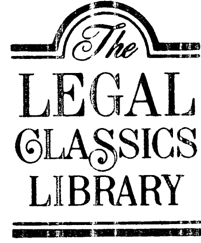

ON LIBERTY

JOHN STUART MILL

NOTES FROM THE EDITORS

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INTRODUCTION

by Jeffrey Friedman*

If one text expresses the aspirations not only of our jurisprudence, but of the larger culture of which it is a part, it is John Stuart Mill's treatise *On Liberty.* The principle of individual liberty, not merely liberty of thought and speech but of action, was first articulated by Mill. And if the particular ways he applied this principle have not gained many followers, the principle itself is now common ground for almost every type of American legal theorist, including many of the conservative and radical challengers of the judicial status quo. Libertarianism is, as well, the unchallenged starting point for all American political discussion and for popular attitudes toward government, law, and even personal life.

As if these claims were not grand enough, it is arguable that with the fall of communism, individual liberty is now the regnant doctrine not only in America and what used to be called the First World, but increasingly in the Second and Third Worlds, too. The defeat of all secular challenges to the ideal of personal freedom is, after all, what gives some plausibility to the notion that we have reached the End of History—not the end of great events, but the replacement of ideological conflict by nearly universal agreement on the proposition that each of us should be free to govern ourselves as we see fit. *On Liberty,* then, is not just a classic; it might well be *the* canonical document of the age.

But like most great works, it is filled with ambiguities. Once we get past the stirring libertarian rhetoric and try to understand the basis on which Mill reached the conclusions that are so congenial to us, we are bewildered by the lush growth of seemingly crosscutting examples, categories, and qualifications by which Mill amends his "one very simple principle" of individual liberty [*On Lib-*

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erty, p. 21]. When all is said, what is it that Mill would allow to be done?

Yet since the influence of the book is not in its detailed prescriptions but in its principles, we should not let a fixation on the problems Mill has in applying those principles distract us from even more important mysteries. First of all, what did Mill think was the relationship between liberty and "utility," or happiness? He proclaims utility to be "the ultimate appeal on all ethical questions," but also calls freedom in itself, regardless of its consequences, "the higher ground" [*On Liberty*, pp. 24, 18]. Second, precisely what sort of majority tyrannizing was Mill protesting or trying to prevent? Familiarity with Mill's other works raises a third question: Why did *On Liberty* turn out to be in favor of, rather than *opposed to*, liberty? Before Mill wrote this tract, individual freedom had not been very prominent in his writings, many of which seemed, if anything, to betoken a positively authoritarian elitism. How did someone with such a posture come to write *On Liberty*?

By attempting to sketch an answer to this last question, we may be able to shed light on the other two.

Born in 1806 to James Mill, a co-founder with Jeremy Bentham of the British philosophical movement his son would later dub Utilitarianism, John Stuart Mill was raised to be the movement's next leader, his extraordinary education patterned after that of the precocious Bentham. John began learning Greek at age three; about seven years later, he had mastered it and Latin, too, and was embarking upon geometry and algebra to supplement the enormous quantities of ancient history and modern science he was ingesting. In adolescence he moved on to logic, poetry, oratory, economics, and politics. His autobiography is in no small part a list of the books he read while other boys were playing or, if not so fortunate, working. (A tiny fraction of this list would satisfy the most rigorous advocates of university core curricula.)

The curriculum devised by his father worked like a charm. This was not because it was a course of indoctrination: although James Mill did teach his son essentially Utilitarian views, *these did not constitute the* purpose, or by any means the bulk, of his education. His father was, as John remarked, a throwback to the eighteenth century, the Age of Enlightenment, and was inspired by the promise of truth held out by Science. John's catholic education stemmed from his father's conviction that Utilitarianism, the science of morals and government, was congruent with all the scientific knowledge available: not just physical science, but everything there was to know about human beings. Hence Utilitarianism was to spring naturally from John Mill's encyclopedic education, just as it had from Jeremy Bentham's.

