

MILL'S DEFENSE OF LIBERTY

I. Mill's Principle

“[T]he 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. [T]he 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.”

On Liberty, Chapt. 1

II. Mill's Argument

- A. Mill rejects any appeal to nonutilitarian arguments, so his defense of the principle of liberty must consist in showing that following this principle produces the best consequences.
- B. Benefits of Liberty Argument
 1. The Benefits of Liberty of Thought and Discussion
 - a) Introduces new ideas which may be correct.
 - b) Introduces new ideas which may be partially correct or lead to truth.
 - c) Prevents received ideas from being held as mere prejudice.
 - d) Keeps the meaning of received opinions alive.
 2. The benefits of liberty of action are just the same as the above.
 3. Criticism: This at most shows that liberty generally has some good consequences. This is not sufficient to show that Mill's principle of liberty is justified on utilitarian grounds. (Remember that Mill's principle is extreme and uncompromising.) As Sir James Fitzjames Stephen puts it: “If . . . the object aimed at is good, if the compulsion employed such as to attain it, and if the good obtained overbalances the inconveniences of the compulsion itself, I do not understand how, upon utilitarian principles, the compulsion can be bad” (*Liberty, Equality, Fraternity*).
- C. The Argument from Intrinsic Value
 1. Things that are of intrinsic value according to Mill:
 - a) Having a sense of dignity
 - b) Security
 - c) Development of one's abilities to a consistent and harmonious whole
 - d) Liberty
 2. Thus, liberty is not related to happiness as a cause to an effect but as a part to a whole. So any interference with liberty is necessarily a lessening of human happiness.
 3. Criticism: This still doesn't show that on balance the best consequences cannot be obtained by interfering with liberty in ways which violate Mill's Principle. When liberty conflicts with other elements of well-being (happiness), it may still be that interference with liberty is justified on utilitarian grounds.

D. The Best Policy Argument

1. This argument seeks to show that even if interference with liberty may, in principle, be justified in cases other than those Mill recognizes, we ought (on utilitarian grounds) to adopt the sort of absolute principle Mill endorses. Mill says: “[T]he strongest of all the arguments against the interference of the public with purely personal conduct is that when it does interfere, the odds are that it interferes wrongly and in the wrong place” [On Liberty, Chapt. IV].
2. This is a difficult argument to assess because the crucial premise is a complex sociological claim. But at least there is some plausibility to Mill’s argument.

III. On Distinguishing Self-Regarding from Other-Regarding Acts

- A. Application of Mill’s Principle requires that we be able to distinguish between self-regarding and other-regarding behavior. But this seems very difficult or impossible. “No man is an island.” What we do always affects others, and it always could cause them harm. So it seems that Mill’s principle does not succeed in carving out an area of privacy, immune to government interference.
- B. *Mill’s Distinction*: Conduct is other-regarding in the appropriate sense “when, by conduct of this sort (harmful to the agent), a person is led to violate a distinct and assignable obligation to any other person or persons.”