Mill's concept of liberty.

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MILL'S CONCEPT OF LIBERTY

by

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of the requirements for the degree of
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The problem of this thesis is to determine Mill's understanding of the concept of liberty, and the type of contemporary criticism it received. A consideration of the formation of the concept through the education of Mill, and of the influences exerted on him, helped to explain to some extent the reason why he produced the interpretation of liberty that he exposed. His definition of liberty consisted of three points or elements that were eventually reduced to two basic principles: the first claims for the individual complete freedom of thought, speech, and action; the second concedes to society the rights to limit the freedom of the individual only in the name of the liberties of the other individuals who make up society.

In the majority of cases, his critics attacked Mill's theory of knowledge in order to weaken the position of his doctrine of liberty. Since he would not accept their belief in objective, immutable truth, or recognize an objective norm of morality, his doctrine was branded as no more than an opinion, which was only valid for its author. In the practical order, his ideas enjoyed some measure of success in affecting government changes and in attaining a number of reforms in relation to individual and social freedoms.

Mill assumed that every man is a law unto himself, and that his freedom was absolute. What he failed to see was that the end of man was perfect liberty in God. The role of Society is to aid man in
attaining his end by placing laws about his human, and therefore
defective, nature. These laws are based on the divine law, both
natural and revealed, and are interpreted in the social order for the
good of the individual.
FOREWORD

For their generous assistance in the formation and limitation of the topic and plan of this thesis, the author wishes to express his sincere gratitude to the philosophy staff of Assumption College for their cooperation and consideration they have extended at all time.

Appreciation is also extended to the staffs of the libraries of Assumption College, and of the public libraries of Windsor and Detroit for their cooperation. Special acknowledgements must be made to Mrs. Eleanor Barteaux Haddow and Mrs. McEwan of the Assumption Library Staff, who were especially helpful in obtaining the source material for this study.

South Bend, Indiana

May, 1954
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I

THE FORMATION OF J.S. MILL'S DOCTRINE OF LIBERTY

It may be said that John Stuart Mill was carefully prepared for his role in English thought in the nineteenth century. In order that the younger Mill would be prepared to carry on the Utilitarian tradition, James Mill, with the encouragement of his close friend Jeremy Bentham, undertook the strange experiment that was his son's education. This instruction began when the boy was only two years of age, and prominent in the course were the ideals of liberty, freedom, and democracy. It is not necessary to give in detail the list of ancient classical, philosophical, and historical authors and works which John Mill mastered as a boy. It will be sufficient to say that a very wide reading in these subjects, as well as in English Literature, and an intense training in Latin, Greek, and Mathematics under the direction of his father and Bentham, all constituted a most unique type of education completed at a very early age.

Among the many books that he read may be found the following works which contributed to his early consideration of liberty: Mosheim's Ecclesiastical History, M'Crie's Knox, and two histories of the Quakers. Mill's comment regarding this aspect of his education is as follows:

I have mentioned at how early an age he made me a reader of ecclesiastical history, and he taught me to take the strongest interest in the Reformation, as the great and decisive contest against priestly tyranny for liberty of thought.¹

James Mill was forming what was to be one of his son's greatest intellectual interests, the description and defense of liberty; and the younger Mill was not yet eight years old.

During a part of this period, from 1814 to 1817, there was another influence on the formulation of Mill's Utilitarian thought. Jeremy Bentham took up residence, in the summers, at Fort Abbey in Somersetshire, and the younger Mill spent many of his leisure hours with him, thus receiving a direct influence in the principle of Utilitarianism that had not formerly been present.

It was in this same period that he was introduced to the work of Malthus and Ricardo, and to his father's theories of political economy. In respect to this part of his education, a contemporary remarks:

"We must remember, however, that while his father could not be expected to teach him everything, yet, in point of fact, there were a few things that he could and did teach effectually: one of these was Logic; the others were Political Economy, Historical Philosophy and Politics, all which were eminently his own subjects."  

Mill himself speaks of this aspect of his education in glowing terms, "I do not believe that any scientific teaching ever was more thorough, or better fitted for training the faculties, than the mode in which logic and political economy were taught to me by my father."  

In this connection, the essay by Hobbes, *Computatio Sive Logica*, was highly esteemed by Mill senior, but his son thought little of it. John Mill was, however, absorbing the ideas that were to form his philosophical

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views and make him a leading force in English political and ethical ideas. It may be said then, that this education gave him the combined ideas of Jeremy Bentham, James Mill, Ricardo, and Malthus. He received the principles of utility mainly from his father who had taken them over and made them into a political force; Bentham himself had not been capable of performing the work of application and James Mill was the type needed for the exploitation of his ideas. But the younger Mill was still far from a complete appreciation of the doctrine as Bentham had formulated it; the work of formation was, however, progressing steadily.

Two visits to France, the first in 1820 and the second in 1830, brought his face to face, in a dramatic way, with the revolutionary ideas, chief among which was liberty, which were current on the Continent.

During the first of these visits, from the fifteenth of May, 1820, until July of 1821, Mill stayed with the family of Sir Samuel Bentham, the brother of Jeremy Bentham. During his stay, he read and wrote French frenziedly, so as to learn the language as quickly and perfectly as possible; and chief among the works he read were those of Voltaire. The consequent familiarity with the French language and literature gave rise to a new interest and a better grasp of the politics and social conditions of that country. After his return to England, he kept in constant touch with the publications and problems of the Continent, and he used this background to keep his countrymen informed concerning the commodity they did not possess, liberty of thought, expression, and individuality. Disregarding all of the educational aids
he experienced at this time, Mill believed that:

> The greatest, perhaps, of the many advantages which I owe to this episode in my education, was that of having breathed for a whole year, the free and genial life of Continental atmosphere. This advantage was not the less real thought I could not then estimate, nor even consciously feel it.\(^1\)

Mill was fully convinced that freedom of any kind hardly existed in his own country, and he believed that liberty, in its true sense, was a monopoly held by the Continent, and particularly by France.

During this visit to France, he became acquainted with M. Say,\(^2\) whom he describes in his Autobiography as "enlightened," and "a fine specimen of the best kind of French Republican,"\(^3\) who would not bow to Bonaparte, but demanded the liberty of the Republic that was based on the rights of the individual. M. Say was familiar with the leaders of the Liberal party and he introduced Mill to many of these men and their ideas. One of the outstanding personages he met was Saint-Simon who was then considered a clever original, although he had not yet formulated a new philosophy. The main influence that Mill received from this group, and from his association with them, was, as he himself states:

> A strong and permanent interest in Continental Liberalism, of which I ever afterwards kept myself au courant.

\(^{1}\)Ibid., pp. 10-11.

\(^{2}\)Jean Baptiste Say was a French economist whose Traité d'Economie Politique roused the French government against him in 1803. As a result of his later works, De l'Angleterre et des Anglais and a revised edition of his Traité, he was appointed to a professorship in industrial economy at the Conservatoire des Arts et Métiers in 1819. In 1831 he became professor of political economy at the Collège de France.

as much as of English politics: a thing not at all usual in those days with Englishmen, and which had a very salutary influence on my development, keeping me free from the error always prevalent in England, and from which even my father with all his superiority to prejudice was not exempt, of judging universal questions by a merely English standard.  

Mill returned to England the following year and began to read Roman Law with Mr. Austin after his father decided that he should become a lawyer. As an accompaniment to this work, James Mill gave his son the Traite de Legislation by Dumont. This was an interpretation of the principle speculation of Bentham, and Mill calls the incident a turning point in his mental history. He now believed that he understood the principle of utility as Bentham intended that it should be understood. The three volumes of the Traite caused all of his pre-conceived, but confused and unintegrated, ideas to fall into place around the principle of utility, "as the keystone which held together the detached and fragmentary component parts of my knowledge and beliefs. It gave unity to my conceptions of things." This was the moment of the coalescence of his philosophy that was so thoroughly ingrained by the time he realized its presence that when later he disapproved of many of its parts, he could not find it within his power to break with it completely. His reading for this year also included a history of the French Revolution, in which topic he became thoroughly versed in succeeding years.

In the winter of the year of 1822-23 the Utilitarian Society was formed and inaugurated in the house of Jeremy Bentham. It was

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1 Ibid., p. 43.
2 Ibid., p. 47.
composed of young men professing utility as their standard in ethics and politics, and who desired to discuss questions relating to that principle. A number of Mill's earlier ideas received their final formulation in the society discussions.

In the summer of 1823 Mill wrote his first argumentative essay which was published in the Traveller and which he said was, "an attack on what I regarded as the aristocratic prejudice, that the rich were, or were likely to be, superior in moral qualities to the poor." Meanwhile he contributed letters and articles to the Morning Chronicle. Also during this year, the Westminster Review was proposed by Bentham as an organ for the Philosophic Radicals so that they might bring their opinions before the public as freely as they desired. Mill states that the problem they faced was that:

Freedom of discussion even in politics, much more in religion, was at that time far from being, even in theory, the conceded point which it at least seems to be now; and the holders of obnoxious opinions had to be always ready to argue and re-argue for the liberty of expressing them.

The question of freedom of speech was a familiar one to Mill and his contemporaries at this point, for their opinions were considered revolutionary and something to be smothered before they became widespread.

In March of 1824, the first number of the Westminster Review was published, and between 1824 and 1829 John Mill contributed thirteen articles to it. These were reviews of books on history and political

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1 Ibid., p. 50.
2 Ibid., p. 61.
economy, and discussions on special political topics such as the corn
laws, the game laws, and the laws of libel. One of these early articles
is particularly important to this discussion; it is, "The first article
in the third number (July, 1824) is on the Carlile Persecutions, and, I
have no doubt, is his."1 This particular piece of work is his first
published expression referring directly to his opinions on liberty and
freedom of speech and thought.

In later years in his Autobiography, Mill gives a specific
summary of this period of his life and the battle which he was waging,
in company with the Philosophic Radicals, through the Westminster
Review in favour of freedoms.

At this period, when Liberalism seemed to be becoming
the tone of the time, when improvement of institutions
was preached from the highest places, and a complete
change of the constitution of Parliament was loudly
demanded in the lowest, it is not strange that attention
should have been roused by the regular appearance in
controversy of what seemed a new school of writers,
claiming to be the legislators and theorists of this
new tendency. The air of strong conviction with which
they wrote, when scarcely any one else seemed to have
an equally strong faith in as definite a creed; the
boldness with which they tilted against the very front
of both the existing political parties; their uncom­
promising profession of opposition to many of the
generally received opinions, and the suspicion they
lay under of holding others still more heterodox
than they professed; the talent and verve of at least
my father's articles, and the appearance of a corps
behind him sufficient to carry on a review; and
finally, the fact that the review was bought and

1Alexander Bain, John Stuart Mill, p. 33. Richard Carlile was
an admirer of Jeremy Bentham and a freethinker with a propensity for
getting himself into trouble. When the Black Dwarf, a weekly London
publication, was banned as obnoxious literature, Carlile proceeded to
sell copies of it in secret. The editor of the paper, Steill, was
arrested and Carlile came into prominence when he offered to take the
read, made the so-called Bentham school in Philosophy and politics fill a greater place in the public mind than it had held before, or has ever again held since other equally earnest schools of thought have arisen in England.

This statement of the situation indicates definitely the place of Mill and his contemporaries in the early nineteenth century political arena as the champions of the new liberalism; they were at first the only men grouped together for the specific purpose of defying the government and demanding the common liberties in economics, politics, and society.