And so it did—at first. By the age of fifteen, John was fully absorbed in the life of a dedicated partisan of social reform. Bentham contributed the overarching framework. The end John pursued was the principle of utility: the greatest happiness of the greatest number. Initially, the means to this end came in large part from economics, or "political economy." Thus, young John Mill was arrested for distributing birth control information to the poor, convinced as he was by Malthus that until the trap of too many workers competing for wages was overcome, poverty would persist. But increasingly, his father supplied a more strictly political understanding of how Utilitarian goals might be achieved: namely, by reforming Britain's irrational electoral institutions. While Bentham was mainly interested in rationalizing the arcane usages of English law, James Mill focused on bringing Parliament into conformity with the public interest.

British government made pretenses to represent the good of the public, but only a tiny portion of the public was represented in Parliament. James Mill argued that, people being apt to pursue their own pleasure at the expense of others' pain, the domination of the government by a single class lay behind the many abuses that liberal activists increasingly protested: tariffs on grain that raised food prices; the corruption of the established church; the exclusion from office of Catholics and Dissenters; the British trade in slaves; ineffective approaches to reliev-

ing poverty. Such deviations from the common good would persist as long as the legislature was in the hands of the landed few.

To the small but talented group of intellectuals and would-be politicians—the "Philosophic Radicals"—whom John Mill recruited to his father's cause, the remedy would consist in such reforms as universal suffrage, a secret ballot to end vote-buying, and annual elections to ensure that the popular check on government was frequently exercised. "What was now wanted was, that the rulers should be identified with the people" [*On Liberty*, p. 10]. Use electoral devices to bring the state under public control; undertake the free discussion of such sciences as political economy to show the public where its interests lay; and good government—policies serving the greatest happiness—would result.

At the age of twenty, Mill lost faith in this facile radicalism when suddenly, as he later wrote,

> it occurred to me to put the question directly to myself: "Suppose that all your objects in life were realized; that all the changes in institutions and opinions which you are looking forward to, could be completely effected at this very instant: would this be a great joy and happiness to you?" And an irrepressible self-consciousness distinctly answered, "No!" At this my heart sank within me: the whole foundation on which my life was constructed fell down. All my happiness was to have been found in the continual pursuit of this end. The end had ceased to charm, and how could there ever again be any interest in the means? I seemed to have nothing left to live for. . . .
>
> I became persuaded, that my love of mankind, and of excellence for its own sake, had worn itself out.[1]

Readers interested in how Mill escaped from the resulting depression should consult his fascinating autobiography.[2] What is important for our purposes is what lasting lessons he derived from this "crisis in his mental history." "All those to whom I looked up," he wrote,

> were of opinion that the pleasure of sympathy with human beings, and the feelings which made the good of others, and especially of mankind on a large scale, the object of existence, were the greatest and surest sources of happiness. Of the truth of this I was convinced, but to know that a feeling would make me happy if I had it, did not give me the feeling. My education, I thought, had failed to create these feelings in sufficient strength to resist the dissolving influence of analysis.[3]

Mill had become a specialist in logic-chopping, but he now found logic inadequate to the task of associating feelings of pleasure with the humanitarian aims he had set for himself. Feelings induced by mere ratiocination are not associated with their objects "by any natural tie; and it is," he concluded, "essential to the durability of these associations, that they should have become so intense and inveterate as to be practically indissoluble, before the habitual exercise of the power of analysis had commenced."[4] Hence the first lesson (we shall return to the second): "The cultivation of the feelings became one of the cardinal points" in Mill's "ethical and philosophical creed."[5] This was to have momentous results, both personal and political.

Personally, it may help explain what attracted him so powerfully to Harriet Taylor, the only woman he ever loved—to the memory of whom is addressed *On Liberty*'s effusive dedication [pp. 5–6]. This married feminist, with whom he would carry on an affair (which they insisted was Platonic) for twenty years—before the death of her husband allowed them to marry in 1852—seemed to Mill to exemplify the prerational, emotional devotion to others that had been so painfully lacking from his upbringing. Harriet "had at first reached her opinions by the moral intuition of a character of strong feeling";[6]

> Her unselfishness was not that of a taught system of duties, but of a heart which thoroughly identified itself with the feelings of others, and often went to excess in consideration for them by imaginatively investing their feelings with the intensity of its own.[7]

