

J.S. MILL'S CONCEPT OF LIBERTY

*Dissertation submitted to the Jawaharlal Nehru University
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Master of Philosophy

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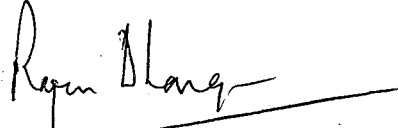
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CERTIFICATE

This is to certify that the dissertation entitled "**J.S. MILL'S CONCEPT OF LIBERTY**" submitted by **Rajesh Seth** in partial fulfilment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY**, is his own work and has not been previously submitted for any other degree of this or other university.

We recommend that this dissertation be placed before the examiners for evaluation.


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INTRODUCTION

Mill's "On Liberty" deals with the civil or social liberty, not with the liberty of the will. In it John Stuart Mill, the celebrated author of the classic, has examined the nature and extent of individual freedom which a man can enjoy in a society.

Despite being a classic, "On Liberty" has left much controversy regarding the way in which Mill has defended the freedom of individual as a progressive being. More over it has raised questions about the consistency of Mill, as well as also at many things that are related directly to the essay. There are many, but the present purpose of this project is to analyse and test the validity of two major criticisms that present "On Liberty" as a matter of an unending debate. One of those is related to Mills' utilitarian foundation of "On Liberty". The other deals with the problem arising with the text. The demarcation of the boundary between what Mill calls as the self-regarding and other regarding actions.

But, before we can understand what is "on liberty" about, it is essential to understand first what is liberty - what is its nature, its validity in human life. Thus the first chapter begins with an introduction to the concept of liberty or freedom in general (Liberty and freedom have been used interchangeably). This chapter will conclude comprehensively the

opinions on freedom employed by other liberal thinkers such as Sir Isaiah Berlin.

The chapter II will be in the form of a brief discussion of the book "On Liberty" itself. In the discussion of "On Liberty" I will look, whether the characteristics of Mill's liberty resemble to the nature of liberty discussed in chapter one. It will also deal in what areas of an individual he should be left to be free, and in which area of his life he becomes amenable to the social control. Besides this it will include the applications of the principles of liberty, where Mill has introduced some exception to his principles of liberty.

Chapter III deals with the utilitarian foundation of "on liberty" - that is to what an extent the principle of utility, supports the principle of liberty. In the introductory chapter of "on liberty" Mill claims that he regards utility as the ultimate appeal on ethical questions. This statement tempted many critics to remark that Mill was an inconsistent philosopher, because for a utilitarian the principle of utility deserves the highest place, but Mill, under the commitment to it, advocates for other human values such as Liberty, Isaiah Berlin argues, "Mill ultimately fails to square his theoretical commitment to an aggregative and welfarist utilitarianism in which individual liberty has only an instrumental value, with his substantive view that human choice, autonomy, individuality, and

freedom of action have moral importance in themselves, independently of their contribution to the general welfare."¹ Berlin further argues that "no utilitarian argument can possibly show that liberty should be given priority over general welfare."² Apart from Berlin, there are other critics like John Plamenatz and William Levi. Plamenatz accuses Mill of inconsistency, because according to him, Mill can not argue, on the one hand that individuality is something which is desirable for its own sake, and on the other hand show that happiness and happiness is only intrinsically desirable in human life. Levi holds that Mill's "on liberty" is a departure from utilitarian morality towards an Aristotelian idea of "perfectionism".

Thus, all above views suggest that if Mill had advocated for liberty, then it is only at the cost of abandoning his utilitarianism. Because, the above views represents that liberty and utility imply or possess distinct values and some time a conflict may occur between them, and as a result, the later demands the sacrifice of the former, thus in the face of these view Mill's project seems to be failure in the end.

But there are others who try to prove that Mill's "on Liberty" as compatible with his utilitarian theory. They pick out some interconnections by which these can be established a coherent

¹ Isaiah Berlin, *Concepts in the Introductory Chapter of J.S. Mill's Liberty in Focus* (eds.) John Gray and G.W. Smith, Routledge Publication, 1991, p.4.