In 1825 Mill edited Bentham's book on Evidence, and founded the Speculative Debating Society. And in the following year the Utilitarian group broke up. These were commonplace activities in Mill's busy life, but beneath it all an intellectual struggle was forming. There arose in his mind a doubt as to the value of the ends which he had set up for himself under the guidance of his father. He had reached a point of mental saturation which was coupled with a physical break down, as indicated by his friend Bain, "the dejection so feelingly depicted was

editor's place in the interests of freedom of the press. When he was refused this honour, he edited political parodies at a great rate until his arrest in 1817. When acquitted, he carried on his crusade, and by the end of October of 1819 he had six indictments against him. Eventually his family and friends were being arrested regularly for attempting to defend the freedom of the press. Carlyle thus attained notoriety as a protector of free speech and individual rights. His efforts are on a par with the French Revolution of 1830 as factors in the extension of free speech rights in England.

1John Stuart Mill, Autobiography, p. 70.
due to physical causes, and that the chief of these causes was overworking the brain. At this time, Mill experienced a great feeling of dejection and listlessness in which he could not enjoy any type of recreation, pleasure, or rest:

In this frame of mind it occurred to me to put the question directly to myself: "Suppose that all your objects in life were realised; that all the changes in institutions and opinions which you are looking forward to, could be completely effected at this instant; would this be a great joy and happiness to you?" And an irrepressible self-consciousness distinctly answered, "No!" At that my heart sank within me; the whole foundation on which my life was constructed fell down."

This was the beginning of the intellectual break with the form of Utilitarianism proposed by his father and Jeremy Bentham. Mill realized that he could not turn to his father for help, since James Mill had conducted his son's education on the basis of that principle that the younger Mill now questioned. He understood that his problem was beyond the power of any remedy his father might propose. Too, since all of his friends were steeped in the very tradition that he was forsaking, he had no one whom he could consult. It now seemed to Mill that regard for the public good was too vague an end for the satisfaction of man's needs. He saw that there was some element lacking in the strict principle of utility, that if the needed reforms in society and government were effected, and freedom was extended to all in the community so that each individual achieved a state of physical comfort, "the pleasures of life,

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1 Bain, John Stuart Mill, p. 38.
2 John Stuart Mill, Autobiography, p. 94.
being no longer kept up by struggle and privation, would cease to be pleasures."¹ At first he had no idea where to look for the solution of his problem. It was quite by accident that he was led to the answer in the recognition of emotion as a necessary part of a happy life and a balanced mentality. He had been raised by his father in the Platonic tradition of the condemnation of poetry as a waste of intellectual energy and a source of unnecessary and misleading feelings.

In this state of disillusionment, Mill chanced to pick up a copy of Wordsworth's poetry and he read it as a possible source of recreation; in it he apparently found the answer to his problem; his mind was opened to new ideas from all quarters. The choice of Wordsworth, out of all the English poets whom he might have read, suggests a certain affinity between Mill's mind, as earlier influenced by French literature, and the philosophy of Wordsworth with its emphasis on the importance of the individual, which also had a French background. He discovered in the poems, descriptions of feelings that he had experienced but could not explain, or admit; he realized that he had discovered a, "source of inward joy, of sympathetic and imaginative pleasure, which could be shared in by all human beings."² This pleasure that could be equally shared by all had no connection however with the struggle or imperfections of society; it would be the source of inward happiness that remained when all of the evils of society were remedied. This was the basis for

¹Ibid., p. 102.
²Ibid., p. 104.
the creation of a new Utilitarianism which Mill held, and defended, for the remainder of his life. It was a utility that admitted beauty, feeling, virtue, and ultimately, a kind of Deism.

Mill gradually emerged from this mental crisis and never experienced the problem again, but he continued to read the works of Wordsworth in appreciation for what they had done for him. He turned his studies now to Coleridge, Goethe, and Carlyle; and he found much in the theories of the Saint-Simonians, who were beginning to exert their influence in France, and in Auguste Comte. From these authors he received his first reaction in the direction of Socialism. His view of humanity was greatly broadened, he delighted in poetry for the sake of poetry, his controversial attitude became more placable, and he acquired a hatred for sectarianism. In the following years, Mill continued to contribute to the periodicals while putting the finishing touches on his revamped philosophy. In 1828 he became interested in the problem of Philosophical Necessity and he worked out the solution that he eventually included in the Logic. The year 1829 witnessed his withdrawal from the Speculative Debating Society so that he could carry on his studies privately and reconstruct his philosophy without being forced to make premature statements regarding his results.

1"Their criticisms on the common doctrines of Liberalism seemed to me full of important truth; and it was partly by their writings that my eyes were opened to the very limited and temporary value of the old political economy, which assumes private property and inheritance as indefeasible facts, and freedom of production and exchange as the dernier mot of social improvement." Ibid., p. 117.
In 1831 Mill met Mrs. Harriet Hardy Taylor; this friendship did not culminate in marriage for twenty years, until Sir Taylor died, but it influenced him to such an extent that the marriage is considered the third and final phase of his life. This woman influenced his thought, his mode of expression, his tendencies, and, in particular, the formation and production of the essay *On Liberty* and its companion pieces.

In 1835, Sir William Molesworth founded the *London* shortly afterwards he bought the *Westminster Review* and united the two publications with Mill as editor. Eventually Mill bought the paper himself. While he was editing the *London* and *Westminster Review*, he also wrote articles in the * Examiner* on French politics, having become inflamed with the subject during his 1830 visit to the Continent after the July Revolution. One of the chief aims of the *Review was the propagation of the ideas of the Philosophic Radicals*, but its editor accepted articles written by representatives of the opposing schools of thought in the interests of liberal progress.

During his lifetime, Mill produced the major works which follow in their chronological order. In the years 1830 and 1831 Mill wrote the five essays which were later published under the title of *Essays on Some Unsettled Questions of Political Economy*. The year 1831 saw the publication of the *System of Logic*, which is an empirical view of logic based on his father’s psychology, and four years later the *Principles of Political Economy* appeared. Two years after his marriage in 1851, Mill produced *The Enfranchisement of Women* in which may be recognized the combination of ideas of liberty and feminism, a special evidence of
the influence of Harriet Taylor Mill. Mill said later that he always had the principle in mind but it was she who formulated it and encouraged him to write the ideas down. In 1856 Mrs. Mill died, and in tribute to her memory he published the essay *On Liberty* as it then stood, although they had been working on it together and had intended to revise it once more during the winter of 1856. Between 1859 and 1875 he wrote the series that eventually appeared as *Dissertations and Discussions*, and in 1861 the *Considerations on Representative Government* was put into print. In 1863 the *Utilitarianism* came out; it was the new system he had formulated and it tends to weaken rather than strengthen the general view on utility. It is the least convincing of his works since he makes so many changes that there is little left of the original creed. In the year 1865 he finished *An Examination of Sir William Hamilton's Philosophy and Auguste Comte and Positivism*; in this same year Mill was elected to Parliament from Westminster and he went forward to champion his views and those of the Philosophic Radicals until 1868. After his retirement from Parliament, he finished the *Subjection of Women*. He died in 1873, and after his death the *Autobiography* and *Three Essays on Religion* were published.

In the ensuing examinations of Mill's work, with a view to arriving at a definite notion of what he meant by "liberty," it has been necessary to limit the area of study to certain phases of his literary activities and to certain publications and periodicals considered to be representative of his thought. The examination will begin, therefore, with his earliest published ideas on the problem.
Mill began writing on the problem of freedom as early as 1824 in his first articles in the *Westminster Review*. The first essay to be considered is that on religious prosecution, in relation to the Carlile Persecutions mentioned above. This essay appeared in the third number under the title of *On the Recent Persecutions of Persons Vending Books Against Christianity. An Address to Deists, by a Dissenter*. The work is a rather prolonged recapitulation of the situation under consideration and a listing of those involved, with appropriate remarks as to why they are considered part of the argument. The first point of note is his declaration that there is no infallible authority to decide in such cases of disagreement of opinion. This principle is used consistently by Mill in support of the right of freedom of discussion. In this particular case he applies it to religion since certain persons were being prosecuted for denying adherence to what was considered by many to be the State Religion of England. And even further, it was considered a crime to deny belief in God. But Mill defended what he considered an inherent right to disagree with customary beliefs when he says:

> The existing religion of any country either is, or is not, susceptible of improvement. If the former, allowing it to be the province of the government to decide what is an improvement, and how it should
be made, the freest discussion of its merits should be authorized as the best mode of furnishing materials for a reformation.¹

It will be apparent as the paper proceeds that he could not see a consistent middle position in this problem, or any problem in any way involving freedom of the individual or of groups; either there must be absolute freedom of discussion or there was despotism. He indicated too that if people were required by law to adhere to a belief, there would result an hypocrisy that would be a greater evil than non-conformity: "The avowed unbeliever may become a bad man; the hypocrite is a bad man."² Over and over in this paper Mill points out the necessity of allowing discussion in order to progress and this is his main argument in favour of the publishers of the heretical books; if Christianity is strong enough and true to itself it need not fear question or argument. The paper ends with the plea, "for equal justice to believer and unbeliever", so that the government may not, "add to the misfortune of Infidelity the privation of civil rights, and the endurance of legal penalties."³

If an attempt were made to outline the principles which emerge from this first essay on the question of liberty of discussion it might be said that in the first place there is no infallible authority to which

¹Westminster Review (London: Baldwin, Cradock and Joy, 1824) II, p. 3
²Ibid., p. 5
³Ibid., p. 27
disagreements of opinion may be submitted, secondly, if the government attempts to enforce its views the result is a greater evil, for there is no middle way between absolute freedom of discussion and the tyranny of law. Finally, the only hope of progress in human affairs is provided by absolute freedom of discussion.

The next major essay concerning the problem of rights appeared in the Westminster Review of April 1875 under the title *On the Law of Libel and Freedom of the Press*. The article begins with this striking observation:

The law of England is as unfavourable to the liberty of the press, as that of the most despotic government which has ever existed; and, consequently, what ever degree of that liberty is enjoyed in this country, exists, not in consequence of the law, but in spite of it.

And continuing on this theme, he charges the government with being tyrannical in its suppression not of falsehood but of true and important opinions, thereby protecting its own position at the expense of the rights of individuals:

But there are many subjects, and these the most important of all, on which it is the interest of the government, not that the people should think right but, on the contrary, that they should think wrong; on these subjects, therefore, the government is quite sure, if it has the power, to suppress, not the false and mischievous opinions but the great and important truths.

Here still represents a great body of revolutionary ideas - which C. K. Chesterton claims was sufficient to have brought about a revolution in

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2Ibid., p. 209.
England comparable to, "those of France - had not the revolution of the poor against the rich been foiled by a revolution of the rich against the poor."\(^1\)

In the article Mill indicates the dangers which ensue from government control of thought through libel laws and control of the press. Once again, the question arises as to who will be the judge, the infallible arbiter, of what is good and what is bad. Here he emphatically states what was assumed in the former article, that there can be no line of demarcation, "to decide what opinions shall be permitted, and what prohibited."\(^2\) To make this line, he says, would be to choose the opinions that the people are to hold, and like the religious views mentioned above, the choice of all opinion is a right of the individual to be enjoyed in full. And again he repeats and makes clear, "there is no medium between perfect freedom of expressing opinions, and absolute despotism."\(^3\) This conviction is the source of a great deal of his difficulty, for if Mill had been able to see a sort of via medica between these two extremes, he might have been able to clear up some of the difficulties which caused confusion in his writings and distress in his own mind as to the manner of resolving the opposition between liberty and authority. In this essay he appeals to public opinion as the chief

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\(^3\) Ibid., pp. 289-290.