Politically, Mill made a parallel move. In 1829, about a year after the end of his "mental crisis," he derived from such heterodox sources as the conservative Thomas Carlyle and the elitist French protosocialist, Henri de Saint-Simon, a historicist approach to political theory,

one that emphasized something as primeval as Harriet's altruism: the deeply rooted mores and institutions that shaped and limited the political possibilities of a given era. Mill now came to believe [illegible] his father's cool rationalism too abstracted from historical reality; history showed that "identity of interest between the governing body and the community at large, is not," contrary to Philosophic Radical conviction, "the only thing on which good government depends; neither can this identity of interest be secured by the mere conditions of election."[8]

No longer did Mill see his opposition to the aristocratic domination of Parliament as a matter of replacing the "sinister interests" of a minority with the simple rule of "the people." For he no longer assumed, as had his father, that the people were either wise enough or virtuous enough to govern well; nor could mere rational exhortation be trusted to educate them sufficiently. In an essay published in 1831, Mill complained that "any dabbler . . . thinks his opinion as good as another's. . . . A person who has never studied politics, for instance, or political economy systematically" feels free to promulgate "with the most unbounded assurance the crudest opinions."[9] But the fact is that while "a great number of important truths, especially in Political Economy . . . may be brought down to the level of even the uninformed multitude . . . there still remains something which they must always and inevitably take upon trust: and this is, that the arguments really *are* as conclusive as they appear."[10] Unless the people would trust in the knowledge of experts, democracy would *not* produce good government, but would instead be susceptible to disastrous quackery.

Hence the need for a new, intellectual elite which would guide democratic society in selecting the appropriate measures to effect the greatest happiness. Although not abandoning democracy, which would, to Mill, always be an important insurance of the congruity of interest between people and state, he now looked forward to a day when the *demos* would employ the guidance of "the most virtuous and best-instructed of the nation" in making political decisions.[11] History showed that

stable societies were invariably governed by those few who were best qualified to meet the needs of the age. In the near future, such an elite [illegible] would provide to society a basis of happiness as firm as that which instinctive altruism could provide an individual.

Mill's historicism should not obscure the importance of his underlying concern—one that is even more salient now than when he wrote. With government ever more deeply and widely involved in the economic and social substructure of our lives, it is not encouraging to observe the abysmal levels of interest in and knowledge of economics and sociology, let alone of politics, displayed by our rulers—i.e., by the people themselves. Mill's elitist solution is, of course, called into grave doubt by the delusions and irresponsibility so frequently displayed by the intellectuals in whom he placed such confidence, but his naive answer does not render nugatory the question of whether the democratic state is competent to pursue its endlessly multiplying tasks.

This question appears to have struck Mill so forcefully because of his extensive training in economics. Here, he thought, was a body of important truths about what could and could not be accomplished by state action; but only those who, like he, had studied its counterintuitive teachings in depth would accept the constraints they imposed on political action. The public at large remained ignorant of and even resistant to these truths, and was therefore prone to enact such nostrums as minimum wages or maximum prices that economists, then and now, all but universally condemn. Given this state of affairs, more was required for the general happiness than unqualified popular sovereignty; an economically literate elite would have to be recognized as being authoritative.

Mill's writings of the 1830s are preoccupied with this concern, but a new element seems to have been added by his reading of Tocqueville's *Democracy in America*. In Mill's 1835 review of the first part of this work, he appears to concede the unlikelihood that an authoritative elite would simply appear out of thin air, in the service of sheer historical necessity. Casting about for a more realistic scenario, Mill endorses Tocqueville's specula-

tion that lawyers may constitute a new "class in whom superiority of instruction, produced by superior study, would most easily attain the stamp of general recognition"—if, that is, they could be liberated from the brain-numbing irrationalities of Anglo-American law.[12] Indeed, Mill was now even prepared to pin some of his elitist hopes on the landed aristocracy, which had been as odious to him as were the lawyers to Bentham. Such huge departures from Philosophic Radicalism suggest that Mill now thought that Public Opinion—to his father, an unmitigated good to which government should be bound as tightly as possible—was not only prone to crackpottery, but was so hegemonic that resisting it required desperate measures.

