John Stuart Mill’s Political Philosophy

-- Mill embraces the political philosophy of “classical liberalism.” Classical liberalism holds that in order for the state to be fully just, it must protect and respect individuals’ rights. These rights include:

- one person/one vote, and anyone can run for public office. In short, democracy.
- ownership of one’s own body and labor power. In short, no slavery.
- private ownership of natural resources (land, coal, etc.) and capital resources (tools, factories, railroads, etc.), and a right of every person to engage in “free exchange” with other persons. In short, a capitalist economic system.
- the rule of law, due process of law, a “fair trial” if one is accused of a crime.
- free speech; speech should seldom if ever be restricted on the grounds that it advocates a viewpoint that is “dangerous,” false, and/or immoral, offensive to others, or unpopular. No “viewpoint-based” censorship.
- a sphere of personal privacy or liberty that includes (at the very least) decisions about which religion, if any, to adopt.

-- Classical liberalism insists that the rights of individuals to due process, free speech, freedom of religion, etc. are nearly absolute. One thing that does not justify violating them is the will of the majority. Majority rule should be limited by the requirement that individual and minority rights may not be violated. Another thing that does not justify the violation of individuals’ rights is “the greater good of the community.”

-- Mill wants to defend what he calls “one, very simple principle of liberty” (p. 510). What is this principle?

The only good reason that the state could ever have to restrict an individual’s liberty is to prevent harm to other, nonconsenting persons.

-- To understand Mill’s principle, it will help to distinguish 3 different principles:

1. the harm (to others) principle—the state is justified in restricting a person’s liberty to prevent harm to other, nonconsenting persons.
2. the paternalism principle—the state is justified in restricting the liberty of a competent adult, even if he threatens no harm to others, simply to prevent him from harming himself.
3. the legal moralism principle—the state is justified in restricting a person’s liberty, even in cases where there is no danger of his harming others or himself, simply to prevent him from doing something that is “intrinsically immoral” (i.e. immoral even though it harms no one).

Here are some laws that can be defended by appeal to the harm principle:

-- criminal prohibitions on murder, rape, robbery, physical assault, and defamation.

Some laws that are commonly defended by appeal to the paternalism principle:

-- laws that require car occupants to wear seat belts, or motorcycle riders to wear helmets; laws banning the recreational use of “hard drugs,” and that require one to
have a doctor’s prescription, before one can obtain many other drugs (e.g. antibiotics); the mandatory withholding of Social Security contributions from one’s paycheck.

Some laws that are commonly defended by appeal to the moralism principle:
-- criminal bans on the desecration of corpses; on prostitution, “fornication,” homosexuality, the distribution and/or consumption of pornography, etc.

**Mill’s “one, very simple principle” tells us that the harm principle is correct, but the paternalism and legal moralism principles are incorrect and should be rejected.**

-- There are two different ways of interpreting the harm principle. According to one, my act must be the *cause* of harm to others before the state may restrict it. According to another, my act needn’t be the “cause” of the harm; all that’s necessary is that the harm could be prevented if the state were to restrict my act. Suppose that I’ve got a stock of surface to air missiles, you want to buy one from me for what you claim is self-defense, and I sell you one. But you lied to me: instead of using it for self-defense, you use it to commit an act of terrorism (you shoot down an airplane full to innocent people). Since you’re the one who is causing harm to nonconsenting third parties, not me, the first version of the harm principle says that the state may prevent you from firing your SAM at passenger airplanes, but it may not forbid me to sell them to the general public. According to the second version of the harm principle, the state may forbid me to sell SAM’s to the general public, because even though my selling them doesn’t cause any terrorist acts, a ban on their sale to the public will probably reduce the total number of terrorist acts committed with them.

**Good Samaritan Laws** are laws that punish people for the failure to aid others in dire need, when they could provide such aid at little cost or risk to themselves. For example, I witness a severe traffic accident on an isolated road, I have a cell phone and could easily call the police, but I drive past the accident and don’t place the call. Another example: Suppose that Jones pushes a small child who cannot swim into a swimming pool, and then he runs away. I happen to be walking by. I could easily bend over and pull the child out of the pool, but I choose not to because I’m wearing my favorite shirt and worry that getting chlorinated water on my shirtsleeve will ruin it. The first version of the harm principle does not support Good Samaritan laws, while the second version does. Since Mill clearly believes that such laws are consistent with the harm principle (see the middle of p. 511), he must understand that principle in the second rather than the first way.

