

For Semester - IV

Paper - C-8 (Modern Western Pol. Thought)

Unit - 7: J.S. Mill on Utilitarianism & Liberalism

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CRITIQUE OF UTILITARIANISM

Mill criticized and modified Bentham's Utilitarianism by taking into account "factors like moral motives, sociability, feeling of universal altruism, sympathy and a new concept of justice with the key idea of impartiality" (Gibbins 1990: 96). He asserted that the chief deficiency of Benthamite ethics was the neglect of individual character, and hence stressed on the cultivation of feelings and imagination as part of good life. Poetry, drama, music, painting were essential ingredients, both for human happiness and formation of character. They were "instruments of human culture" (Mill 1924: 101, 106). He made happiness and the dignity of man, and not the principle of pleasure, the chief end of life. He defined happiness to mean perfection of human nature, cultivation of moral virtues and lofty aspirations, total control over one's appetites and desires, and recognition of individual and collective interests.

Mill's ethics was important for liberalism because in effect it abandoned egoism, assumed that social welfare is a matter of concern to all men of good will, and regarded freedom, integrity, self respect, and personal distinction as intrinsic goods apart from their contribution to happiness (Sabine 1973: 641).

Mill retained the basic premise of Utilitarianism, but distinguished between higher and lower pleasures, and that greater human pleasure meant an increase not merely in the *quantity* but also in the *quality* of goods enjoyed. He insisted that human beings were capable of intellectual and moral pleasures, which were superior to the physical ones that they shared with animals. He succinctly summarized the difference in his famous and oft-quoted statement:

It is better to be a human being dissatisfied than a pig satisfied, it is better to be Socrates dissatisfied than a fool satisfied. And if the fool or the pig is of a different opinion it is because they only know their own side of the question. The other party in comparison knows both sides (Mill 1976: 9).

Mill pointed out that every human action had three aspects: (a) the *moral aspect* of right and wrong, (b) the *aesthetic aspect* (or its beauty); and (c) the *sympathetic aspect* of its loveableness. The first principle instructed one to (dis)approve, the second taught one to admire or despise, and the third enabled one to love, pity or dislike. He regarded individual self-development and

diversity as the ultimate ends, important components of human happiness and the principal ingredients of individual and social progress.

Mill used the principle of utility, which he regarded as the "ultimate appeal on all ethical questions" to support his principle of liberty, but then it was Utilitarianism based on the permanent interests of the individual as a progressive being. He made a distinction between toleration and suppression of offensive practices. In case of offences against public decency, majority sentiment would prevail. Beyond these, minorities must be granted the freedom of thought and expression, and the right to live as they pleased.

Mill also tried to reconcile the interests of the individual and society. He spoke of nobility of character, a trait that was closely related to altruism, meaning that people did what was good for society, rather than for themselves. The pleasures they derived from doing good for society might outweigh the ones that aimed at self-indulgence, contributing to their happiness. Mill saw social feelings and consciences as part of the psychological attributes of a person. He characterized society as being natural and habitual, for the individual was a social person. To be less than social was inconceivable. The more these feelings were heightened, private good and public good coincided.

Mill also stated that pleasures could not be measured objectively. The felicific calculus was absurd; one had to rely upon the judgement of the competent and wise. He described the state as an instrument that would bring about transformation of the human being. The state played a crucial role in shaping the ends of an individual through education, an idea that found full flowering in Green's philosophy. Mill was the hyphen that joined Bentham with Green.

DEFENCE OF INDIVIDUAL FREEDOM AND INDIVIDUALITY

In *On Liberty*, Mill stated one simple principle that governed the actions of society and the individual in the way of compulsion and control.

...the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their members, is self-protection. That is the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will is to prevent harm to others (Mill *ibid*: 75).

Mill defended the right of the individual to freedom. In its negative sense, it meant that society had no right to coerce an unwilling individual, except for self-defence. "It is being left to oneself; all restraints *qua* restraints is an evil". In its positive sense it meant the grant of the largest and the greatest amount of freedom for the pursuit of the individual's creative impulses and energies, and for self-development. If there was a clash between the opinion of the individual and that of the community, it was *the individual who was the ultimate judge*, unless the community could convince him without resorting to threat and coercion.

Mill laid down the grounds for justifiable interference. Any activity that pertained to the individual alone represented the space over which no coercive interference, either from the government or from other people, was permissible. The realm which pertained to the society or the public was the space in which coercion could be used to make the individual conform to some standard of conduct. The distinction between the two areas was stated by the distinction Mill made between self-regarding and other-regarding actions, a distinction made originally by Bentham.