² *Ibid.*, p.4.

relationship between liberty and utility. They argue that though Mill was a utilitarian, he nevertheless adopted the view of classical utilitarian, that pleasure is sort of Sensation and it differs only in quantity. Instead he introduced a qualitative distinction of pleasures, and holds a modified and hierarchical view of happiness, which can be attained only by providing some security and certain liberties. With the help of these arguments I want to prove that, Mill was a consistent philosopher, and that his concept of liberty and utility are complementary to each other. I want further to show that though Mill advocated for freedom, he yet did not abandon his utilitarian position; what he did was only a little modification of utilitarian. While he was arguing for liberty, still he was within the utilitarian tradition.

Chapter IV has its distinct subject matter. It does not go beyond the text, and deals with some inner problem of "on liberty". Mill for the convenience of his principles, divided individual conduct into two spheres. The first sphere consists of those actions the results of which are attendant on the agent himself, and he regards those actions as self-regarding action. The another sphere consists of those action that consequences of which reach to the others, and Mill levels those action as other regarding actions. But this division makes Mill vulnerable to other criticism. Critics argues that Mill is trying to separate inseparable.

Because they cannot be a division of actions. As Mill acknowledges that a question can be raised about this division. As he admits that how (it may be asked) can any part of the conduct of a member of a society be a matter of indifference to other members? No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself without mischief reaching at least to his near connections and often far beyond them."³

Thus Critics argued that every action of a person affects the people nearly connected to him and if so, then the self-regarding sphere becomes empty. Therefore, so Mill's use of effect as the criteria to distinguish between actions does not work.

But a little reflection corrects the misapprehension of the critics, that reflection shows that, Mill did not use the word "effect" as the basis of distinction. Rather he has taken the word "interest" as the basis of distinction. And in several places he introduced this word such as "acts affecting prejudicially the interests of others". But what things this term 'interest' should in its scope be is another discussion, yet Mill presents the 'interest' in such a way that implies some sort of rights, and actions affecting these rights are amenable to social control, either by opinion or

³ John Stuart Mill, *Utilitarianism, on Liberty and Representative Government*, London: Everyman Library, 1964, p.136.

by legal penalties. Thus argument are themselves the proof that Mill did not take the word 'effect' as the basis of his distinction.

So on the whole this undertaking is an examination of how Mill defended his position and to what extent he was consistent. It is also to discuss how Mill was both a utilitarian and at the same time, a proponent of liberal values. Again the thesis is how "on liberty", despite being vulnerable to severe criticisms and objections, yet deserves the reputation, and gratifies its author.

CHAPTER I

WHAT IS LIBERTY?

The meaning and the nature of the word liberty or freedom (I have used them interchangeably) can best be grasped by understanding the struggle between liberty and authority. Because their conflict is as old as the human civilisation itself. Whenever the latter, in the form of tyrannical exercise of power, prevails unobstructed over the former, the slogan for liberty characterises the history as well as wins the battle always. But the question is why liberty is accorded priority? Because it is the liberty that makes human life worth enjoying. It provides a set of circumstances in which a man can pursue his own life in his own way, and develops his personality. It has a strong laudatory expression and applied to whatever seems valuable in human life. Thus human beings always long for liberty.

To understand the word "Liberty" it would be convenient to go to its origin. the word 'liberty' has come from the latin word 'Liber' which means "to be free".¹ Thus the word 'liberty' implies a sense of freedom, and is interchangeable with the term "freedom".

¹ M.P. Jain, *Political Theory*, Authors Guild Publication, New Delhi, 1979, p.341.

But the word liberty implies different sets of circumstances when applied in different context (such as political, social, economic etc.) For example when it is applied in an economic context it denotes a sense of immunity from certain kinds of economic exploitation as well as adopting one's own means to income. When applied in a political context it connoted an unobstructed participation in political affairs. Applied in a social context, it implies a person's same right to do the things which other do freely. As international encyclopaedia of social science describes, political writings seldom provide explicit definition of "freedom" in descriptive terms, but it is often possible to infer descriptive definitions from the context. If this is done, it will be seen that the concept of freedom refers most frequently to social freedom and must be distinguished from other descriptive and valuational language. The liberty in a social context often used in a broader sense. In that sense it refers to absence of only kind of restraints in the way of individuals, and if some of definitions of liberty is presented here, all of them would mean freedom in their sense. For example H.J. Laski in his grammar of politics defines liberty as "the eager maintenance of that atmosphere in which men have opportunity to live their best selves."²

² H.J. Laski, *Grammar of Politics*.