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means through which freedom of discussion may be gained. And again he repeats the principle that free discussion is the instrument of progress, that, "under a free system, if error would be promulgated, so would truth; and truth never fails, in the long run, to prevail over error." He discusses the intolerance and despotism of the ancient rulers before a constitution was in force, and points out that the reason these unconstitutional rulers muzzled the press was that they believed that the common man is unable to form correct opinions because of ignorance. Thence states that the ignorance itself is due to the lack of free discussion, "Discussion, therefore, has a necessary tendency to remedy its own evils." The false opinions that make their appearance must be tolerated for the sake of truth since, he repeats, it is impossible to draw the line between true and false opinions; the problem must work itself out over a period of time and the truth will necessarily win out. The rest of the essay deals with the use of invective in argument, the prohibition of which limits free speech. The general idea is that anything which in any way restricts the absolute liberty of the press is reducible to the evil of choosing opinions for the people to hold under duress. After a discussion of law he sums up:

The two following conclusions may now, we think, be regarded as fully established: that the law of England, as delivered by its authorized interpreters, the judges, however earnestly the same judges may occasionally

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1 Ibid., p. 291.  
2 Ibid., p. 295.
disavow this doctrine, prohibits all unfavourable representation with respect to institutions, and with respect to government and its acts.

And, consequently, that if any freedom of discussion is permitted to exist, it is only because it cannot be repressed; the reason why it cannot be repressed, being, the dread of public opinion.¹

Thus, free discussion concerns everyone in the community and it is the duty of every man, as an individual, to see that the right is maintained and used properly.

It may be concluded, therefore, that the principles outlined in this essay are: first, the government is suppressing truths that may be hurtful to itself by muzzling the press and misapplying the laws of libel; second, there is no intermediate position between absolute freedom and absolute tyranny in matters of expression; last, public opinion is the instrument through which freedom of discussion is to be attained and maintained.

The chief importance of the System of Logic with reference to this research lies in the fact that whereas Necessity and Freedom, as philosophic notions, are usually considered as contradiories, characteristically Mill resolves the contradiction by a modified interpretation of Necessity. Hence he says:

Correctly conceived, the doctrine called philosophical necessity is simply this: that, given the motives which are present to the individual's mind, and given likewise the character and disposition of the individual, the manner in which he will act might be unerringly inferred; that if we knew the person thoroughly, and knew all the inducements which are acting upon him, we could

¹Ibid., pp. 320-321.
foretell his conduct with as much certainty as we can predict any physical act. 1

Any doubt, he goes on to point out, that any be felt that actions may not be predictable, lies in the fact that it is hardly likely that all of the circumstances, or the characters of those involved, may be known with the degree of accuracy necessary for the prediction. Further, "there are physical sequences which we call necessary, as death for want of food or air; there are others which, though as much cases of causation as the former, are not said to be necessary," since the slightest change of circumstances, controllable by an agent, will cause a complete change of result. Human actions are in this last category in which there is always room for unpredictable influence, either by the person or by outside agents, and human action, is therefore, controllable to an extent.

Man has, therefore:

To a certain extent, a power to alter his character. Its being, in the ultimate resort, formed for him, is not inconsistent with its being, in part, formed by him as one of the intermediate agents. His character is formed by his circumstances, (including among these his particular organization), but his own desire to hold it in a particular way one of those circumstances, and by no means one of the least influential. 2

Thus man is capable of forming his own character as he wills; and from this will concludes that only a person of confirmed virtue is completely free since he has formed his own life to the best mold. Yet, with this power over his own destiny, must have absolute freedom from restraint to

2 Ibid., p. 329.
3 Ibid., p. 330.
control his fate in a proper manner and any unnatural interference with
this freedom, and the development of virtue, is therefore a despotism
reigning over his very moral nature:

The free-will doctrine, by keeping in view precisely that
portion of the truth which the word Necessity puts out of
sight, namely, the power of the mind to co-operate in the
formation of its own character, has given to its adherents
a practical feeling much nearer to the truth than has
generally (I believe) existed in the minds of Necessitarians.
The latter may have had a stronger sense of the importance
of what human beings can do to shape the characters of one
another, but the free-will doctrine has, I believe, fostered
in its supporters a much stronger spirit of self-culture.

The free discussion of problems tends to produce the truths men live by,
and if they are to shape their lives in the way of virtue, as free men,
they must be allowed to pursue these truths. Any restriction of liberty
results in a restriction of virtue and the production of a morally
stunted people.

In this article Mill sets out to reconcile the antinomy which
exists between freedom and necessity. He achieves this by saying that
if we know all the factors which bear upon a free decision we would
realize that the man could not decide otherwise than he does, which is
to say that free decisions are necessitated and determined. This con-
clusion finds its place in his argument for freedom through his plea for
the free discussion of all problems as providing the factors which de-
termines the decisions. These decisions may be true or false, but he has
professed his faith in the principle veritas prevalebit; hence free dis-
cussion of all opinions untrammelled by any legislation or control by

\[1\text{Ibid., p. 551.}\]
authority is the only formula through which truth may be obtained. This process which he proposes for the attainment of truth in human affairs is justified in a system of logic, the purpose of which is to provide man with a method of attaining truth.

The next and indeed the major contribution which Mill made to this doctrine is his famous and classical essay On Liberty, which appeared in 1859, although it was written earlier and revised at least twice prior to publication. In fact, he and his wife had planned a third revision and it would appear that the extreme concern and effort expended on this treatise, is an indication of the importance with which its author invested it.

The essay On Liberty opens with reference to the distinction made in the Logic concerning the doctrine of Philosophical Necessity. The first sentence is, "The subject of this essay is not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty," the necessity of freedom is induced from past evidence, so what is left to distinguish here is, he says, "the nature and limits of the power which can be legitimately exercised by society over the individual." The issue is between the opposing principles of freedom and authority.

The Liberty is the final statement of Mill's ideas on the subject.

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2. Ibid., p. 65.
It is not long in the essay before he repeats the complaint against the present government that has been encountered previously in the earlier works considered. He claims that the stock phrases concerning the freedom of the people and their association with their, "democratic government" do not indicate the true state of affairs; that, "the people who exercise the power are not always the same people with those over whom it is exercised; and the self-government spoken of is not the government of each by himself, but of each by all the rest."¹ There is, again, the implication that freedom exists in spite of the laws of the country and persists only through the strength of public opinion. Once more, he mentions the rights of the unbeliever in the religious quarrel wherein the statements of the unbeliever eventually advance the cause of freedom:

The great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief. Yet so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale."²

Thw whole work revolves around this central theme that it is necessary to consider the negative side to every positive affirmation and of, "laying down, side by side, with every proposition, the counter-

¹ Ibid., p. 67.
² Ibid., p. 71.
Towards the end of this introductory portion he states his intention in the essay, to assert the principle, "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." In the last few pages of the preface are found the utilitarian ideas he applies in the construction of his principle of liberty as an ethical question. "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being." In this statement is contained the germ of Mill's whole crusade; that for the sake of man's greatest happiness, which is attained only through progress, there must exist a strict freedom which is the tool of progress of thought, word, and deeds. "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it." Freedom consists in the pursuit of good or virtue but that freedom is limited by man's obligation to the other members of society who have an equal right to attain virtue.

The second chapter is built around three assumptions: First, that an opinion authoritatively expressed may be true; second, the

opinion may be false, but he goes on to show the necessity of keeping
the opposite view of each opinion before the mind, in order that the
opinion may keep its vitality; last, appears Mill's favourite theory,
that conflicting doctrines usually share the truth between them and,
therefore, each must be examined thoroughly and honestly. This chapter
is, therefore, an exposition of the liberty of thought and discussion
in which are treated religious freedom and freedom of the press, as well
as the rights of criticism and invective. Mill begins with the prin-
ciple, "If all mankind minus one were of one opinion, and only one
person were of the contrary opinion, mankind would be no more justi-
fied in silencing that one person, than he, if he had the power, would
be justified in silencing mankind."¹ This is the statement of the abso-
lute right of the individual to hold an opinion, right or wrong, in de-
fiance of all standards and customs. He bases this idea on the principle
that remains unchanged in all his works, that to silence any opinion is
an assumption of infallibility, which in itself is an evil equal to that
of suppression of rights. He repeats again his case against bigotry
and intolerance on the level of human relations and of government,
stressing that, "there is no such thing as absolute certainty."² The
theme of progress through freedom of discussion, coupled with that of
the sovereignty of man over his own destiny, reappears in this chapter
in the statement, "The whole strength and value, then, of human

¹Ibid., p. 79.
²Ibid., p. 81.
judgment, depending on the one property, that it can be set right when it is wrong, reliance can be placed on it only when the means of settling it right are kept constantly at hand.\[^1\] The closest approach to certainty in any opinion, says Mill, is that the opinion has withstood the test of its opposite again and again; and these are the opinions that must be upheld by public support. Continuing this theme, he says further that any opinion which is contrary to the truth has no utility and in this way truth will triumph by its very usefulness to mankind.

There is repeated, too, the attack on those who would dictate what religious beliefs should be held and echoes the thought contained in the article quoted above from the Westminster Review, Volume II. He says, "but I must be permitted to observe, that it is not the feeling sure of a doctrine (be it what it may) which I call an assumption of infallibility."\[^2\] This is allowable since a sincere belief is a right of the free man as long as the belief is not forced on to others. However, his objection is to, "the undertaking to decide that question for others, without allowing them to hear what can be said on the contrary side."\[^3\] He goes on to note that truth triumphs and advances through discussion, but will not rise above persecution; in fact, it cannot survive a persistent persecution. This truth that has been forcibly put

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\[^1\] Ibid., p. 32.
\[^2\] Ibid., p. 35.
\[^3\] Loc. cit.
down will be rediscovered and may flourish again; only, however, if it is found in favourable circumstances of freedom of discussion. In treating the second assumption, that the opinion held may be true, Mill points out that these truths must not be held as prejudices, independent of question or investigation. "Truth, thus held, is but one superstition the more, accidentally clinging to the words which enunciate a truth." The believer must be taught the grounds for his belief, and the arguments against it must be experienced so that he may be that much more capable of defending what he knows to be right. This state can be attained only through the free discussion that gives man rational assurance, through argument, that his beliefs are true. If free discussion is absent, the meaning of the true opinion is lost, and, as Mill says:

The words which convey it cease to suggest ideas, or suggest only a small part of those they were originally employed to communicate. Instead of a vivid conception and a living belief there remain only a few phrases retained by rote; or, if any part, the shell and husk only of the meaning is retained, the finer essence being lost.