By 1836, in fact, Mill's problem seems to be one of preserving not the dominance but the mere possibility of an intellectual elite, in the face of the swelling tide of mass culture. To achieve this end, Mill's essay on "Civilization" proposed reforms of higher education that would not only train students in economic and political science, but would produce "great minds" by encouraging students to "go forth determined and qualified to seek truth ardently, vigorously, and disinterestedly."[13] Cultivating the "*love of truth*" may "create a power which might partially rival the mere power of the masses, and might exercise the most salutary influence over them for their own good."[14] More than twenty years before the composition of *On Liberty*, then, Mill's elitism, far from standing in the way of the book's themes, have begun to give birth to them. Both the tyranny of majority opinion and the book's first remedy for it, the "Liberty of Thought and Discussion" defended in Chapter II, are prefigured in Mill's essay on "Civilization" and his review of Tocqueville.

In turn, *On Liberty*'s Chapter III, "Of Individuality, As One of the Elements of Well-Being," was anticipated in Mill's highly critical eulogy, "Bentham," published in 1838. Mill now favored, "as a corrective to partial views," not only the provision of "shelter for freedom of thought" but for "individuality of character"; together, these would provide "a perpetual and standing

Opposition to the will of the majority . . . a centre of resistance, round which all the moral and social elements which the ruling power views with disfavour may cluster themselves, and behind whose bulwarks they may find shelter from the attempts of that power to hunt them out of existence." Mill's only *argument* for individuality, however, is instrumental, not intrinsic. "Respect for the personality of the individual" merely joins "reverence for superiority of cultivated intelligence" in the battle against the tendency of the majority "to make one narrow, mean type of human nature universal and perpetual, and to crush every influence which tends to the further improvement of man's intellectual and moral nature."[15]

But as those judgmental words indicate, by 1838 Mill's targets as well as his weapons were being augmented. Mill now argued that there is more to "the despotism of Public Opinion" than its promulgation of erroneous policies. Not only political truths, but cultural truths are at stake; the individualism Mill has added to freedom of thought is designed to preserve not merely a political elite, but a cultural one. This cultural turn suggests that a second lesson from Mill's "mental crisis" was now being brought into play.

We have adverted only to a part of what Mill learned from his breakdown of 1826: that extrarational mechanisms are stronger than rational ones. The second, related lesson was that happiness "was only to be attained by not making it the direct aim. Those only are happy (I thought) who have their minds fixed on some object other than their own happiness; on the happiness of others, on the improvement of mankind, even on some art or pursuit, followed not as a means, but as itself an ideal end." The implications of this view were profound. Not only did it mean that Mill's own happiness could be secured by pursuing others', but, as he seems to be realizing in 1838, that others' happiness—upon which his own depended—required that they, too, become altruistic, or devoted to some other high ideal. Thus, not only did the indirect achievement of happiness by cultivating high feelings become the basis of Mill's "philosophy of life"; it also became the basis of Mill's

philosophy of other people's lives: "I still hold to it," he wrote in 1854, "as the best theory for all those who have but a moderate degree of sensibility and of capacity for enjoyment, that is, for the great majority of mankind."[16]

Not surprisingly, then, in the same essay in which Mill erected individuality of character as a battlement against the majority's "narrow, mean type of human nature," he affirmed that "utility, or happiness, [is] much too complex and indefinite an end to be sought except through the medium of various secondary ends"; and he attacked Bentham for having left out of his account of human motives "the pursuit of any other ideal end for its own sake" than that of performing, deliberately or unintentionally, actions that lead to the greatest happiness. Such an account neglects the "*asthetic*" [sic] and "*sympathetic*" dimensions of human action—those which reflect the beauty of character, and the love, of the actor.[17] The greatest happiness will not be achieved by those with unloving and ugly characters, no matter how righteous they are. Love and beauty emerge as secondary to justice, but nevertheless as important to pursue *as if* they were intrinsic ends; only those who possess the broader, more generous feelings required for treating them as such can achieve happiness.

In order to stave off the cultural despotism of the majority, we need more than the bold intellects described in "Civilization." We need people whose character is loving and beautiful. But such people are no more likely to appear in a mass culture than are those of superior intellect unless we defend their "individuality." Rather like the campus dissident who concludes that what he is propounding is dissidence itself—or like seventeenth-century liberalism, which, by transforming toleration into an intrinsic good, made a virtue out of the necessity of tolerating diverse opinion in order to end religious warfare—Mill verges on turning the nonconformity of his elite into its defining characteristic, without ever providing an argument as to the merit of dissidence in its own right. "Persons of genius . . . are, *ex vi termini*, *more* individual than any other people," he writes in *On Liberty* [p. 116]. Mill's embrace of individuality seems to be warmer than his instrumentalist arguments warrant. Is individuality good in itself, or is it good, *only in the face of the current conditions of majority tyranny*, as a means to the end of preserving high ideals, and thus happiness?