Professor Earnest Barker defines liberty as "the state treat each individual as a free agent, capable of developing and exercising the rights which are conditions of such development.

In a similar vein Isaiah Berlin argues that liberty is understood as "the absence of coercion, which always implies a deliberate interference by other human beings, within the area in life, in which a person wishes to act in a certain manner."³

Again the champion of liberty, John Stuart Mill, also understood that "liberty consists in securing certain rights, which protect individual from any kind of arbitrary control."⁴

Thus the above illustrations suffice to show that liberty is understood a sense of relief from control and coercion by whether it be government, or any institution, or any other individual, the certain sphere of one's life. It is like the fresh air. As, for example we do not discuss about fresh air unless we are in a room where we feel suffocated, so on analogous grounds, we value liberty much more when we become able to conceive the force of despotism. For it is liberty which provides a condition for development as well as it guarantees each individual a life that is more human.

³ Isaiah Berlin, *Two Concepts of Liberty*, Oxford University Press, 1958, p.7.

⁴ John Stuart Mill, *Utilitarianism, On Liberty and Representative Government*, London: Everymen Library, p.66.

Is 'liberty' confined only to absence of obstacles or more than that ?

With the beginning of early liberal tradition, the meaning of the notion of liberty was confined only to "absence of obstacles" in one's way of acting. This notion of liberty was called as "negative liberty" the exponents of this view are often seen in the light of individualism. They placed supreme importance on individual, and conceived state in an antagonistic position to the individual.

But later on a group of liberals argued that liberty is not simply the absence of coercion, instead it includes many values within its scope. They added several values to the notion of liberty like self-realisation, rational self-direction and capacity to make choice etc. These group of liberals held that if one is to be free then one has to realise these values alongwith the freedom in a 'negative' sense.

Thus every kind of liberty comes under the heading of either of these two (i.e. 'negative' or 'positive'). And if we accept the ordinary concept of liberty. The 'negative' sense of liberty seems inadequate. But how one is to acquire those values requisite for positive liberty, in order to enjoy positive liberty? In order to answer this question it is necessary to distinguish positive concept of liberty from negative concept. It can well be done in a satisfactory manner by making a reference to Isaiah Berlin's two concepts of liberty. In that essay Berlin eloquently defined

each concept of liberty. After having grasped his description of the two concepts liberty, it would be easier to pick out what are the things that make a great deal of difference between both concepts.

How does 'Positive' liberty differs from 'Negative' liberty ?⁷

Nobody has defined the distinction between positive concept and negative concept of liberty more illuminatingly than Berlin has. As it has been stated earlier that the concept of negative liberty, which was dominant at the period of early liberal tradition was the concept of negative liberty. Negative concept of liberty deals basically with the external barriers to the individual freedom, and Berlin has espoused such a view of liberty. According to him the extent of freedom is proportional to the degree to which one is free from interferences within an area of one's life in which one wish to do what one wants to. The encroachment in one life by other men beyond a certain limit is said as "coercion". But Berlin is quite cautious about use of the word 'coercion'. As he says "coercion is, not, however, a term that covers every form of inability".⁵ He cites one example of a man who wants to jump more than 10 feet but he is not able to do so. Is it the example of coercion? Berlin says no, because he is being prevented from fulfilling his desire not by any human

⁵ Isaiah Berlin, *Two Concepts of Liberty*, Oxford University Press, 1958 p. 7.

beings, but by his lack of capacities. He can be said to lack ability to jump, not freedom.

Thus Mill's concept of coercion refers to the interference only by human beings. As he says "coercion implies the deliberate interference of other human beings within the area in which I wish to act."⁶ Thus we can say that in the interference of other human beings, which, creates inability for a person to do certain things or frustrate his desire, is a said the coercion by other people. Thus coercion seems to have three characteristics:

1. It must be a result of human activities;
2. They (human beings) must put it (coercion) intentionally;
3. It must be in that area of life of a person in which, he is entitled to enjoy freedom.

