A Critique of John Stuart Mill’s essay ‘On Liberty’ (1859)

‘On Liberty’ by John Stuart Mill is one of the cornerstones for discussion over the direction of society and role of individualism; his essay still holding sufficient weight to be an important point of reference today. In fact, Kendall states that “We are still dealing... with Mill's issue”1; whether on homosexual relations, or the legalization of cannabis. His views have been championed for a ‘pro-’individual message against oppression, and criticized over a deficient premise regarding society, but Mill's thoughts are ever present; providing a familiar basis for most Western liberal democracies - although often with some deviation. Identifying these views on Mill, we can herein examine the limitations - and possibility - of the excerpt from Mill’s classic essay; not just for the 21st century, but as an over-arching political philosophy.

It is first important to distinguish, in relation to Mill’s essay, what liberal democratic thought encompasses; its constituent parts being: autonomy, liberalism, democracy, and property. An overriding characteristic of this excerpt is Mill’s clear separation of individuals’ moral contract from the state; “to govern absolutely the dealings of society with the individual in the way of compulsion and control”, and views on liberalism are emboldened by the clear absence of concern at jettisoning ‘popular morality’, to test ideas alongside one another; “his own good is not a sufficient warrant”. However, Swift views Mill’s greatest focus as being on the aspect of autonomy; believing Mill to view “freedom as autonomy”2. Swift’s analysis is indeed a neat one, and, although a constituent part of liberal democracy, to equate autonomy to freedom, as Swift claims Mill does, this excerpt therefore cannot be an exemplification.

Views of Mill’s on democracy are also clear; Wolff reinforces that Mill agrees that “the fact that ‘the people’ make the laws, does not rule out the possibility that the majority will pass laws that oppress”3, which would indicate a certain concern about its precocity. Mill’s declaration, “he cannot be rightfully be compelled to do or forbear ... because, in the opinions of others, to do so would be wise” shows his main concern; it being negative on liberty, and, here, Mill is inconsistent with liberal democratic thought. In fact, aside from his clear fervour for autonomy and liberalism, Mill merely alludes to ‘property’ – something only mentioned in terms of “his own body”, nothing with regard to land and goods. Despite this however, the message of this excerpt is representative of

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1 Kendall, Willmoore; Radcliff, Peter; Limits of Liberty: Studies of Mill's On Liberty; Belmont, CA, Wadsworth Publishing Company; page1
2 Swift, Adam; Political Philosophy: A Beginners’ Guide for Students and Politicians; Polity Press, 2nd Edition (25 May 2006); page86
3 Wolff, Jonathan; An Introduction to Political Philosophy; OUP Oxford, 2nd Revised edition (19 Jan 2006); page104
the *sentiment* of liberal democratic thought, but could not be branded paradigmatic of this entire way of thinking.

According to Mill, having the absolute freedom “over your own body and mind” is essential to being human, because he identifies the individual as self-ruling; in the excerpt stating “Over himself... the individual is sovereign”. Furthermore, each person knows what gives them pleasure, thus Mill believes that humans, by nature, will ultimately pursue this happiness; regardless of any directive. For example, during the Cold War, behind ‘the Iron Curtain’, in parts of East Germany, there was illegal manufacturing and proliferation of jeans, simply because they were popular in the West. Along these lines, social progress is borne from the unravelling of successful ideas; and, thinking with a Darwinian perspective, “Under the complex ... conditions of life, [those best suited] will have a better chance of surviving, and thus be naturally selected⁴". What Darwin identifies in animals, is true also of the best *ideas* becoming normalized over time: whether in the adverse case of jeans in East Germany, or the more conventional example of Copernicus’ questioning of planetary orbits.

As a result of this, human nature needs the opportunity to flourish without interference, to which successful ideas are the natural reward; with flawed and ugly occurrences, like racism, dying-out due to an overriding rationality. Here, Mill is certainly optimistic about humanity’s capacity to be ‘rational’. As ‘rationality’ *is* subjective, other thinkers argue for involvement to prohibit abhorrent practices. Swift indicates “freedom is one value among many⁵”, and Mill’s single-mindedness neglects the wider idea that society should direct its citizens toward a paradigm. Marx believes, even further, that people, outside of society, do not exist as individuals; famously declaring: “Working men of all countries, unite!⁶” However, Mill argues that people should at least have the *choice* to be irrational; individuality being paramount. One entity imposing ‘what is best for individuals’ freedoms’ is actually antithetical to its self-declared purpose; and, echoed by Swift, would contribute to a “totalitarian state”⁷.

Using the policy example of de-criminalizing homosexuality, regardless of his personal approval or disapproval, according to his Liberty Principle, Mill would have been wholeheartedly in favour. Some, particularly of religion, may brand it as an amoral act, and would support its illegality; despite it not explicitly affecting them. However, as it is inflicts no harm, other entities have no right to physically tyrannize such minorities. Interestingly, also legitimated by Mill, are homophobia and other types of hate speech. Therefore, to prevent majority dictating to a minority, or vice versa, Mill has no

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⁴ Darwin, Charles; *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*; London: John Murray (1859); page5
⁵ Swift, Adam; *Political Philosophy: A Beginners’ Guide for Students and Politicians*; Polity Press, 2nd Edition (25 May 2006); page87
⁶ Marx, Karl and Engels, Friedrich; *The Communist Manifesto*; Oxford Paperbacks, New Ed./edition (17 April 2008); page39
⁷ Swift, Adam; *Political Philosophy: A Beginners’ Guide for Students and Politicians*; Polity Press, 2nd Edition (25 May 2006); page89
particular opinion on any specific issues; other than the individual can do as he pleases, so long as no physical harm is realized. Importantly, Singer states “In matters concerning only myself, morality is not involved”; therefore, two practices that are hostile to each other can survive due to Mill’s principle: homosexuals would be aggrieved at homophobia, and homophobes would be aggrieved at homosexuals kissing. However, for Mill, as offence does not equate to ‘harm’, both practices persist.

Initially, Mill’s ‘On Liberty’ seems like a conflict between individualists and interventionists, of which it is then simply a matter of seeing both sides of the issue; however there is more to this excerpt than that. For all Mill’s rhetoric of allowing the individual to prosper, he neglects to recognize any societal edge to the question. Identifying the individual as supreme is too logical a thing and, as Woody Allen’s character in ‘Love and Death’ declares, “the world is not logical”. Things like harm are far from clear-cut, and our actions go wider than our own bodies; whether on ecology or other peoples’ psychologies. Stephen argues that “the attempt to distinguish between self-regarding acts and acts which regard others is like an attempt to distinguish between acts which happen in time and acts which happen in space”; and, this, I feel Mill jejuneely glosses over. For all the imperfections, it is important to consider that Mill’s ‘the individual as sovereign’ has crystalized into an ideal that Western civilization fundamentally subscribes to. As Kendall alluded to, however, it is Mill’s understanding of society that requires adjustment.

By Leighton Hughes

Bibliography:

Darwin, Charles; On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life; London: John Murray, 1859


Radcliff, Peter; Limits of Liberty: Studies of Mill’s On Liberty; Belmont, CA, Wadsworth Publishing Company, 1966


Wolff, Jonathan; An Introduction to Political Philosophy; OUP Oxford, 2nd Revised edition, 2006

**Television/Video Material:**

Allen, Woody; ‘Love and Death’ (1975) dir. Woody Allen; 73 minutes