-- Mill is a classical liberal because the “one, very simple principle of liberty” that he defends does seem to require of the state that it guarantee its citizens many of the liberties that classical liberalism cares so deeply about. For example, the state should guarantee freedom of religion/conscience, because a person’s religious beliefs, by themselves, can’t harm anyone else. Mill would agree with a famous saying by Thomas Jefferson: “It does me no harm if my neighbor worships one God, twenty gods, or no god; it neither picks my pocket nor breaks my leg.” My beliefs might *offend* you, but that doesn’t mean that they do or can *harm* you.
-- Mill wants to defend classical liberalism as the correct political philosophy on the
grounds that utilitarianism supports it. (“I regard utility as the ultimate appeal on all ethical
questions,” p. 511). His basic claim, quite simply, is that a state that respects and enforces
the legal rights to the freedoms prized by classical liberalism will produce more total
happiness, in the long run, than a state that doesn’t respect and enforce those rights.

Mill rejects any non-utilitarian defense of classical liberalism, including one that appeals to
“natural rights” to life, liberty, property. Natural rights are basic, moral rights that are
supposed to exist whether or not any government recognizes or respects them.
-- Compare a utilitarian defense of a state policy allowing individuals to own handguns,
and a defense that appeals to natural rights (to life, self-defense, and/or liberty). A
utilitarian defense of a legal right to own handguns requires that we do a cost-benefit
analysis of that legal policy. Often the results of such analyses are uncertain. A natural
rights based defense of the right to own handguns says “It doesn’t matter whether society
as a whole would have more total utility if handguns were banned. Even if a ban did
reduce the total amount of violent crime, that still wouldn’t justify the government’s taking
guns away from law-abiding citizens. For such a policy would violate their natural rights
to life, liberty, self-defense. You can’t justify a violation of natural rights by arguing that it
would produce greater social benefits than respecting those rights would.”

Doesn’t the example of the society with the majority of religious fanatics that Sober
described show that the persecution of a religious minority (which is forbidden by
liberalism) can in some circumstances maximize utility? Even if one thinks that the
religious opinions of the minority don’t harm the majority, still, doesn’t one have to
admit that legal toleration of those opinions would reduce the utility of the majority, if the
majority is large enough and strongly despises those opinions and the people who hold
them? So doesn’t this example show that Mill can’t justify classical liberalism in the
utilitarian way that he had hoped and that that political philosophy has to be based on
natural rights, not utility?

Mill’s reply: maybe tolerating the hated opinions of the minority does reduce the utility
of the fanatical majority in the short run. But because being confronted by viewpoints
they reject forces those in the majority to critically examine their own beliefs, toleration
is good for them in the long run. Diversity here is good because it encourages
“individuality” and discourages mindless conformism. And “individuality,” Mill insists,
has great benefits both for the individual and society as a whole. “Where not the person’s
own character but the traditions and customs of other people are the rule of conduct, there
is wanting one of the principal ingredients of human happiness, and quite the chief
ingredient of individual and social progress.” (p. 518)

As Mill uses the term, “individuality” is not the same thing as selfishness or indifference
to the welfare of others. Rather, it means “thinking for oneself” rather than deferring
unquestioningly to custom, tradition, authority, fashion, etc. The person who has lots of
individuality is not afraid to be judged a troublemaker, “not a team player,” a “weirdo,”
etc. People with individuality are much more likely to find a way of living that better
suits their unique tastes and talents than people who are more sheep-like. And they are much more likely (than timid sheep-like people) to make the breakthroughs in the arts and sciences that enrich the lives and increase the standard of living of others in their society.

Mill on free speech: Perhaps his most interesting argument against “viewpoint-based” censorship is that it rests on an “assumption of infallibility” to which the censor is not entitled.

-- Suppose that a censor bans religion X because he thinks that he knows that his religion, religion Y, is the true religion and religion X is therefore a false one. Mill does not deny that the censor might be justified in claiming to know that religion Y is the true religion. (Mill is not saying, “nobody can know what’s true.”) What Mill does argue that is that the censor can be justified in claiming to know what is the true religion only if all religions are tolerated and there is free and open debate about which religion is true. In general, a person can claim to know something only if he has not purposely ignored possible counterevidence to his belief. So when the censor makes it a crime for anyone to criticize his religion or advocate a different one, he is refusing to listen to what might turn out to be good criticisms of his opinion that his is the true religion. Because of that, he is no longer entitled to his claim to know that his religion is true. (“Complete liberty of contradicting and disproving our opinion is the very condition that justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.” p. 514) Someone who thinks he can know what the truth is without even listening to criticisms of his viewpoint or arguments for different ones is making an "assumption of infallibility."