A similar question is raised by Mill's review of Part II of *Democracy in America* two years later. Here, for the first time, Mill prefigures the libertarian argument of Chapter IV of *On Liberty*, "Of the Limits to the Authority of Society over the Individual." For Mill not only accepts Tocqueville's argument that political freedom, i.e., political self-governance, is conducive to individuality of character; he also seems to equate the latter with *individual freedom*.

Tocqueville believed that what he called democracy—equality of conditions—was inevitable; but, as Mill writes, it "may be equal freedom or equal servitude. America is the type of the first; France, [Tocqueville] thinks, is in danger of falling into the second." For ironically, democratic institutions, such as those found in the United States, provide "a corrective of the most serious evils incident to a democratic state of society."[18] These evils—"the excess of the commercial spirit," "the rage of money-getting"[19]—spring from the tendency, in commercial societies, for

> almost every one . . . to fasten his attention and interest exclusively upon himself, and upon his family as an appendage of himself;—making himself indifferent to the public, to the more generous objects and the nobler interests, and, in his inordinate regard for his personal comforts, selfish and cowardly. . . . The spirit of a commercial people will be, we are persuaded, essentially mean and slavish wherever public spirit is not cultivated by an extensive participation of the people in the business of government in detail; nor will the desideratum of a general diffusion of intelligence among either the middle or lower classes, be realized, but by a corresponding dissemination of public functions, and a voice in public affairs.[20]

Thus, "the spirit of liberty, fostered by the extension and dissemination of political rights," will "exercis[e] and cultivat[e] the intelligence and mental activity of the ma-

jority," not only blocking "the headlong impulses of popular opinion, by delay, rigour of forms, and adverse discussion," but by addressing the "equally serious" problem of fighting "against the tendency of democracy towards bearing down individuality, and circumscribing the exercise of the human faculty within narrow limits." Political participation will encourage not only "the higher pursuits of philosophy and art," vindicating "the unfettered exercise of reason," but will protect "the moral freedom of the individual."[21]

Before 1838, the majority was simply prone to error; in "Bentham," its errors were characterized as "mean," and the antidote was equated with "individuality of character"; by 1840 its errors are not only mean but "slavish," and the remedy is not only individuality of character but individual freedom. Why did Mill adopt Tocqueville's libertarian rhetoric?

Anyone who has, like Mill, undertaken conscientious self-criticism of one's own truth-concealing orthodoxies will have found them to be "fetters" and their destruction an exhilarating experience of liberation. What is the elite Mill envisions, "the open, fearless characters, and logical, consistent intellects" [*On Liberty*, p. 60], whose nurture and defense is instrumental to the discovery of cultural truths, if not a minority distinguished by their *freedom* from the constraints of the commercial culture? What is it to seek the truth, if not to be free from partiality and prejudice? Against "the dogmatism of common sense" and the "yoke of bourgeois opinion," Tocqueville's invocation of liberty must have struck a responsive chord in Mill.[22]

Just as notable as Mill's turn toward libertarian rhetoric is his embrace of participatory democracy. Now that his aim was not merely to ensure good government but to instill individualism, the mere propagation of truths from on high seemed insufficient. A passive audience is hardly fertile ground for lessons in individual spontaneity; such lessons must be learned on one's own.

> The general principle to which M. de Tocqueville has given the sanction of his authority, merits more consideration than it has yet received from the professed labourers in the cause of national education. It has often been said, and requires to be repeated still oftener, that books and discourses alone are not education; that life is a problem, not a theorem; that action can only be learned in action.[23]

Inasmuch as politics is a school in individual initiative, its doors should be opened to all.