Once again, there is the intimation of a living progress, an inevitable progress, necessarily engendered by free discussion and the right of the individual to agree or disagree with accepted and customary beliefs, religious or otherwise. This theory of progress is the most consistent argument for liberty of thought and discussion, and is the prevalent one throughout the whole chapter. This is backed by logical

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1 Ibid., p. 96.
2 Ibid., p. 99.
and utilitarian principles drawn from his other works. Specific examples may be found in the following passages. The first, illustrates the logical background:

It is the fashion at the present time to disparage negative logic - that which points out weaknesses in theory or errors in practice, without establishing positive truths.\(^1\)

The second illustrates Mill's utilitarian bent as applies to this problem:

Each of these modes of thinking derives its utility from the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity. Unless opinions favourable to democracy and to aristocracy, to property and to equality, to cooperation and to competition, to luxury and to abstinence, to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom, and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due: one scale is sure to go up, and the other down.\(^2\)

To these he adds the principle of duty to the State, and the problem of the lack of perfection of the human mind in its present position on the path of progress, and points out that the proper combination of these elements constitutes the answer in the discovery of the freedom and progress of the individual.

Mill sums up his argument by presenting the ground on which freedom of expression and opinion must be based as follows: first, to

\(^{1}\text{Ibid., p. 106.}\)

\(^{2}\text{Ibid., p. 107.}\)
deny free expression is to assume the right of infallibility; second, the suppressed opinions may be partially true and by being opposed to the common opinion may add to the fund of truth; third, a true opinion must be open to discussion to avoid prejudice and to keep the opinions vital in the minds of the believers. Mill finishes off the chapter by repeating the right to invective as outlined in his article in the Westminster Review.

The following chapter deals with the liberty of the individual acting, which is considered by Mill as one of the major elements of well-being. It opens with a qualification, "No one pretends that actions should be as free as opinions." He believes that opinions held privately or expressed in the press, regardless of how vituperative they may be, are not punishable, but only incur punishment or suppression when they induce acts that infringe on the rights of other individuals. He adds, too, that if a man:

Refraint from molesting others in what concerns them, and merely acts according to his own inclinations and judgment in things which concern himself, the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost.

Man may pursue his opinions freely but he may not enforce them to the least degree on others in his society. Man has as much right, according to Mill, to indulge in various experiments in living as he has in holding diverse opinions, so that he may progress morally as well as

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1 Ibid., p. 114.
2 Loc. cit.
intellectually. The only limit to any eccentricity consists in a regard for the rights of the other individuals in society. There is full allowance made, in this section, for that which Mill calls spontaneity, which consists in allowing the individual to disagree with customary procedures on the basis of his own interpretation of experience. He says, specifically:

Nobody denies that people should be so taught and trained in youth as to know and benefit by the ascertained results of human experience. But it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way. It is for him to find out what part of recorded experience is properly applicable to his own circumstances and character.¹

This last reference to the use and interpretation of experience implies that principle established in the Logic, that man controls the formation of his own character. By his interpretation of what happens to himself, by reapplying the interpretations and altering circumstances, he may grow in virtue and progress to perfection. The mere conforming to custom does not develop any of the qualities that are distinctive as those of a human being, and thus, rebellion against accepted norms in the cause of liberty is the sign of individuality. In the tone of the Logic, once again, that man is the master of his own destiny, Mill states, "he who chooses his plan for himself, employs all his faculties and these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feelings."² The choice, therefore, of the way in which a man

¹ Ibid., p. 116.
² Ibid., p. 117.
will conduct his life is an emotional act, which may be strong and perilous to his fellow members of society if he does not control it by proper judgement. To be acceptable in this thesis, the conduct of the individual life must result from a proper balance of desires and impulses against beliefs and restraints. In this balance of tested emotions and opinions, lies the freedom of individuality which must be defended through continuation or attainment of the liberty of thought, expression, and discussion.

Thus the mind itself is bowed to the yoke; even in what people do for pleasure, conformity is the first thing thought of; they like in crowds; they exercise choice only among things commonly done; peculiarity of taste, eccentricity of conduct, are shunned equally with crimes; until by dint of not following their own nature they have no nature to follow; their human capacities are withered and starved; they become incapable of any strong wishes or native pleasures, and are generally without either opinions or feelings of home growth, or properly their own.

This is Mill's condemnation of the mediocrity resultant on imposed beliefs under the despotism of governmental opinions.

The individuality of human beings must be encouraged by allowing them to express themselves in free acts, "within the limits imposed by the rights and interests of others." As the individuality is cultivated, the person becomes more valuable to society by becoming more valuable to himself in progressing to his fulfillment as a well developed person in the practical and moral orders. The further he progresses

\[1\text{Ibid., p. 119.}\]
\[2\text{Ibid., p. 120.}\]
the freer he becomes. The atmosphere of freedom allows genius to expand and results in the progress and enrichment of human society.

At this point, and in some respects similar to his reconciliation of liberty and necessity, the traditional opposition between Individual Liberty and Society is minimized and reduced by showing that the greater degree of non-conformity to social custom and authority, even to the point of eccentricity, rebounds to the advantage of society. He says:

In this age, the mere example of non-conformity, the mere refusal to bend the knee to custom, is itself a service. Precisely because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric. Eccentricity has always abounded when and where strength of character has abounded; and the amount of eccentricity in a society has generally been proportional to the amount of genius, mental vigour, and moral courage it contained. That so few now dare to be eccentric marks the chief danger of the time.¹

This freedom of action is not limited to persons of decided mental superiority, it is the right of all people to establish the pattern of their own individual lives, and the differences between individuals requires vast differences in behaviour. Thus in concluding this chapter he declares:

Such are the differences among human beings in their sources of pleasure, their susceptibilities of pain, and the operation on them of different physical and moral agencies, that unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness, nor grow up to the

¹Ibid., pp. 124-125.
mental, moral, and aesthetic stature of which their nature is capable.\footnote{Ibid., p. 125.}

Liberty, therefore, will be possible only in the encouragement of differences, whatever they may be, just so long as they result in a marked individuality. Conformity and custom are the enemies of freedom.

Hence in this discussion concerning the liberty of individual action, Mill arrives at the following conclusions: the individual is as free to act as he is to think, provided his acts do not infringe upon the rights of others - that is, as long as they are self-regarding acts; further, since the only road to truth and virtue is that of experience, or the method of trial and error by which false opinions and wrong lines of conduct are eliminated, it is essential to the intellectual and moral progress of the individual that he be free to perfect himself through free activity. Thus mediocrity will be eliminated by the growth and toleration of eccentricity, and society will benefit by the emergence of strong characters and personalities; conformity and custom are not only the enemies of freedom in the individual, they are also the enemies of the growth and perfection of society as a whole.

Mill, having in the previous chapter considered the liberty of action from the point of the individual in society, now considers the role of society in limiting that liberty. He lays down as a first principle that, "Each will receive its proper share...To individuality should belong the part of life in which it is chiefly the individual..."
that is interested; to society, the part which chiefly interests society."

It is at this point that Mill makes a more exact distinction between the feelings and conduct of men towards one another. If a person's actions merely displease his fellows, he may not be restricted by law since he incurs his own penalty in the error of his ways. If, however, this person infringes on the rules necessary for the protection of the other members of society, and the consequences of that act fall on other men, then he must be punished and his liberty restricted:

In the one case, he is an offender at our bar, and we are called on not only to sit in judgment on him, but, in one shape or another, to execute our own sentence; in the other case, it is not our part to inflict any suffering on him, except what may incidentally follow from our using the same liberty in the regulation of our own affairs, which we allow to him in his.\(^2\)

When man has reached maturity the society in which he lives can only blame itself if that man acts in any way prejudicial to good order because in the formative years of the individual's youth that society has had absolute power over him, with the resultant responsibility of educating him in such a way as to make him capable of rational conduct in his later years. And too, when society does eventually interfere, "the odds are that it interferes wrongly, and in the wrong place."\(^3\) This interference in personal liberty is usually based on the grounds, and

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\(^1\)Ibid., p. 132.
\(^2\)Ibid., p. 136.
\(^3\)Ibid., p. 140.
wrongly so, that the individual is acting differently from the accepted standard.

In the last chapter, entitled Applications, Mill attempts once again to clarify the two maxims that he combines to form his doctrine of liberty:

The maxims are, first, that the individual is not accountable to society for his action, 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, as the only measures by which society can justifiably express its dislike or disapproval of his conduct. Secondly, that for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishment, if society is of opinion that the one or the other is requisite for its protection.

Under these two rules he includes remarks to the effect that society can interfere in competition only in cases of fraud, treachery, or force, and that trade must be absolutely free. Any preventative function allowed to the government is liable to abuse.

The remainder of the essay deals with particularized acts and circumstances, and the conclusions Mill draws from them are listed. The first of these states that a violation of good manners in public constitutes an offence against others and may rightly be prohibited. He next points out that the individual is not free to alienate or forsake his freedom. The moral responsibility of a man to his wife and

\[1\text{Ibid., pp. 149-150.}\]
children is also indicated and, in conjunction with this, the responsibility of the government in seeing that the children are properly educated for the good of society so that the future conclusions they may make will be useful to society:

All attempts by the State to bias the conclusions of its citizens on disputed subjects are evil; but it may very properly offer to ascertain and certify that a person possesses the knowledge requisite to make his conclusions, on any given subject, worth attending to.

In concluding, Mill lists three objections to any government interference, even to that interference that does not infringe upon personal liberty. The first of these is that anything done is better enacted by an individual who has an interest in the task. The second argument is that if an act is performed by an individual, he contributes to his own mental progress. The last reason for limiting governmental interference is that the greatest check possible must be kept on its power over individuals. This would indicate that Mill would have the governing body act as little as possible in all situations except that of protection for its subjects. Finally he expresses his admiration for the American form of government which is composed of a free people who are capable of governing themselves without becoming involved in a bureaucracy. Its greatest advantage, he says, lies in the minute division of offices and greater extension of the franchise.

Before leaving the essay On Liberty, it will be well to summarize briefly the basic ideas and principles upon which the entire

\[1\] Ibid., p. 162.
treatise is constructed. It seems self-evident to Mill, although he rejects self-evident principles as such, that the individual and not the state is sovereign; that liberty is man's highest attribute, and its only limitation is self-protection. Liberty is the condition of progress in knowledge and virtue, and the ultimate criterion of goodness is utility — utility in its widest meaning based on the permanent interests of man as a progressive being. Since there exists no infallible arbiter of truth and virtue, these can be obtained only by experience, realized through freedom of thought, speech, and action. The traditional enemy of these freedoms has been the assumption by the government that it is the infallible judge, and that it has the right to suppress these freedoms whenever it is in its interest to do so. Against this governmental control Mill argues that it defeats its own purpose, promotes mediocrity, and prevents human progress. Claiming for the individual, therefore, the maximum degree of freedom, he grants the only legitimate limitation which society or government may impose is that which prevents the individual from infringing on the rights of others. Hence he concludes with the declaration that:

A State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes — will find that with small men no great thing can really be accomplished; and that the perfection of machinery to which it has sacrificed everything will in the end avail it nothing, for want of the vital power which, in order that the machine might work more smoothly, it has preferred to banish.1

1 Ibid., p. 170.
In addition to the foregoing analysis of the essay On Liberty, it is important now to consider two other major works of Mill, Utilitarianism and Considerations on Representative Government, because of the intimate relation which they bear to his central doctrine of liberty, which justify the standard presentation of the essentials of his thought as being contained in these works. This becomes all the more evident when it is recalled that for his utility is the criterion of virtue; and after establishing on that basis his doctrine of liberty, he proceeds to inquire into the kind of government which will best assure the full exercise of this superior human faculty.

The treatise Utilitarianism was first published in Fraser’s Magazine in 1861 and republished as a book in 1863. The first important observation to be made concerning this work is that it is utilitarianism with a difference. He begins his essay with a statement which is practically that of his mentor Bentham:

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.