The only part of the conduct of any one, for which is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign (Mill *ibid*: 76).

Mill defended the right of individuality, which meant the right of choice. As far as self-regarding actions were concerned, he explained why coercion would be detrimental to self-development. First, the evils of coercion far outweighed the good achieved. Second, individuals were so diverse in their needs and capacities for happiness that coercion would be futile. Since the person was the best judge of his own interests, therefore he had the information and the incentive to achieve them. Third, since diversity was in itself good, other things being equal, it should be encouraged. Last, freedom was the most important requirement in the life of a rational person. Mill contended that positive liberty, i.e. autonomy and self-mastery, were inherently desirable and it was possible if individuals were allowed to develop their own talents and invent their own lifestyles, i.e. a great deal of negative liberty. Hence, he made a strong case for negative liberty, and the liberal state and liberal society were essential prerequisites. He warned that pressures of public opinion could turn Victorian Britain into a nation of dull conformists.

Mill contended that society could limit individual liberty to prevent harm to other people. He regarded liberty of conscience, liberty to express and publish one's opinions, liberty to live as one pleased and freedom of association as essential for a meaningful life and for the pursuit of one's own good. His defence of freedom of thought and expression was one of the most powerful and eloquent expositions in the Western intellectual tradition. "If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind" (Mill *ibid*: 79).

Mill's defence of freedom of thought and discussion was linked to the persecution of error. Even if an opinion was incorrect, it ought to be articulated, for only through active interaction and dialogue could opinions evolve, otherwise they would lose their vitality and become dead dogmas. Ideas were to be subjected to critical scrutiny from other points of view for arriving at the truth. He supported individuality, for great advances in society were made possible only by creative individuals. Creativity could be effective only if allowed to function freely. The early liberals defended liberty for the sake of efficient government, whereas for Mill, liberty was good in itself, for it helped in the development of a humane, civilized, moral person. It was "beneficial

both to society that permits them and to the individual that enjoys them" (Sabine 1973: 641). Mill emphasized the larger societal context within which political institutions and individuals worked.

Mill accepted the observation of Tocqueville that the modern industrial societies were becoming more egalitarian and socially conformist, thereby threatening individuality and creativity. He was fearful "lest the inevitable growth of social equality and of the government of public opinion, should impose on mankind an oppressive yoke of uniformity in opinion and practice" (Mill 1924: 177-178). For Mill, the singular threat to individual liberty was from the tyranny and intolerance of the majority in its quest for extreme egalitarianism and social conformity. This made him realize the inadequacy of early liberalism.

... when society is itself the tyrant—society collectively over the separate individuals who compose it—its means of tyrannizing are not restricted to the act which it may do by the hands of its political functionaries Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and if possible, prevent the formation, of any individuality not in harmony with its ways and compels all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective opinion with individual independence: and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism (Mill 1976: 68).

Mill pointed out that in the area of thought and discussion the active and inquiring mind had become morally timid, for it concealed the true opinion when discussed in public. "Our merely social intolerance kills no one, roots out no public, but induces men to disguise them, or to abstain from any active effort for their diffusion" (Mill *ibid*: 93).

The majority projected itself as the controller of social opinion, as the "moral police". Social tyranny was exercised in subtle forms like customs, conventions and mass opinion, which did not make an individual stop and think where and how one had come to acquire these. There was an absence of "individuality". Individuality, to Mill, was not mere non-conformism, but signified the act of questioning, the right to choice. He encouraged eccentricity, "the mere refusal to bend the knee to custom" at a time when mass opinion was exceptionally assertive. On the contrary, when the pressure to conform socially was not so strong, then there was no need to encourage eccentricity. The second qualification was the link Mill established between the desirability of difference and the desirability of independence of character. It was only with moral and mental autonomy that there would be considerable variety of thought and behaviour.

Individuality, to Mill, meant the power or capacity for critical enquiry and responsible thought. It meant self-development and the expression of free will. He stressed absolute liberty of conscience, belief and expression, for they

were crucial to human progress. Mill offered two arguments for liberty of expression in the service of truth: (a) the dissenting opinion could be true and its suppression would rob humankind of useful knowledge; and (b) even if the opinion was false, it would strengthen the correct view by challenging it.

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race, posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error (Mill *ibid*: 79).