But we should not be misled into thinking Mill had abandoned elitism or the worries about the majority's tendency to err that motivated it. Both in the second review of Tocqueville and for the rest of his life, Mill would propose a variety of mechanisms designed to increase the influence of the "instructed few." In *On Liberty* itself, he writes that "unity of opinion" is undesirable only "until mankind are much more capable than at present of recognising all sides of the truth" [p. 101]. And he continues to affirm that the development of individual faculties through individual freedom is good because it gives "practice either in discerning or in desiring what is *best*" [p. 105, emphasis added]. Mill was in no way a relativist or a nihilist: he firmly believed that there is truth, that it can be known (although not infallibly), and that it is usually known more than partially to only an enlightened few. Mill's unabated concern for expertise and his contempt for public opinion were founded on the inability of the majority to grasp political, economic, and cultural *truths*.

Just a year before writing *On Liberty*, Mill began to set forth his program for a "Religion of Humanity." "The essence of religion," Mill wrote in 1853, "is the strong and earnest direction of the emotions and desires towards an ideal object, recognized as of the highest excellence, and as rightfully paramount over all selfish objects of desire." A Religion of Humanity would fulfill these requirements by carrying "the thoughts and feelings out of self, and fix[ing] them on an unselfish object, loved and pursued as an end for its own sake"; that object, of course, was the human race—the greatest number incarnate.[24] In his *Auguste Comte and Positivism* (1865), Mill brought out the similarities between his own and Comte's

Religions of Humanity, and even wrote that

> it is as much a part of our scheme as of M. Comte's, that the direct cultivation of altruism, and the subordination of egoism to it, far beyond the point of absolute moral duty, should be one of the chief aims of education, both individual and collective. . . . No efforts should be spared to associate the pupil's self-respect, and his desire of the respect for others, with service rendered to Humanity.[25]

But as the reference to Comte in *On Liberty* suggests, Mill would go no further with him than that [p. 29]. For the Frenchman would have imposed his Religion by means of the social pressure Mill opposed. Comte's coercive doctrine

> makes the same ethical mistake as the theory of Calvinism, that every act in life should be done for the glory of God, and that whatever is not a duty is a sin. It does not perceive that between the region of duty and that of sin there is an intermediate space, the region of positive worthiness. . . . There is a standard of altruism to which all should be required to come up, and a degree beyond it which is not obligatory, but meritorious. . . . So long as they are in no way compelled to this conduct by any external pressure, there cannot be too much of it; but a necessary condition is its spontaneity; since the notion of a happiness for all, procured by the self-sacrifice of each, if the abnegation is really felt to be a sacrifice, is a contradiction. . . . The object should be to stimulate services to humanity by their natural rewards; not to render the pursuit of our own good in any other manner impossible, by visiting it with the reproaches of other [sic] and of our own conscience.[26]

The master error leading Comte toward coercion, Mill writes, is that "every question with him is one of morality, and no motive but that of morality is permitted."[27] This, of course, was Bentham's problem as well. Neither writer realized that the greatest happiness can come about through indirection—the pursuit of other ideals than the greatest happiness. But what has this to do with whether those ideals are chosen *voluntarily*? Mill unwarrantedly identifies the dimensions Bentham failed to treat, those of loving and beautiful conduct, with voluntariness. In doing so, Mill bequeaths to us a key assump-

tion of classic Utilitarianism: that freedom is a person's natural condition, making any obligation imposed on him or her coercive. Thus Mill was willing to concede the impossibility of total freedom, since every moral obligation—and Mill was certain that there were many—impinges on our liberty. But viewing human action in this light meant that the larger the "intermediate space . . . of positive worthiness," the freer we are. And, using this assumption, Mill completely equated the aesthetic and sympathetic dimensions of action with freedom—presumably because matters of personal character rather than behavior have traditionally been outside the purview of the law.

But that is no reason to keep them there, let alone to extend to them protection not only from legal sanctions but from the pressure of public opinion, especially when Mill himself was calling attention to the importance of these matters to our most important end: happiness. The notorious difficulties Mill has in defining the sphere of individual sovereignty reflect the contradiction between his positive evaluation of freedom, defined as Bentham would define it as "pursuing our own good in our own way" [*On Liberty*, p. 27], and the character-developing project on which Mill had been embarked since 1838.