This statement comprises the two basic principles of utilitarianism: the Greatest Happiness Principle, and the definition of happiness in terms of pleasure and pain. These two must be considered separately because, in the elaboration of his doctrine of utility, Mill adheres to

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the first throughout but substantially modifies the second until it is almost foreign to the creed of his predecessors.

The importance of the Greatest Happiness Principle, in relation to the doctrine of liberty, consists in the fact that it is the criterion of what is good or evil in human thought and conduct; and he consistently holds that it is the very foundation of morality. Thus he declares:

This, happiness being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but so far as the nature of things admits, to the whole sentient creation.¹

Regarding the second principle, in which he departs from Bentham, it is sufficient to note a widening of the definition of happiness from the limited pleasure and pain theory to include the more humane values of pleasures qualitatively different, the admission of emotional values, and the higher intellectual and moral aspirations. This new view may be seen in the following passage:

Genuine private affections, and a sincere interest in the public good, are possible, though in unequal degree, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness

¹ Ibid., p. 17.
within his reach, he will not fail to find this enviable existence.\(^1\)

In the practical application of these principles Mill demands that society, through education and favourable organisation, facilitate for the individual the exercise of his liberty in accordance with this higher interpretation of happiness. Thus he says:

Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying.\(^2\)

To prevent the general degradation of society, the common man must be shown the pleasures of the intellect. Mill's statement would appear to indicate that the ignorance of the people, and their incapability in choice of acts or pleasures, as before mentioned, are due purely to the binding entanglements forced on to them by the government or the society in which they live. There appears too, in this work, the problem as to who is to be the final authority in a disputed question, in this case on the plane of choice of pleasures. If there is a doubt as to which of two pleasures is the best, or which of two modes of life is the higher, the judgment must be left to those persons who have experienced both sides of the question. But Mill goes on to add that if there is a

\(^1\)Ibid., p. 21
\(^2\)Ibid., p. 15.
disagreement among these people of greater experience than the judgment of the majority must be accepted as the rule. This appeal to the democratic principle of the rule by majority indicates a definite slackening off of his former condemnation of the majority rule, although he never completely outgrew his misgivings regarding political majority rule.

This introduction of the democratic principle deciding so fundamental a question as the interpretation of happiness leads directly to the consideration of his essay on Representative Government. In the preface to this treatise he admits that it contains nothing new as compared with his previous writings. There is novelty, however, in presenting the old ideas in their proper connection, and he further justifies the treatise by saying that there is a need of a new political doctrine which will not be a compromise between Conservatives and Liberals but something higher which either party might adopt without forsaking what is valuable in their own political creed.

In support of his statement that there is nothing new in this essay, it might be profitable to relate it to the fourth chapter of the essay on liberty where he discusses society and the individual; the type of government which he advocates will be conditioned and determined by all he has said against governmental control and corporate interference with the exercise of individual liberty. First, the form of government Mill advocates must be popular, and he lays down three conditions under this heading:

The people for whom the form of government is intended must be willing to accept it; or at least not so
unwilling as to oppose an insurmountable obstacle to its establishment. They must be willing and able to do what is necessary to keep it standing. And they must be willing and able to do what it requires of them to enable it to fulfill its purposes. The word "do" is to be understood as including forbearances as well as acts. They must be capable of fulfilling the conditions of action, and the conditions of self-restraint, which are necessary either for keeping the established polity in existence, or for enabling it to achieve the ends, its conduciveness to which forms its recommendation.

In seeking the criterion of a good form of government, Mill discusses two qualities, named by Coleridge as Permanence and Progressions:

Whatever qualities, therefore, in a government, tend to encourage activity, energy, courage, originality, are requisites of Permanence as well as of Progress; only a somewhat less degree of them will on the average suffice for the former purpose than for the latter. 2

Going further in the search for the ideal form of government, he vigorously denounces a long-standing tradition that the "good despot" constitutes the best form, and asks:

What should we then have? One man of superhuman mental activity managing the entire affairs of a mentally passive people. Their passivity is implied in the very idea of absolute power. The nation as a whole, and every individual composing it, are without any potential voice in their own destiny. They exercise no will in respect to their collective interest. All is decided for them by a will not their own, which it is legally a crime for them to disobey. 3

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2 Ibid., p. 188.
3 Ibid., p. 203.
It is not necessary, for the purposes of our research, to pursue further, in any greater detail, Mill's doctrine of representative government. The passages considered suffice to indicate his thought, as expressed here, with his views on liberty and the progress of man through the free exercise of that liberty according to the principle of utility. He does, indeed, consider the proper functions of the government, its infirmities and dangers, the representation of minorities, the extension of the suffrage, and the modes of its exercise, but these are all dominated by a very strong and clear concept of a democratic form of government, adjusted and adapted to his doctrine of individual freedom and progress.

There is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general.¹

There remains now, the question, what did Mill mean by the term "liberty"? Before determining the answer to this problem, several considerations must be taken into account. In his system of logic Mill holds that the first step in any discussion is the definition of the terms employed; but also in the logic, he distinguishes between induction and "induction improperly so-called." According to the second kind of reasoning, one progresses from particular to particular and not from

¹Ibid., p. 207.
particular to the general law or principle. In the development of the doctrine of liberty Mill is attempting to apply the experimental method of empirical science to social and moral questions, and in this process he makes the second method of induction his form of procedure. Moreover, the power to define, in the strictest sense implies the power to know definitely, finally, and absolutely what a thing is. But this, according to Mill, amounts to infallibility, and since he cannot claim for himself what he denies to all others, the nearest approach to a definition possible for him is a working hypothesis or descriptive type of definition which outlines the conditions of liberty.

Since there is no specific definition of the term in his work, the most clear and concise answer to the question proposed above may be found in the descriptive elements that have been expressed throughout the works considered:

a) The individual is sovereign over his self-regarding thoughts, words, and acts.

b) The only condition under which society may limit these freedoms is that in which the individual infringes upon the liberties of others.

c) The ends of man - truth and virtue - can only be obtained through freedom of thought, discussion, and action, since there is no infallible arbiter of what is true or false, good or evil; any attempt to limit these essential freedoms is the assumption of infallibility. The ruling principle of the doctrine of liberty is one of absolute insolation in the interest of individual development.
This is the definition of liberty: liberty consists in the pursuit of good or virtue, and the individual is limited in his pursuit only by the right of the other members of society to attain the same end; it is the condition of progress, both individual and social; and it is a relative and advancing principle, differing from nation to nation and from age to age.

These points contain the essential elements of Mill's descriptive definition of civil liberty based upon his concept of psychological freedom. If the definition were reduced still further, two characteristics may be specifically noted: the enumeration of the basic freedoms of the individual, of thought, speech, and action; secondly, the conditions under which the state may limit these freedoms, not on any abstract principle of its own authority, but to safeguard the liberties of other individuals in society. Liberty, under these conditions, is the protection of the individual against the tyranny of every other individual in society, whether the offending person be acting singularly or with the majority.
III

INFLUENCE AND REACTION

An analysis of the contemporary reactions and criticisms which these writings by Mill, and particularly the essay On Liberty, evoked in nineteenth century England will be helpful towards a more complete understanding of Mill's doctrine. The purpose is to find further precisions of his idea in the light of what his contemporaries understood him to say.

The first piece of critical material to be considered appears in the American Presbyterian and Theological Review and is a reprint of an article by James M'Cosh, LL.D., which appeared originally in The British and Foreign Evangelical Review of April, 1868. This article, entitled Mill's Reply to His Critics, has in common with most of the critical articles to be examined that it is directed toward Mill's theory of knowledge and of morality, in which he denies the existence of necessary truth; the special reason for the attack is that these notions are the very foundations of his doctrine of liberty. After expressing his admiration for the dialectic and deductive ability of Mill, M'Cosh indicates a certain defect which he finds in this author, "It is peculiarly a clear and penetrating understanding; but it is not distinguished by wide
sympath and philosophical comprehensiveness."¹ The author traces this

this faculty to Mill's early education, and says:

It is surely conceivable that he may have been so

filled with his own system, inherited from a beloved

father, and cherished resolutely at the time when

the tide was all against him, and that it may now

bulk so largely before his eyes, as to make him to

some extent incapable of appreciating, or even

thoroughly comprehending, those who look on things

from a different point of view.²

Observing the privileged position which Mill gives to the role of

memory as an intuition endowed with certitude, the critic expresses

dissatisfaction with Mill's handling of association, "It relates to the

power of association to generate new ideas and to produce belief, in

fact, to take the place of judgment or the comparison of things. It

is, perhaps, the most fatal of all the errors in Mr. Mill's speculation."³

Proceeding in his criticism of Mill's theory of knowledge, he observes that

Mill has not sufficiently understood or explained what is involved in

sensation:

He never sees what is really involved in sensation,

which is never felt except as a sensation of self.

But I have a still greater complaint against him

for never telling us precisely what association

can do, and what it can not do... he makes

association a source of new ideas. In other words,

¹James M'Cosh, LL.D., Mill's Reply to His Critics, in "The

American Presbyterian and Theological Review" (New York: J.M. Sherwood,

1868), xvii, p. 359.

²Ibid., p. 359.

³Ibid., p. 377.
he gives to new association a power which the
a priori philosophers have given to the in-
tellect.¹

It is interesting to recall the development of Mill's philosophy which
led him to the writing of his Logic. Having inherited the eighteenth
century enthusiasm for progress and enlightenment and a complete compe-
tence in the efficacy of education in the formation of human character
and human ideas and conduct, Mill wished to apply to ethics and politics
and all social problems the inductive methods which had proved so
successful in the field of physical science. He apparently accepted
the theory of association of ideas; knowledge becomes for him nothing
but a firm and coherent association of ideas, and what the a priori
philosophers called the necessity of truth is simply the firmness and
stability of these associations. In fact, it would appear that Mill's
whole logical theory is constructed on the basis of laws of association.
The critic, however, objects to this characteristic of Mill's theory by
which he gives too much to experience and association, and too little
attention to the role of intellectual judgment. In illustration of this
point M'Cosh says:

This brings us to the consideration of the now
notorious examples which he adduces of the most
certain principles of arithmetic and geometry
being unbelievable in other circumstances: that
2x2 may be 5; that parallel lines may meet; that
two right lines being produced will meet at
two points; and that two or more bodies may

¹Loc. cit.
exist in the same place.\(^1\)

In this passage it is to be noted that, what *a priori* philosophers and conceptualists would call first principles and necessary truths, are not so regarded by Mill and for the reasons seen above. M'Cosh further observes that Mill regarded the examples cited above as, "fitted to lessen our assurance of the certainty of objective truth".\(^2\) This tendency, according to the critic, leads toward the most disastrous consequences and renders all knowledge subjective and relative; Mill, in the words of the author, "strips man of the power of reaching positive truth and of pronouncing judgment on the reality of things."\(^3\) The article concludes by designating Mill as a Nominalist, since he limits himself to a comparative study of terms and ideas to the neglect of the basic problem of the relation between things and thoughts, which is of primary concern to the conceptualist in epistemology for whom words are signs of thoughts and thoughts are similitudes of things. The author declares:

> Mr. Mill is a nominalist, and looks at the name, its denotation and connotation, instead of the mental exercise; whereas, I am a conceptualist (though, certainly, not in the sense in which many are), and have labored to bring out the process of mind involved in the notion, judgment and reasoning.\(^4\)

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\(^1\)Ibid., pp. 379-380.