Thus Berlin understands the freedom in which freedom means the absence of any attempt by human being, which may frustrate ones desire. So there should be an area in which freedom may assert itself. He argues that the preservation of that area was the sole concern of classical liberals. Though they disagreed about the bounds of that area, they did not intended, absolute or unlimited freedom. Because unlimited freedom may it self lead to the destruction of freedom and moreover

⁶ Isaiah Berlin, op.cit, n.5, p.7.

harmonisation of human purposes and activities as well as preservation of other value such as justice or equality, demand that some portion of a persons life must be subject of social regulation. Otherwise as Berlin says "it would entail a state in which all men could boundlessly interfere with all other men; and this kind of 'natural' freedom would lead to social chaos in which men's minimum needs would not be satisfied, or else the liberties of the weak would be suppressed by the strong. We may describe it what Hobbes calls as 'the state of nature'.

But the question is which portion of a mans life should be preserved? Berlin's answer is that, it is that portion of a man's life, which constitutes his identification as a man; it is that portion, which make others regard him as a human being (Berlin uses here the word man and human being in a moral sense, not in a biological or physiological sense). And the Liberty in the above sense described, means liberty from (Liberty from impediments within that area). It is negative in the sense that the defence of liberty consists in the 'negative' goal of warding off interference."⁷

Thus the preservation of that minimum area of life of a person forms the notion of liberty (Negative), and many contemporary liberal even the conservative thinkers also converge on that preservation,

⁷ Isaiah Berlin, op.cit, n.5, p.12.

because the violation of that would be regarded as a "sin against the truth that he is a man, a being with a life of his own to live."⁸

Therefore the concept of 'negative' freedom is the negation of external interferences to one's action. It deals with a negative goal and imply a sense of liberty from.

But if the freedom is merely the absence of external obstacles, what about inner obstacles? Are there any inner obstacles? Answer to this question can be found in the argument of Charles Taylor in his work "what is wrong with negative liberty" in which he bitterly criticised the concept of negative liberty. C.B. Macpherson has also criticised 'negative' liberty, but he attacks it from a different angle.

Taylor presents a version of negative liberty deriving as source from Hobbes and Bentham. On this view, what Taylor calls as extreme variant of 'negative' liberty it is defined as "the absence of external obstacles to ones action, and he calls it as an "opportunity - concept"⁹ for it deals with how many opportunities are open before us. On the other hand positive freedom is defined as exercising control over one's life. Taylor argues if the loss of freedom arises as the result of inner

⁸ Isaiah Berlin, op.cit, n.5, p.12

⁹ The opportunity -concept and its counterpart exercise concept has been illustrated widely in Taylors "*what is wrong with negative liberty*" in Ryan Alan : *The idea of freedom*", Oxford University Press, London, 1979 p. 177.

obstacles, then a pure Hobbesian concept cannot be reliable. He intends to show that what would be the problem if the negative theories rely on an opportunity-concept.

Taylor argues that if one adopts a self-realisation³ (Taylor shows that even in the range of negative liberties there is view of self-realisation) view then one would admit the possibility of discrimination among motivations. He further argues that we can not rule out the possibility of discrimination, even if we adopt a negative concept of freedom. He again argues that without this no concept of freedom could be defended. He proves it by citing an persuasive example. For instance in one case freedom of movement is curtailed when the traffic authority puts a traffic light at the intersection. In another, the freedom of worship is restricted by restricting the visits to temples or churches. But we consider the loss of freedom in second case more serious than that involved in the first. Why? Because the goal involved in the later instance is of more importance than that involved in the second. As Taylor comments "Freedom is important to us because we are purposive beings. Then there must be distinctions in the significance of different kinds of freedom based on the distinction in the significance of different

purposes."¹⁰ Thus the concept of discrimination creeps into the negative concept of liberty.