For Mill, all creative faculties and the great goods of life could develop only through freedom and "experiments in living". *On Liberty* constituted the most persuasive and convincing defence of the principle of individual liberty ever written. Like his father James Mill, he also believed in the individual's capacity for education, by which he meant not only intellectual training or cultivation of critical enquiry, but also the training of individual character. He regarded individual character as a result of "civilization, instruction, education and culture" (Mill *ibid*: 115). Happiness, for Mill, was the ability of the individual to discover his innate powers and develop these while exercising his human abilities of autonomous thought and action. Happiness meant liberty and individuality. Liberty was regarded as a fundamental prerequisite for leading a good, worthy and dignified life. "The contention of the essay *On Liberty* is that happiness so conceived is best achieved in a free society governed by the Principle of Liberty" (Gray 1989: 220).

Mill applied the principle of liberty to mature individuals, and excluded children, invalids, the mentally handicapped and barbarian societies in which race itself was considered "nonage". Liberty could be withheld where individuals were not educated. He considered liberty as belonging to higher and advanced civilizations, and prescribed despotism or paternalism with severe restrictions in case of lower ones.

Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion (Mill 1976: 75).

Mill also cautioned against sacrifice or infringement of liberty for the sake of making a state strong. Such an action or policy would be inherently counter-productive, for states were made up of the individuals who composed them. His concluding paragraph was a good testimony of the liberal temper and outlook.

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 smoothly, it has preferred to banish (Mill *ibid*: 120).

It is generally believed that Mill's essay on liberty was essentially written with the purpose of defending the idea of negative liberty (Berlin 1969). Barry (1995: 216, 227) questioned this assessment, for he contended that Mill understood liberty not only as involving absence of restraints, but also as self-mastery, involving the exercise of choice. It is true that Mill advanced a notion of positive liberty, but he valued choice and individuality as ends in themselves, and not because they promoted general happiness. He did not propose a single overarching principle or values which normally accompanied theories of positive liberty (Berlin 1969). Conscious of the power society and the majority could wield, Mill sought to protect the individual's private space. He was right in observing that a society could be as oppressive as a government. The theme in *On Liberty* was not the absence of restraints, but the denial of individual autonomy by the coercion exercised by a moral majority and/or an intrusive public opinion (Berlin *ibid*).

By individuality, Mill meant the property in human beings that made possible the scrutiny of prevailing ideas and conventions and subjecting them to the litmus test of reason. Freedom meant not only absence of restraints, but also an ability to cultivate some desirable qualities. It was a notion that was rooted in the individual's ability to exercise his choice, for otherwise a human being did not differ from the apes. However, Mill's linkage between individuality and liberty made him conclude that only a minority was in a position to enjoy freedom. The majority of people remained enslaved in customs, and hence unfree. In spite of his elitism, he remained an uncompromising liberal, for he ruled out paternalism, the idea that law and society could intervene in order to do good to the individual. He explicitly ruled out interference in self-regarding actions. On this score, he differed from Bentham, who allowed the pleasure of malevolence, namely if the majority abhorred a particular kind of private conduct, then it was similar to the pain it would cause to the individual if such a conduct was prohibited. Mill, disagreeing, explicitly stated that the right of liberty could be sacrificed only for some "other right", a point that has been reiterated by Rawls. However, he failed to analyze and establish a relationship between freedom and responsibility.

At times he retained the traditional view derived from Bentham that any compulsion of even any social influence is an abridgement of liberty. Yet he never supposed that there could be any important freedom without law and when he identified liberty with civilization, he did not imagine that there could be civilization without society. What Mill's theory required was a thoroughgoing consideration of the dependence of personal liberty on social and legal rights and obligations. It was this which T.H. Green tried to add to liberalism (Sabine 1973: 644).

Mill failed to specify the proper limits of legislation, and was unclear when it came to actual cases. For instance, he supported compulsory education, regulations of business and industry in the interest of public welfare and good, but regarded prohibition as an intrusion on liberty.

Sir Ernest Barker (1950) made an interesting observation when he remarked that Mill, in reality, was a prophet of an empty liberty and an abstract individual. This observation flowed from the interpretation that the absolutist statements on liberty like the rights of one individual against the rest was not substantiated when one assessed Mill's writings in their totality. Mill qualified his statements, circumscribing his original intent on liberty. For instance, his compartmentalization between self-regarding and other-regarding actions, and the tension between his tilt towards welfarism, which conflicted with individualism, were all indications of this incompleteness. At the point Barker ignored was the fact that the tension that emerged in Mill was an inevitable consequence of attempting to create a realistic political theory which attempted to extend the frontiers of liberty as much as possible. In fact, no political theorist including the contemporary ones like Rawls, Nozick and Raz, are free from this inevitable tension.