follow it. What Mill intends is that the intellectual and moral authority of the most qualified individuals be recognized. But this ought not to confer on them any coercive political or social power to compel other individuals to follow their path, for then they would be preventing others from determining themselves and developing their own personality.

Mill considers, in short, that a person who does not determine himself autonomously does not have a character, since only a “person whose desires and impulses are his own — are the expression of his own nature, as it has been developed and modified by his own culture — is said to have a character” (Mill, 2003: 125). A person without character is one whose sentiments and ways of thinking are determined by habit. The personality of someone like this is shaped by society, becoming simply a mechanical part of a larger machinery. Hence Mill’s concern about the *loss of individuality* within a *mass society*, for it is public opinion that has the power to force conformity amongst individuals, losing all autonomy to shape themselves and equip themselves with a character. Therefore, in a mass society it is absolutely necessary to strengthen and develop one’s own sentiments and one’s own ways of thinking and acting, for only then can one resist the pressure of public opinion on the individual. Only then will the human being be able to determine him or herself and choose his or her own way of life, and this is what ultimately gives meaning to the principle of liberty.

¹⁹This author emphasizes the elitist aspect of Mill’s thought. He is opposed to the orthodox opinion that considers Mill one of the most prominent liberals of modern thought, and even accuses him of “moral totalitarianism”. He maintains that Mill’s concern for freedom and individuality is not related to the ordinary person but to the intellectual elite, and that Mill’s theory is designed to impose on the people a social ideal determined by that elite.

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СЕСАР РУИС САНХУАН
ПРОФЕССОР ФАКУЛЬТЕТА ФИЛОСОФИИ УНИВЕРСИТЕТА КОМПЛУТЕНСЕ, МАДРИД

ДЖОН СТЮАРТ МИЛЛЬ ОБ ОТНОШЕНИЯХ МЕЖДУ ОБЩЕСТВОМ И ИНДИВИДОМ В ТОМ, ЧТО КАСАЕТСЯ ЛИЧНОЙ СВОБОДЫ

Аннотация: «О свободе» Джона Стюарта Милля практически единогласно считается одним из самых важных выражений современной концепции свободы. Тем не менее как внутренняя согласованность эссе, так и его сложные отношения с остальными работами Милля не раз становились предметом дискуссий. В «О свободе» Милль радикально выступает в защиту свободы мысли, выражения и действия, что делает это эссе одним из самых значительных заявлений в защиту личной свободы, когда-либо звучавших. Но вместе с этим аспектом работы Милля существует и другой, менее очевидный и трудно сочетаемый с первым: ряд упоминаний о необходимости введения политических и социальных механизмов контроля, приводящей к возникновению определенного патернализма, послужившего причиной серьезной критики из либерального сектора. Цель данной статьи — показать, что это вопрос не отсутствия внутренней связности в политической теории Милля, а разных подходов, различия между которыми коренятся в глобальной концепции человеческого, а также нравственных принципах, на которых основывается Милль в своем эссе.

Ключевые слова: свобода, демократия, индивидуальность, общество, государство.

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