But Taylor is not satisfied with this kind of discrimination, because one may identify more significant as desiring more strongly. Thus he appeals for strong evaluation in which one is required to reflect critically on the relevant desires as well as purposes. In the process, Taylor goes on to argue. We identify some desires and goals as more important to us authentically; others as less important. These less important desires are those what Taylor characterises as import-attributing emotions; they give a misperception of the situation and hence they are not true desires. We are better in sloughing them off, But if we do not throw them out we are fettered by them. but the question, are they related to sense of freedom? Taylor replies "our attribution of freedom make sense against a background seen of more or less significant purposes, for the question of freedom/unfreedom is bound up with the frustration/fulfillment of our purposes. Further our significant purpose can be frustrated by our own desires, where these are sufficiently based on misappreciation, we consider them as not really ours and experience them as fetter."¹¹ therefore it follows that there are both external obstacles as well as inner

¹⁰ Charles Taylor, *What is Wront with Negaive Liberty* in Ryan, Alan, *The Idea of Freedom: Essay in Honour of Sir Isaiah Berlin*, Oxford Univerity Press, London, 1979, p183.

¹¹ Ibid., p.191.

obstacles which will work with as much force as external. Therefore we can not define freedom as only the absence of external obstacles. Thus we can not rely on an opportunity-concept which rules out all such things.

Another criticism deal particularly to Berlin's formulation of the word 'coercion', by C.B. Macpherson. Macpherson argues Berlin's concept is too narrow. It included in its scope only direct invasion of liberty by man or by law which arise out of a social arrangements. Thus with reference to institutional arrangements, it is supposed to include in its scope the relation of dominance and subservience as it, (the relationship) though unintended, is the result of social arrangement in a capitalist society. Yet Berlin's conception does not include, because he takes into consideration only deliberate interference. But on the other hand, Macpherson argues that though the coercion is unintended, yet it is a coercion and arises out of human activities.

Berlin could be excused on the ground that his concept resembles to some extent to classical liberal tradition which also neglected such consideration. They also took into consideration only direct interference by either state or by other individual. Though did not say anymore about deliberate. But Macpherson argues "whether a concept of liberty

adequate for the twentieth century can afford to neglect all that Mill and classical English liberal tradition neglected."¹²

Another is related to the word "deliberate", such as 'poverty' and whether it is deliberate or not. But Berlin argues that their causal relation is dependent on the implication of a particular social and economic theory which will be able to attribute the poverty to the deliberate action of capitalist. But there are, indeed, theories that 'more or less' attribute this to the arrangements made by other human beings, that control the distribution of access to the means of life. Macpherson regards it as a general evidence. Though there are other determinants of income, yet as Macpherson says they cannot account for all the differences in income so long as differences in access to the means of life prevail."¹³ Thus attribution, of poverty to the action of other human beings, is independent of the implication of any particular social or economic theory.

But Berlin argues that difference in the means for access is not the deprivation of liberty, but of its condition only. But Macpherson argues that it will lead to the same difficulties as before, and it is possible only when liberty is defined narrowly.

¹² C.B. Macpherson, *Democratic Theory : Essays in Retrieval*, Oxford University Press, 1977, p.100.

¹³ *Ibid.*, p.1977.

Therefore it follows that the concept of negative liberty does not provide a satisfactory account of human freedom, because liberty can not only be obstructed by external barriers, but there are other internal obstacles to liberty also., Again it does not take into account, **the** obstacles that as a result of general evidence, indeed creation of deliberate human activities. That the concept, afterall, falls on the ground.

CONCEPT OF POSITIVE LIBERTY

On the other hand the concept of positive liberty, is not merely freedom from, but freedom to. It is something different from, and over and above of the mere external obstacles. Positive liberty, to some extent, has been given a idealist colour and many values are attached to it such as self-mastery which has been best explained in the following passage of Isaiah Berlin. Berlin says

"The 'positive' sense of the word 'liberty' derives from wish on the part of the individual to be his own master. I wish my life and decisions to depend on my self, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men's act of will. I wish to be a subject not an object: to be moved by reason, by conscious purposes which are my own, not by causes which affect me, as it were from outside, I wish to be some body, not nobody; a doer - deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal or a slave incapable of playing a human role, that is, of convincing goals and policies of my own and realizing them. This is at least part of what I mean when I say that I am rational, and that it is my reason that distinguishes me as a human being from the rest of the world. I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and able to explain them by reference to my own ideas and purposes. I feel

free to the degree that I believe this to be true, and enslave to the degree that I am made to realise that it is not."¹⁴

Thus Berlin's passage implies that freedom can be attained by acquiring mastery over 'self'. It is to realise some potentialities what is the words of Macpherson is the man's power in "a developmental sense". It is to see oneself as a full human being. Berlin says that his conception of positive liberty, at the beginning, is in no logical distance from the concept of negative liberty, but in the end both come into a direct conflict, when Berlin's positive freedom yields the following variants. Those are:

- 1) Metaphysical doctrine of self-transformation.
- 2) Understanding the rational necessity.
- 3) Participation in the process by which one's life is controlled.