Within the confines of that project, however, and without reference either to the intrinsic goodness of freedom or to Benthamite definitions of it, Mill's critique of Comte offers an argument from contradiction that, if sound, would justify individual liberty—*in the interest of the development of a character capable of feeling devotion to high ideals.* The argument is that one cannot be happy if one feels oneself being sacrificed for such ideals. Now this argument itself may depend on question-begging, natural-liberty assumptions. But were it to go through, then an *effective* Religion of Humanity would have to work its way into our character more subtly than overt pressure would allow, so that it could command unforced devotion to its ideals without being felt to require self-abnegation. To cultivate altruistic ideals in earnest,

> to establish in the mind of every individual an indissoluble association between his own happiness and the good

> of the whole . . . so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action,[28]

would neatly combine both of the lessons of Mill's "mental crisis."

The true altruists' ideal, Mill writes, possesses "all the characters of a natural feeling. It does not present itself to their minds as a superstition of education, or a law despotically imposed by the power of society."[29] Hence it must be inculcated voluntarily, emerging gradually through the unobtrusive urgings of the elite. In the sphere of personal sovereignty thus allowed, other ideals may flourish, bad as well as good. But allowing this scope to badness is the only practical way to advance goodness in the particular circumstances of modern culture.

This much one can derive from Mill in the way of an argument for the usefulness of liberty in promoting happiness. It resolves the question of the relationship between liberty and utility and, as we have seen, explains Mill's worries about majority tyranny in terms of his opposition to the cultural consequences of capitalism. This argument is drawn from Mill's critique of Comte, not from *On Liberty*. In the latter, the language of spontaneity and freedom seems to take on a life of its own. No sooner does Mill write that "the free development of individuality is one of the leading essentials of well-being," a "necessary part and condition" of "civilization, instruction, education, culture" than he adds that "the evil is, that individual spontaneity is hardly recognized by the common modes of thinking, as having any intrinsic worth, or deserving any regard on its own account" [*On Liberty*, p. 102]. "Liberty" becomes "the only unfailing and permanent source of improvement" [p. 126]. It is passages like these that make Mill so hard to figure out.

We have already speculated about why Mill couched his argument in individualistic and libertarian terms. The key step seems to have been Mill's conflation, sixteen years before he began writing *On Liberty*, of the value

of the cultural elite and its temporarily dissident status. It may be that Mill recognized that the elite was doomed to permanent dissent, and thus had to be defended in terms of the liberty and spontaneity of the dissident genius, rather than *in terms of being right*. In any case, by the time the book appeared in 1859, another half-decade had passed, and Mill's expression of substantive, perfectionist goals in terms of dissent from the mainstream was a well-established habit—one that persisted until his death in 1873.

In the context of his earlier writings, for Mill to make liberty not just a means to happiness but an end in itself appears to be a deviation responsible for the many contradictions in Chapters IV and V, where Mill tries to reconcile individual freedom with the pressure toward altruism and idealism he wants "education and opinion, which have so vast a power over human character,"[30] to exert. But from the perspective of the generations who have approached the book *de novo*, liberty seemed the author's very soul; if anything, the feeble Utilitarian arguments in Chapter III, if not Chapter II, are the distractions. Where Mill's heart really lay is up to the reader to decide.

What can be said with certainty is that the Utilitarian arguments, whatever their status, have in our culture virtually dropped from sight, leaving behind the kernel, or the residue, of the libertarian conclusion. For us, individual liberty is much less a matter of happiness—or of any other end—than it is a matter of what Mill began by repudiating: "abstract right" [*On Liberty*, p. 24]. Lost to us, too, is Mill's easy ability to contemplate the shortcomings of democracy; like liberty, we tend to sanctify popular government, no matter how unsatisfactory its results when it must direct the activities of a megastate.

Mill's intentions of more than a century ago are still obscure and controversial. But as a determined truth-seeker, we know that his inclination was to question the prevailing wisdom. Today, then, Mill might find himself less drawn to worrying about the cultural consequences of capitalism than the cultural consequences of his own remedy—libertarianism.