\(^2\)Ibid., p. 380.

\(^3\)Ibid., p. 381.

\(^4\)Ibid., pp. 383-384.
A later article in the same review, entitled *Mr. Mill and His Critics*, and written by Francis Bower, covers practically the same ground as the criticism considered above, and attacks Mill's denial of necessary truth. This author finds Mill's treatment of mathematical axioms entirely unsatisfactory and quotes him to the effect that:

> We should probably have no difficulty in putting together the two ideas supposed to be incompatible, if our experience had not first inseparably associated one of them with the contradictory of the other.1

And he observes that, according to Mill, the only reason why we cannot believe that two plus two are five is that we have been uniformly accustomed to think that they are four. Bower exclaims, "Surely this is empiricism run mad, since it is more than the stoutest advocate of the doctrine, that all our knowledge of real things is derived from experience, needs to affirm."2 Against this empiricism of Mill, Mr. Bower concludes with the following declaration:

> The compatibility or incompatibility of two given attributes with each other is a universal truth, even a necessary and immutable truth, which is often grasped quite as firmly through a single intuition, as through a multitude of experiments; most of the primary truths of mathematics are of this character.3

The next critical source which must be considered comprises a series of three articles which appeared anonymously in the "Dublin Review" in the following sequence: the first is entitled *Mill on Liberty*

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2 *Loc. cit.*
3 *Loc. cit.*
which appeared in 1869; the second, Mr. Mill's Denial of Necessary
Truth, in the year 1871; and finally, Mr. Mill on the Foundation of
Morality, written in 1872.

The first essay opens with an observation on the difficulty
with which the critic is faced in discussing Mill's doctrine of lib-
erty due to the failure on his part to give a definition of what he
means by liberty:

He leaves his reader at the disadvantage of having
to pick out and join together the detached pieces
of a puzzle; to learn the map of liberty as we used
to learn geography, with this difference, that under
that system we knew when the whole map was complete,
whereas Mr. Mill furnishes us with no means of such
assurance.¹

In analysing what the author calls the principles on which the doctrine
rests, he covers the familiar ground of the sovereignty of the in-
dividual and the limitation of compulsion or control to self-protection;
the denunciation of limitation of individual freedom of thought, word,
and action as the assumption of infallibility; the appeal to utility as
the standard on all ethical questions; the empirical approach to truth
and virtue, which the writer calls "the old, exploded Pyrrhonism"; and
asks:

Why did he not begin his essay with the declaration
that his whole system is a mere guess? that he
knows nothing of what he is writing about; and that
as there must needs be many errors to one truth,
the chances are a thousand to one that he is going

¹ Mill on Liberty, in "The Dublin Review", XIII, New Series,
(London: Burns, Oates and Co.), pp.63-64.
to write absurdities.\(^1\)

The central criticism in this article is already implied in the statement just quoted, that the lack of certitude, which is the ultimate outcome of Mill's theory of knowledge, reduces his own declarations concerning liberty to the level of personal opinions with no justification beyond Mill's own authority. The critic further shows the destructive influence of this basic deficiency by placing in juxtaposition the following pair of maxims of which Mill makes so much:

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.\(^2\)

The second is:

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 till men have become capable of being improved by free and equal discussion.\(^3\)

The author then points out that before these declarations can have any meaning it should be known what is meant by "rightfully", despotism", and "civilization". The question is raised as to who is to define these terms that Mill leaves vague. For example, opinions regarding civilization differ; scarcely two men will agree on a definition of the words.

\(^1\)Ibid., p. 66.
\(^2\)Ibid., p. 70.
\(^3\)Ibid., p. 70.
Whether a nation has arrived at the point where it is capable of improvement by free and equal discussion is a matter of opinion. It is on this point, the author declares, that the whole controversy turns. The only meaning it can possibly have is to be found in the opinion of Mr. Mill. The author demands that Mill define his terms or give up his principle. The criticism becomes more severe when he finds Mill saying that ninety-nine men out of a hundred are incapable of judging any matter not self-evident. And so it comes to this, that ninety-nine men out of a hundred, "must be slaves to Mr. Mill's intellectual discipline, in order that they may enjoy a liberty whose sweets they neither desire nor even understand."¹ The article concludes with other examples and illustrations of the general aim which the author claims he had in writing the article, to point out the inconsistencies with which the essay On Liberty abounds. The final judgment voiced by the critic is that they (Mill's propositions) are:

Nothing but popular fallacies more skillfully stated than usual...there is no profound philosophy in them, at least having no claim whatever to be the hundredth man...we confess, we have no difficulty whatever in admitting our inability to understand this fabric without basis, this lever without fulcrum, this process from no starting-place and towards no goal, this knowledge begotten of doubt, this logic without premises and without conclusion, or rather, let us say, this ocean of hypothetical propositions which yields before us and closes behind us, as though the whole intellectual life and activity of man were one infinite and eternal If.²

¹Ibid., p. 73.
²Ibid., pp. 72-73.
The next two articles constitute a serious attack on two of the major points in Mill's doctrine, truth and virtue, for which Mill says there is no infallible arbiter or judge and which can be obtained only by free experimentation on the basis of utility. These ideas are essential to his doctrine of liberty.

In the first of these articles the author identifies Mill with the Phenomenist school and declares that Mill is a more satisfactory representative of this school than any other for purposes of controversy because there is no other, "who has carried out philosophical principles into nearly so large a field of practical application". The cornerstone of Mill's system, this writer declares, is "his denial that there is any truth cognizable by man as necessary." Hence he proceeds to say that if Mill were to admit that there can be found one truth that is recognized as necessary his philosophy as a whole would be shattered.

The article goes on to establish the argument that mathematical truths are cognizable to man as necessary. It is further pointed out that a necessary proposition or truth is one, the contradictory of which is an intrinsic impossibility and could not be found in any possible region of existence. These truths must be such as can be called significant, that is, that the predicate declares something that is not contained in the subject. Further, they are such that by simply considering the ideas

2Ibid., p. 287.
of the subject and predicate one comes to see that there really exists between them that relation which the proposition declares. For example, the whole is greater than any one of its parts, is a self-evident and necessary proposition because, as soon as one understands what a whole is and what a part is, one sees the truth which the proposition declares and which is therefore self-evident and necessary. However, Mill will not admit that this is a self-evident and necessary truth but a generalisation based on experience. This applies with equal force to all mathematical axioms.

The author then shifts to a criticism of Mill's psychological theory, "which alleges that man's belief in necessary truth does not authenticate any corresponding reality, but results from past uniformity in the association of ideas."¹ This "association", according to Mill, has become so established in the mind that there appears to be an a priori connection between the ideas. The critic next points out that the constant experience of two ideas in relation to one another causes one to believe "that in every possible region of existence phenomena succeed each other by uniform laws."² He then indicates that in the Logic Mill states that in some other firmament outside of that one experienced events may "succeed each other without fixed laws."³ Therefore, the experience which contributes to the consistent association of certain ideas makes it impossible to imagine these experienced

¹Ibid., p. 289.
²Ibid., p. 290.
³Loc. cit.
successions taking place in any other manner.

Later in the article the two principles of Mill's doctrine with which his critic is taking issue are summed up as follows:

The first is, that men never account any proposition self-evidently necessary, except one which they have repeatedly for an indefinite period observed by experience to be true. The second allegation is, that whenever two phenomenal facts are undeviastingly and unmistakably experienced in union, a thinker almost inevitably is deluded into the fancy, that there is some necessary connection between them.¹

The first of these he dismisses by illustrating that a person who has never experienced a certain proposition before will immediately recognize it as self-evident when the facts are put before him. He also denies the second of Mill's statements and illustrates his denial with everyday experiences, extending them to other and unexpected possibilities, ending with the statement:

That which I have never experienced, I regard as necessary; that which I have habitually and unexceptionally experienced, I regard as contingent. Most certainly therefore mere constant and uniform experience cannot possibly account — as Mr. Mill thinks it does — for the mind's connection of self-evident necessity.²

Towards the end of the essay is found the definition of the Phenomenistic doctrine to which Mill was identified in the opening pages:

The phenomenistic doctrine is such as this: that an ascertained truth, means a truth experienced or inferred from experience; that he who lays stress on supposed intuitions, leaves a foundation of rock to build on the sand; that such a thinker, instead of

¹Ibid., p. 297.
²Ibid., p. 299.
manfully and philosophically confronting facts, erects into a would-be oracle his own individual idiosyncrasy; that "a priori philosophy" means simply the enthronement of prejudice and the rejection of experience.¹

The first refutation of this doctrine, the critic claims, involves an examination of the role of memory in experience, and here he finds that Mill contradicts himself for, writing on the philosophy of Hamilton, Mill said, "Our belief in the veracity of memory is evidently ultimate; no reason can be given for it, which does not presuppose the belief and assume it to be well grounded."² Here Mill frankly confesses that when we trust our memory we believe ourselves to have experienced what our memory distinctly testifies — we are resting exclusively on an intuition; we are holding most firmly a truth for which experience gives us no warrant at all. Thus, the critic concludes:

Unless I hold this intuitive truth I am literally incapable of receiving any experience whatever; I have no knowledge of any kind, except my present consciousness. The whole fabric of experience then has, for its exclusive foundation, a series of those intuitions which are called acts of memory. If intuitions as such are to be distrusted experience is an impossibility and its very notion an absurdity.³

Here Mill has made an extraordinary exception to the general doctrine of the Phenomenists; no other member of that school would make a statement

¹Tbid., p. 309.
such as that quoted above. The critic, therefore, interprets it as, "No reason can be given for the veracity of memory which does not presuppose the very thesis for which it is adduced."\(^1\) The author believes that he has found an admission on Mill's part that there is a necessary or a priori truth, the veracity of memory. If he admits this one, the author cannot see why he refuses to admit the intuition implied in all physical science and which is indeed the fundamental truth which science requires for its existence, that nature obeys uniform laws. This would provide or establish a certain objectivity, necessity, and permanence to scientific truth; but it is precisely what Mill refuses to accept and argues that there may be, on some other planet in the universe, a different set of laws according to which natural phenomena take place, "In other words", the author says, that doctrine of phenomenism, which in some sense idolizes physical science, is in real truth fatal to the object of its idolatry.\(^2\) It is his contention that the affirmations of physical science have no validity, except for the immediate present, unless one grants the stability of essences and the uniformity of natural activities, and, therefore, of natural laws as the basis of scientific knowledge as it may be applied to the future. The ultimate basis for this objectivity and necessity of the laws of nature is to be found in the doctrine of an intelligent, free, personal God, Who created the world and implanted in nature this permanent way of operating. When, therefore, he claims that Mill rejects the permanent and uniform

\(^1\)Ibid., p. 309n.

\(^2\)"The Dublin Review", XVII, p. 317.
character of nature, the critic charges that this results from his dis-
belief in a personal God and calls him an anti-Theist. He says, "We con-
tend that this phenomenistic doctrine issues legitimately in pronounced
anti-theism." This charge suggests that in the critic's mind the
ultimate basis of objective and necessary truth is to be found in the
veracity of God, and since Mill is anti-Theistie he has no real basis
for any objective and necessary truth; and therefore, Mill cannot
legitimately propound a doctrine of liberty which should be based on
objective and necessary norms or principles.