Metaphysical doctrine of self-transformation distinguishes between the real self and the 'actual self' or 'higher self' and 'lower self'. It suggests that individuals are required to reject the lower self and identify themselves with the real self. The real self is conceived as some thing wider than the individual - a social whole of which individual is only a part. It preaches that individuals are free to that extent to which, they have followed the dictates of the real self.

¹⁴ Isaiah Berlin, op.cit, n.5, p.16.

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Understanding the world is to be free, says the rationalists because world is rational. Rationalist stress upon to understand things as they are, because it is in virtue of the rational necessity that governs the world, and a result of which things are as they should be. To want the things to be otherwise, is the manifestation of irrationality and ignorance. Thus attaining full rationality is the attainment of full freedom. It is the duty of the rational men to lead the irrational men. Because, a irrational man may desire a things to be otherwise and it will lead to frustration. thus to coerce a man is not the deprivation of liberty, but to help him to attain higher freedom.

But the self-transformation, and rational determination may amount to the denial of liberty. When Berlin writes "This entity is then identified as being the true 'self' which by imposing its collective or organic will upon its recalcitrant members, achieves its own and therefore their higher freedom."¹⁵ Again the extremist rationalism puts coercion upon people, in order to make them free.

Thus the concept of positive liberty in its origin and with the variant (3) (participation in the process which governs the life) is compatible with the human freedom its basic sense, and even with the negative concept of liberty. But it becomes dangerous when it is

¹⁵ Isaiah Berlin, op.cit, n.5, p.17.

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presented in the form confirmable to the extreme idealism, which concludes that man can be forced to be free. In this way it becomes an excuse for the tyrants to justify their rule in the name of higher freedom, in which the essence of freedom in the sense of pursuing ones own goods in ones own way, loses it vitality and essence.

CAN LIBERTY MAKE A MAN HAPPY

The answer of the question can best be answered, by taking the term 'happy in a general sense, than giving it a ~~hedonist~~ hedonist colour, as was done by classical utilitarians such as Jermeý Bentham. They regarded happiness as mere sensation of pleasure that accompanies human actions. But soon this concept was replace by J.S. Mill, the disciple of Bentham, by substituting a concept of happiness which has a laudatory connotation. He differed from Benthamitte tradition by making the concept of happiness broad enough. His happiness was plural and hierarchical and many elements play their part in constituting happiness. Mill, in fact, did not take happiness in the sense of mere sensation, but in a sense of happy life. But he was charged of inconsistency, and of abandoning the utilitarian tradition. However, this has been discussed widely in chapter three, here the task is to provide an answer to whether liberty can be useful in leading a happy life. Since the beginning of human civilisation, human beings learned to live with one another. Out of this

collection of individuals, society, state, nation-state came into existence. In a state people were given security against any kind of oppression or misuse of power over them, and they started revolting whenever there was misuse of power. The purpose of revolution was nothing else, but preservation of certain portion of their life, which they were regarded as valuable. that preservation was nothing else but a striving for liberty itself. Thus mankind realised the value of liberty. As civilisation advanced, people become more conscious, and made effort for welfare state, which concerned more with the welfare of the citizens. They allows individuals more rights and liberties in order to make people fit to enjoy a worthy life. These rights and liberties with their inviolability have now become one of the important function of every state which are welfare oriented.

Thus every state provides certain rights and liberties to its individual in order that they may develop their moral, intellectual and other capacities as well. Therefore liberty is an essential condition for a happy life, otherwise life would become a Hobbesian state of nature.

But can we be sure that liberties are not being invaded in other way than direct authoritarian rules? In other words what are the main threats to liberties in contemporary society! To answer this, I will elaborate upon my second chapter ~~124~~ as "a brief analysis of Mill on liberty" in which all these considerations have been discussed at length.