NOTES

1. *Autobiography of John Stuart Mill* (New York, 1924), pp. 94, 95.
2. There is also a relatively unexpurgated version: Jack Stillinger, ed., *The Early Draft of John Stuart Mill's Autobiography* (Urbana, IL, 1961).
3. *Autobiography*, p. 97.
4. *Ibid.*, p. 96.
5. *Ibid.*, p. 101.
6. *Ibid.*, p. 132.
7. *Ibid.*, p. 131.
8. *Ibid.*, p. 111.
9. John Stuart Mill, *Essays on Politics and Culture*, ed. Gertrude Himmelfarb (Gloucester, MA, 1973), p. 5.
10. *Ibid.*, pp. 13–14.
11. *Ibid.*, p. 44.
12. *Ibid.*, p. 209.
13. *Ibid.*, p. 69.
14. *Ibid.*, pp. 72 (emphasis in original), 54.
15. *Ibid.*, pp. 111–112.
16. *Autobiography*, p. 100.
17. *Essays*, pp. 111, 114, 98, 116.
18. *Ibid.*, p. 218.
19. *Essays*, pp. 266, 265.
20. *Ibid.*, pp. 230–231; similarly, pp. 314–315.
21. *Ibid.*, p. 254.
22. *Ibid.*, pp. 260, 262.
23. *Ibid.*, p. 230; similarly, p. 316.
24. John Stuart Mill, *Three Essays on Religion* (London, 1874), pp. 109, 110.
25. John Stuart Mill, *Auguste Comte and Positivism*, 3rd ed. (London, 1882), pp. 146–147.
26. *Ibid.*, pp. 142–143.
27. *Ibid.*, p. 140.
28. John Stuart Mill, *Utilitarianism* (New York, 1951), p. 21.
29. *Ibid.*, p. 42.
30. *Ibid.*, p. 21.

FURTHER READING

Mill's collected writings are available in thirty-three volumes (Toronto, 1963–1991). A more accessible edition of his autobiography, his critique of Comte, and his *Utilitarianism* are cited in the notes to the text above; also cited there is the indispensable volume for assessing Mill's intellectual evolution, Gertrude Himmelfarb's collection of Mill's early essays. Mill's other major works are *Considerations on Representative Government* (London, 1861), *The Subjection of Women* (London, 1869), and *Principles of Political Economy* (London, 1848). F. A. Hayek's anthology of Mill's correspondence with Harriet Taylor, *John Stuart Mill and Harriet Taylor* (New York, 1951), offers a revealing picture of Mill's relationship with his wife, whom Mill credited with exercising an important influence on his thought. Elie Halevy's classic, *The Growth of Philosophic Radicalism* (London, 1928), provides exhaustive background to and analysis of Utilitarianism. Joseph Hamburger's *Intellectuals in Politics: John Stuart Mill and the Philosophic Radicals* (New Haven, 1965) is a sensitive account of the rise and fall of Philosophic Radicalism proper—the movement for Parliamentary reform in the 1830s which was led by John Stuart Mill. The standard biography is Michael St. John Packe's *The Life of John Stuart Mill* (London, 1954).

The most comprehensive early attack against *On Liberty*, James Fitzjames Stephen's *Liberty, Equality, Fraternity*, has just been reissued (Chicago, 1991) with an introduction by Richard Posner. Stephen brings into sharp relief the contradiction between liberty and utility, as well as providing a splendid example of European conservative thought. A modern liberal's defense of Mill which doubles as a meticulous history of the development of his thought is Alan Ryan's *John Stuart Mill* (Boston, 1974). Equally outstanding is John M. Robson's *The Improvement of Mankind* (Toronto, 1968).

Two of the most stimulating modern critiques lack Ryan's and Robson's attention to the sequential development of Mill's ideas, but still well repay reading. These

are Maurice Cowling's polemical *Mill and Liberalism*, 2nd ed. (Cambridge, 1990), and Gertrude Himmelfarb's *On Liberty and Liberalism* (New York, 1974). Both Cowling and Himmelfarb are intent to explain the contrast between *On Liberty* and Mill's other writings, but they use directly opposed strategies to do so. Cowling assimilates *On Liberty* to Mill's elitism and, accordingly, interprets the book as a call for an intellectual elite to browbeat the masses into obedience. Himmelfarb, by contrast, considers *On Liberty* to be an aberration in Mill's oeuvre, and argues that it must have been motivated by an attempt to advance Mill's ardent belief in feminism by tying it to a broader, libertarian cause that men as well as women could endorse. Both books are brilliant; both set out the problems in making sense of Mill as starkly as possible; but both, by ignoring how Mill's elitism could have evolved into libertarianism, tend to exaggerate the opposition between the two poles of Mill's thought.