Before attempting to pass judgment on the critical article just
examined it will be more economical to reserve that judgment until after
the examination of the second article by the same author in another
issue of the review entitled Mr. Mill on the Foundations of Morality.
This decision is based on what will appear to be a very close parallel
and relationship between the defects attacked and the solution offered,
by the critic, on the problem of knowledge and the problem of morality.

With the declaration that there exists no infallible arbiter
of truth and falsity, thereby denying the existence of any self-evident,
necessary and objective norms of truth, there is the companion declara-
tion that there are no self-evident and necessary moral axioms with re-
gard to good and evil.

Mr. Mill admits of course that moral judgments are very
frequently elicited; but, denying the existence of any
necessary truths, he denies inclusively that there are

1 Ibid., p. 309.
moral truths self-evidently necessary. The ground which he often seems to take is, that no moral judgments are intuitions, but that all are inferences; though these inferences, he would add, are so readily and imperceptibly drawn, as to be most naturally and almost inevitably mistaken for intuitions.  

By way of analysing this position of Mill, the writer sets down as a simple and primary notion in all morality the notion of moral goodness, and declares that for Mill "morally good", as applied to human acts, means neither more nor less than "conducive to general enjoyment". Listing a series of sample statements, which he says involve the idea of moral goodness in various spheres, the author concludes that even Mill would not accept the equation, morally good equals that which is conducive to general happiness, in these practical applications. It is then the aim, in this critical article, to show that there are intuitive moral judgments, universal and necessary, called the first principles of morality, and how these are obtained. The critic claims that in the first instance he intuits, as a self-evident and necessary truth, that his betrayal of a friend's confidence, for example, is intrinsically evil and, in a second step, he intuits as self-evidently necessary that all such betrayals in like circumstances are likewise intrinsically evil. Pointing out that this recognition of evil is parallel to the intuition of the veracity of memory, which cannot be proven or demonstrated; the author claims that Mill must admit it as a final, and necessary, moral principle. Having used this merely as an illustration, 

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1 "The Dublin Review", XVIII, p. 160.
he argues that there are many such necessary and self-evident principles which could be summed up under the universal principle, good is to be done and evil avoided. He concludes that there are stronger grounds for accepting the distinct declarations of the moral faculty, or conscience, than the distinct declaration of memory.

Again, following the pattern found in the previous article reviewed, he introduces the doctrine of a divine sanction as the necessary concomitant of conscience and declares that while the notion, "morally evil" does not include in it, "prohibited by some personal being", still, in fact, the two are related; and he says that conscience always involves the recognition of a living object towards which it is directed, One to Whom we are responsible. There is no other way, he claims, to account for the remorse, self-condemnation, and misery which results from the commission of an evil deed in secret, except the spontaneous intuitive recognition on the part of man of the existence of a supreme law-giver and judge to whom he is responsible. This doctrine gives meaning to the statement that there can be no stable, permanent, objective code of morality without the recognition of God as its origin and sanction.

To sum up, perhaps the best way to state the controversy and the disagreement herein indicated, between Mill and his critic on the foundation of morality is their disagreement on what is meant by morally good and morally evil. Mill declares that morally good means that which is conducive to general happiness, and morally evil that which is adverse to the promotion of general enjoyment. He further holds that in the application of this in particular cases there are not objective moral axioms or principles in the light of which moral good and evil may be
judged; Mill would base moral judgements on general conclusions drawn from the experiences of life. But the critic objects to this social standard of what is generally useful or beneficial, and bases his morality on universal and necessary moral axioms, intuitively known by reason and intuitively related to a Supreme Being as their ultimate source and sanction. The critic seeks to score a victory over Mill by discovering minor internal inconsistencies in the elaboration of the doctrine, which constitutes the very foundation of his doctrine of liberty. The critic intimates that the denial by Mill of any universal and necessary moral law, and of the recognition of a law-giver and judge in questions of moral good and evil, would cause his doctrine of liberty to degenerate into license in which there would be no possible control over the self-regarding acts of the individual, when they did not produce personal moral improvement.

The ultimate issue between Mill and this critic can be identified as their disagreement on the theory of knowledge. For the critic, human knowledge, although dependent on experience for its content, acquires a value of certitude and truth through the organization of the data of experience and its interpretation in the light of immutable, self-evident, and primary principles both in the speculative and practical order. Through this means the theory issues in the establishment of the objectivity of knowledge; what is true, according to this method, is universally true, not just for one man but for all men, not only for one age but for all time. For Mill, on the contrary, starting from the experience of the individual, the best that can be obtained is a sort of personal
truth, which has value for this individual; and it possesses only a
tentative character depending upon the present circumstances which,
if changed, would change the conclusion.

In an attempt to estimate the character of the criticism which
has just been analyzed, it would seem that the two groups of articles,
those appearing in the American Presbyterian and Theological Review
and in the Dublin Review, attack Mill from a background of the recog­
nition of first principles, self-evident axioms, and objective truths
which are regarded as necessary for the stability and validity of his
doctrine of liberty. From their religious preoccupations they
similarly maintain the existence of necessary truths bearing divine
sanction and which serve as first principles in the order of truth
and morality as represented by creeds and commandments. The whole of
their argumentation, founded on this starting point, aims to prove Mr.
Mill illogical, inconsistent, inconclusive and erroneous; and, in vari­
ous ways, they designate him as an Empiricist, a Nominalist, and a
Positivist, incapable of formulating an accurate and permanent doctrine
of liberty.
IV

CONTEMPORARY EVALUATION

In 1873, the year of Mill's death, two books appeared which attempt to evaluate his contributions to the cause of freedom; the first work treats directly with the doctrine of liberty, and the second is a tribute to his attainments in the political realm.

The first work to be examined is a book by James Fitzjames Stephen, Q.C., entitled Liberty, Equality and Fraternity, the American edition of which appeared in 1873. The section on Liberty is specifically concerned with the doctrine as exposed by Mill. After linking the general doctrine of liberty, equality, and fraternity with various political and religious forms which have made it their business to promote these ideals, Stephen characterizes the doctrine as the religion of humanity and as being possibly the best name that can be found for it.

He then points out:

No better statement of the popular view - I might, perhaps, say of the religious dogma of liberty - is to be found than that which is contained in Mr. Mill's essay on the subject. His works on Utilitarianism and the Subjection of Women afford excellent illustrations of the forms of the doctrines of equality and fraternity to which I object.¹

Indicating his dissent from the widespread and influential opinions regarding this democratic ideal, he says that Mill's exposition, *On Liberty* is the ablest, most reasonable, and clearest. He then proceeds to a summary of the introductory chapter which he claims is the most important part of the work, restating the claims which Mill makes for thought, speech, act, and the limitations he places about government and society in attempting to restrain or control those freedoms, and the extension of this liberty of the individual to combinations of individuals. Such being the doctrine, Stephen observes with wonder, that Mr. Mill never attempts to prove it as a whole. After a brief summary of the rest of the contents of the essay, chapter by chapter, he says:

There is hardly anything in the whole essay which can properly be called proof as distinguished from enunciation or assertion of the general principles quoted. I think, however, that it will not be difficult to show that the principle stands in much need of proof.  

Beginning, then, with the word "liberty", and claiming to interpret it according to the principles which he holds in common with Mill, he develops its meaning as follows:

All voluntary acts are caused by motives. All motives may be placed in one of two categories - hope and fear, pleasure and pain. Voluntary acts of which hope is the motive are said to be free. Voluntary acts of which fear is the motive are said to be done under compulsion, or omitted under restraint...

If this is the true theory of liberty - and, though many persons would deny this, I do not think Mr. Mill would - the propositions already stated will in a condensed form amount to this: "No one is every justified

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in trying to affect anyone's conduct by exciting his fears, except for the sake of self-protection; or, making another substitution, which he would also approve — "It can never promote the general happiness of mankind that the conduct of any persons should be affected by an appeal to their fears, except in the cases excepted."  

Such assertions, this author observes, can not be regarded as self-evident and hence they stand in need of proof. Indeed, he finds them opposed to all morality, existing religions, and criminal legislations insofar as they aim at affecting human conduct in that they appeal either to hope or fear, and to fear more commonly and more emphatically than to hope. Thus, he adds:

For one act from which one person is restrained by the fear of the law of the land, many persons are restrained from innumerable acts by the fear of the disapprobation of their neighbours, which is the moral sanction; or by the fear of the punishment in a future state of existence, which is the religious sanction; or by the fear of their own disapprobation, which may be called the conscientious sanction, and may be regarded as a compound case of the other two.  

The author proceeds to assert that neither the moral sanction nor the religious sanction have anything to do whatever with self-protection, yet Mill intimates that the moral sanction is essentially immoral and mischievous, and though he does not draw this inference, the author says it is involved in the theory, that a day of general judgment is fundamentally immoral. He concludes his reasoning with this statement, "A God who punished anyone at all, except for the purpose of protecting

\[1\text{Ibid., pp. 2-10.}\]
\[2\text{Ibid., p. 10.}\]
He sums up Mill's moral principles as follows:

"Let every man please himself without hurting his neighbour"; and every moral system which aimed at more than this, either to obtain benefits for society at large other than protection against injury or to do good to the persons affected, would be wrong in principle. This would condemn every existing system of morals.2

It is clear, from these passages, that Stephen finds the moral theory of Mill so much at variance with existing morality which, he says, in all its form is a prohibitive system reaching far beyond the limits indicated in his notion of self-protection; that it stands definitely in need of proof.

Mr. Stephen not only finds Mill's definition opposed to all existing systems of morality but opposed to the historical conditions of all great revolutionary movements, and he gives as illustration the Reformation and the French Revolution:

They were brought about by force, and in many instances by the force of a minority numerically small, applied to the conduct of an ignorant or very partially informed and for the most part indifferent majority.3

Stephen adds that Mill would be the last person to say that force was not justifiable in these cases; and yet it cannot be justified on the grounds of self-protection alone.

The criticism of Stephen might be summed up in the following manner: as a sympathetic admirer of Mill he agrees with much of the

1 Ibid., p. 11
2 Loc. cit.
3 Ibid., p. 20.
doctrine of liberty in principle. Contrary to those who claim Mill did not define liberty, he finds and rewords the definition. But his criticism is directed against the failure on Mill's part to establish, by proof, what he lays down as principle. The second objection is that of inconsistency, for not only are facts and experience opposed to the new morality, but his exposition of it abounds in exceptions and qualifications which Stephen would gladly have exchanged for proofs. To illustrate two inconsistencies pointed out by Stephen, reference may be made briefly to the discussion regarding savage peoples, where Mill admits of despotism, and the undetermined question as to who is to decide when these people become capable of liberty. For Stephen says, "The wildest savages, and the most immature youths, capable of any sort of education, are capable of being improved by free discussion upon a great variety of subjects," and intimates that there is a necessity for the freedoms Mill advocates even in the most primitive society, if that society is to progress according to the method laid down by Mill. A second illustration is to the effect that Parliamentary Government is simply a mild and disguised form of compulsion.

We agree to try strength by counting heads instead of breaking heads, but the principle is exactly the same... The minority gives way not because it is convinced that it is wrong, but because it is convinced that it is a minority.2

Before leaving Stephen, his position on the question of liberty may be briefly stated: he agrees with Mill that man should enjoy liberty

1Ibid., p. 25.
2Ibid., pp. 27-28.
of thought, speech, and action; but that the power of society, in whatever form, must be enlarged beyond the principle of self protection, on the basis of the principle of the democratic rule by the majority; and in the name of human moral values which are independent of their discovery by individual, and independently and objectively true in every case.