CHAPTER II

MILL'S 'ON LIBERTY'

In this chapter I intend to discuss what Mill has said about liberty. Thus the chapter captioned as "Mill on Liberty" will be a brief discussion of Mill's principles of liberty. We have hitherto discussed about liberty, its various forms and that it helps human being to realise their self-dignity. But those various thinkers, who have defined liberty prior to Mill's, did not consider it at a length. They have not given any principles by which it could be shown that how much of one's life is entitled to enjoy liberty, and how much is amenable to social control. Again, nobody has discussed the liberty of opinions more elaborately than did Mill. Thus to understand all this implies a brief understanding of Mill's view on Liberty.

As the outset of his book "On Liberty" John Stuart Mill makes it clear that his subject matter is, not the liberty of Mill, but the civil or social liberty - the permissible nature and extent of freedom which a man can enjoy in a free society.¹

Mill begins with the ancient description of liberty, which was confined only to some guaranteed protection against the tyrannical use of

¹ John Stuart Mill : *Utilitarianism on Liberty and Representative Government*, London, Everyman Library, p. 65.

power, either by ruler or by community. This protection was necessary because people were feeling that the interest of the ruler and that of the ruled were in an antagonistic position to each other. Soon this concept was replaced because people began to identify ruler's power as their own power, and the selection of ruler was subservient to people's preferences. Thus people did not fear about tyrannizing of power over themselves, because that power was their own power. And in this way the notion of self-government was brought into existence. Moreover limitations, over the power of the ruler, implied limitation over people's own power, and people did not consider it as necessary.

But the emergence of democratic republican governments eventually revealed the deficiencies of the self-government. As Mill puts "It was now perceived that such phrases as "self-government" and the "power of people over themselves" do not express the true state of the case. The "people" who exercise the power are not at all 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".² Thus from Mill's view it follows that the exercise of power is done by some other people, over others. Mill terms them as "majority" who are active part of democracy and who always exercise power. Again it

² John Stuart Mill, *op.cit.*, n.1, p. 67.

follows that the majority will exercise the power according to their own will and may force the rest to conform to their own way of governing. This is what Mill calls as "Tyranny of majority"³ and he fears it most. Mill's fear is based on the fact that it soon leads to social tyranny, which will try to control individuals in details of their life. For this it may use the means of its opinion what Mill calls as public opinion. But the question is, to whom it may coerce? Mill's answer is that it may coerce those who dissent from standards prescribed by society itself, because it may have a tendency to forcing all into its own ideas and rules of conduct. Therefore limitations to this mode of social conformism is as necessary as is any other good of human beings. Thus in Mills word there should be rules of conduct by which people would be left free from this social conformism by providing a sort of freedom to individuals; which may impose restrictions upon actions of other people. But, in practice, in order to discover those rules of conduct people are caught in the hands of customary rules. This customary rules appears to them so reliable that they do not want to alter it, ~~and~~ they ~~so~~ force others who dissent from it. But Mill shows the defects of customary rules that they are being formed according to the interests and preferences of the powerful class of the society. In this way mere liking and dislikings becomes a rules of conduct for others. But nobody troubles to think that whether the liking

³ Op.cit., p. 68.

and dislikings of society is universally salutary, and should be obligatory on the part of each individual.

By the time Mill wrote "On Liberty", the oppression of public opinion than of legal penalties was feared much. Yet a sense of freedom was present in the people to resist the undue interference of the society in things in which people have not known to be controlled. Mill argues that this is the result of the misapplication of that feeling. Because absence of any recognised principle makes it impossible to test propriety or impropriety of social control. Again the appeal to custom can not be a useful basis for the test, and people also decide the case according to their preferences. All this made Mill prompted to invoke some rules relating to principles of liberty.

Thus in "On Liberty" he begins with what he calls as the very simple principle. The principle is that

"the sole end for which mankind are warranted, individually or collectively, is interfering with the liberty the liberty of action of any of their member, is self-protection. That 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."⁴

Thus Mill's position is that the self-protection, or prevention of harm to others, only satisfy the conditions of restricting individual liberty.

⁴ Op.cit., p.