It has been observed that liberty, like anything else, may be considered in the abstract or in the concrete, theoretically or practically. Applying this principle to Mill's doctrine of liberty, it must be conceded that, in the light of the critical material which has been examined, as a theory it has been subject to adverse criticism ranging from the most severe structures to mild, but sympathetic, objections. When, however, the practical order is considered it may be found that Mill's doctrines have attained some success. Strangely enough, the opinion has often been expressed that, as a practical politician, Mill was a failure and that he stands as an illustration of the notion that a philosopher is out of place in practical politics.

In a series of essays written as a tribute to Mill after his death, and published in 1873, Millicent Garrett Fawcett opposes this last view and traces the idea of his failure to those who were out of sympathy with his social reforms:

If to be unpopular because he promoted the practical success of the opinions his life had been spent in advocating is to have failed, then Mr. Mill failed. If, however, the success of a politician is to be measured by the degree in which he is able personally to influence the course of politics, and attach to himself a school of political
thought, then Mr. Mill, in the best meaning of the words, has succeeded.¹

Mrs. Fawcett here points out that he attached to himself a school of political thought whereby she means the school of Philosophic Radicals who, through the Westminster Review and the Utilitarian Society, exercised great influence with the Whigs, and, as they were later known, the Liberals, as to prompt them to:

Undertake the removal of abuses and the abolition of restrictions. It was they who inspired electoral reform (1832), the first State grant for education (1833), the New Poor Law (1834), and the Municipal Corporations Act (1835). They co-operated with the Evangelicals in the abolition of slavery in 1833, because they loved freedom, but opposed the Factory Act of 1833, because they believed in Laissez Faire.²

Outstanding among his practical achievements was the extension of the suffrage to women as the logical consequences of his doctrine of liberty. Regarding this achievement, Mrs. Fawcett observes:

Like all genuine political movements, it has borne fruit in many measures which are intended to remove the grievances of which those who advocate the movement complain; among these collateral results of the agitation for women's suffrage, may be enumerated the Married Women's Property Act, the Custody of Infants Bill, and the admission of women to the municipal and educational


franchises and to seats upon schoolboards.¹

Perhaps the greatest achievement which can be attributed to the
Philosophic Radicals, but more particularly to Mill who was their im-
spirer and leader, was in connection with the Durham Report. In January
of 1838, Mill began his series of articles in support of Lord Durham,
who was involved in what was known as the "Canadian Problem". He him-
sel£ later assessed these articles and their effect, when he relates:

Lord Durham was bitterly attacked from all sides, inveighed
against by enemies, given up by timid friends; while those
who would have willingly defended him did not know what he
say. He appeared to be returning a defeated and discred-
ited man.²

Mill goes on to relate how he had studied the events in Canada from their
inception, and that he had been encouraging his party to carry on with
their adopted policy. He wrote an article in the Westminster Review, in
which he praised Durham and his accomplishment, and immediately other
writers copied his tone. Soon the "Durham Report" was considered as the
model for Canadian and general Colonial policy. And, as Mill says:

The cause was gained; Lord Durham's report, written by
Charles Buller, partly under the inspiration of Wake-
field, began a new era; its recommendations, extending
to complete internal self-government, were in full
operation in Canada within two or three years, and have
been since extended to nearly all the other colonies,
of European race, which have any claim to character of
important communities.³

¹Millicent Garrett Fawcett, op.cit., p. 85
³Ibid., pp. 151-152.
Mill's own assessment of his role in this matter is confirmed by the following statement by a critic who was otherwise rather severe with Mill but, in this matter, is his admirer:

One of the greatest things the Philosophical Radicals did was in the sphere of Colonial reform. They were virtually the authors of the new policy of self-government which saved the Empire. Lord Durham, Charles Buller, and Sir William Molesworth in Parliament, E. G. Wakefield and J. S. Mill outside, all laboured earnestly for the new policy, and they succeeded. Durham's report on Canada, written mainly by Buller and Wakefield, who had been to Canada with him, was warmly supported by Mill in the London Review, and this prompt action contributed materially to its success.1

The criticism of Mill's doctrine by Stephen is much milder and more sympathetic than the critical material that appeared in the periodical material reviewed in the previous chapter. But he too finds Mill failing to establish his doctrine by sufficient or adequate proof, and also finds the presentation weakened by the presence of unresolved inconsistencies. The criticism in the practical order, however, has been chiefly favourable and laudatory. Whatever may be the defects in Mill's presentation of his doctrine it is certain that it enjoyed a measure of success in the field of practical politics. From what has been seen, it is obvious that Utilitarianism, as interpreted and expounded by Mill, was the underlying Philosophy from which emerged the manifold reforms in nineteenth century political and social life. It may have been a case of where the logical or philosophical defects of a popular leader were more than overbalanced by his unquestioned sincerity, his personal influence,

1Dower, John Stuart Mill, p. 124.
his broad human sympathy, and generous enthusiasm to which practically all his critics, even the most vigorous, have felt obliged to bear witness.
CONCLUSION

In considering the doctrine of liberty that was proposed by John Stuart Mill, it was found that a study of his education and background gave some insight into the formation of the concept that he presented in his writings. He received an intense education, under the tutelage of his father, that was primarily in the tradition of Jeremy Bentham's Utilitarianism, with emphasis on the works of Hobbes, Ricardo, and Malthus. An important influence on his considerations of liberty, in his early years, was his two visits to France; the first introduced him to the French language, the politics of the country, such writers as Voltaire and his contemporaries, and the companionship of Baptiste Say and the Saint-Simon group; the second gave him an insight into the French Revolution and its aims of liberty, equality, and fraternity.

His early thought was expressed, as a member of the Philosophic Radicals, through the Westminster Review. He came to the point, however, when he was forced to question the principles he had received from his father, and through the influence of Continental thought he changed his views radically. Mill's new Utilitarianism admitted of emotions, and degrees or qualities of pleasure; and he reacted in the direction of Socialism under the influence of the works of Wordsworth, Coleridge, Goethe, and Carlyle. Thus his views on democracy and liberalism were greatly affected by the Continental ideas of his day.
A study of the doctrine of liberty, as it appears in Mill's writings, produced the following results: Mill claimed that there is no infallible authority that has the right to rule in disagreements of opinion, that to silence any opinion regardless of its nature is an assumption of infallibility. There are, then, only two positions in the state of liberty: absolute freedom of discussion or despotism. This right of free discussion is protected from government interference by public opinion. Through discussion of this type, man approaches certainty by the comparison of opposite opinions; and the certainty that continues to withstand opposition is called truth. False opinions must be tolerated for the sake of truth, and usually the opposing opinions share the truth between them; if an opinion is false, its inutility to man will cause it to disappear whereas the true opinion arises to certainty by withstanding its opposite over a period of time. Man has the right to hold diverse opinions only in so far as he does not attempt to impose them on others; the individual has an absolute right to his own opinion, right or wrong.

In the realm of action, man is free to act as long as he does not interfere with the rights of the other members of society. He should be allowed to establish the pattern of his own life in order to attain virtue; and the greater his eccentricity in the light of accepted norms, the better it is for the individual concerned and for the society in which he lives. In ethical questions, the ultimate appeal is to the standard of utility, since there is no necessary and objective norm of morality. Liberty therefore, in Mill's estimation, is the protection of
the individual against the tyranny of every other individual in society in the realm of thoughts, words, and acts.

The course of action taken by those contemporary writers who would oppose Mill's doctrine in the periodical publications, was to attack the basis of his whole system, the epistemology and the logical process. The major criticism of Mill's philosophy, that is repeated by all of the writers considered in this work, is that he denies the existence of objective and necessary truth and holds that certitude exists in the firm and coherent association of ideas which are dependent on the memory that performs the operation of association. Too, the critics point out that Mill will not admit of self-evident and permanent moral axioms outside of the standard of utility. The critics, in opposition, hold that knowledge is dependent on experience for content, and that it is then interpreted in the light of immutable, self-evident truths in the speculative and practical orders, issuing in an objective and unchanging knowledge. And they base their code of morality upon the existence of necessary truths bearing divine sanction and represented by creeds and commandments. In comparing these theories of knowledge and morality, the critics hold that Mill's own theory reduces his declaration to mere opinions which are only valid for their author.

The works of evaluation of Mill's contributions in both the intellectual and practical orders are somewhat laudatory in tone. James Stephen calls Mill's doctrine of freedom an expression of the religion of liberty, and he praises it as able, reasonable, and clear. He objects, however, that the essay lacks proof throughout and fails to
establish any of the principles that Mill proposes. Stephen finds many inconsistencies in the doctrine, but he does find and reword a definition which he claims is the prohibition of the exercise of fear over the individual to affect a change in his actions, except for the sake of self-protection. He concludes by observing that the power of society over the individual must be enlarged beyond the principle of self-protection. Mrs. Fawcett merely deals with the applications of Mill's principles in the governmental changes he helped to bring about, and finds that he was successful in affecting a number of reforms in relation to individual and social freedoms.

Mill's denial of objective truth and morality resulted in the assumption that every man is a law unto himself, and that his liberty is absolute. This error appears to be the result of the confusion on Mill's art of the end of man, and the role of society in aiding man to attain that end. The first step, then, in attempting to correct that error, is to do what Mill failed to do — define liberty. Liberty, in its proper interpretation, is:

The privilege of creatures endowed with mind or reason; it is essentially the faculty of being able to choose between the means conducing to the end, for he who has the faculty of choosing one thing among many is master of his actions. The possibility of choosing evil is not of the essence of liberty, it is a defect peculiar to our liberty.¹

And since man is imperfect and may choose wrongly, his liberty must be guarded by society. Man's end is supernatural happiness which, in turn, is perfect liberty; and in order to attain his end man is subject to the laws of God, to the authority of the Church in the spiritual realm, and to the authority of the State on the temporal level. This authority is the help that man needs, that is capable of direction his acts away from evil and towards good. Mill allowed for no authority capable of determining what is good and what is evil, and he refused to accept any objective, immutable moral principle.

Since Mill did not accept the principle of objective truth or morality, he held that man must experiment to progress; and that the State was infringing on the individual's freedom by making laws that controlled what he said or how he acted. But man lives in society and:

The peculiar end of society, therefore, is not only to secure respect for the individual liberties and rights of every citizen, or to ensure material comfort, but also to procure the truly human and therefore moral good of the social body. Liberty to practice any religion whatsoever indifferently (as thought the civil power were under no obligation, to the best of its ability and without claiming any jurisdiction over consciences, to do homage to truth), liberty to express any opinion, liberty to print anything, liberty to teach any doctrine, are all, therefore, even in the eyes of civil society, things contrary to nature.

An individual in society must be aided by that society, which subordinates the temporal to the spiritual, to attain his final end — God Himself. Society aids man by placing laws, about his

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1 Ibid., p. 141.
defective liberty here on earth in order that he attain a higher and perfect liberty by soliciting, "the regulative control of the divine law, both natural and revealed, and the educative constraints of the human State and the Church of Christ."\(^1\)

It remains only to be said, in considering John Stuart Mill's claims for liberty of thought, word, and act, "that such diverse sorts of liberties (indiscriminate liberty of thought, writing, teaching, religious worship) can for adequate reason be tolerated, provided that an appropriate moderation prevents them from degenerating into license and disorder."\(^2\)

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