Otherwise individual is free in his own concern. Over himself, over his own body and mind, the individual is sovereign."⁵

But Mill confines the applicability of the principle to those people who are said to have attained their mature faculties, and capable of free discussion. Thus he exclude children, and those who are incapable of self-government as well as those who can not satisfy the conditions requisite for the application of the principle. Mill suggests for them an obedience to an external command. But once mankind become able to satisfy the conditions for enjoying liberty, then compulsion becomes justifiable only in preventing harm to others.

Mill ties the notion of liberty to that of utility, because he regards utility as the ultimate appeal on ethical question."⁶ As he states,

"it is proper to state that I forgo any advantage which could be desired to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions: but it must be utility in the largest sense, grounded on the permanent interest of a man as a progressive being."⁷

In Mill's word, this concept of permanent interest allows social control over individual for the adjustment of the boundaries of human conduct in order to protect the interest of others'. That control, is

⁵ op.cit., p.73.

⁶ op.cit., p.74.

⁷ op.cit., p.74.

exercised, either by Law, or by opinion where the law seems in appropriate. The injury to others may not only arise from an action, but often it arises from inaction, and though it, in principle, allows cautious social control, Mill regards it as an exception. He justifies that exception on the ground that, individual spontaneity is likely to obtain better result than social compulsion may produce, or social compulsion may produce more evil, than those could be prevented by it. But it does not mean that in case of inactions, the agent is left unmolested, his own conscience makes him consider the well-beings of others as well as his own.

Mill goes on to argue that there is a sphere of action on which society has only an indirect interest, that sphere of action, Mill thinks, is the appropriate sphere of ones life to enjoy liberty. That sphere includes a person's that portion of life and conduct that affects only himself. Thus the sphere is constituted by three components. "First, as Mill says, liberty of consciousness, which demand the liberty of opinion and expressing them. Second, liberty tastes pursuit: of framing plans of life favourable to one's own character, until it does not harm others. Thirdly, as Mill says, from this liberty of each individual, follow the liberty, within the same limits, of combination among individual; freedom to unite for any other

purpose not involving harm to others; the persons being combining being supposed to be of full age, and not forced or deceived."⁸

Mill argues that the absoluteness of these freedoms is the essential characteristics of a free society. Mill regards these liberties as essential because they provide a sort of protection to individuals from the social as well as political tyranny. Mill was well aware about the prevailing social tendencies and opinions to override unduly on the personal liberties, and he described that this tendency is growing with such a rapidity that nothing but the lack of power becomes real hindrance in its way of being complete. Thus these social liberties works as a barrier in the way of that tendency, and protect individuals' freedom.

For the convenient of argument, Mill discuss those liberties that operate in the sphere of life previously mentioned. Thus he describes them one by one. Therefore he first discuss the liberty of thought which, in turn includes the liberty of forming opinions and expressing then is the made of discussion. so the next chapter titled as "Liberty of thought and discussion" presents both the value of that liberty as well as on what grounds Mills' arguments make it (Liberty of thought) helpful for mankind.

⁸ op.cit., p.75.

OF LIBERTY OF THOUGHT AND EXPRESSION

Mill goes on to defend the liberty of thought and expression by arguing "if all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he would be, if he had power, justified in silencing mankind."⁹ He argues this on the ground that the silencing of an opinion is not merely an injury to the person who holds it, rather it is in a great measure, injury to the whole human race. If the suppressed opinion is right then mankind are deprived of a chance to reach the truth, and even it is wrong then mankind can not get deeper impression of the truthfulness of the opinion which they hold. Mill has elaborated these two cases with the help of two hypotheses.

His first assumption beings with reference the infallibility of those who wish to suppress an opinion. They assume themselves as infallible and assume their certainty as absolute certainty. Mill argues that mankind, in practice, seldom acknowledge their fallibility, though in theory no one claims to be infallible. Mill's argument is that no one can claim to be infallible, but one's opinion may deserve confidence. But Mill argues a man, whose opinion as deriving of confidence has not

⁹John Stuart Mill, "Utilitarianism, on Liberty and Representative Government, London : Everyman Library, 1964, p.

adopted other means than keeping his mind open to all that could be said against him, and this open mindedness in turn becomes helpful for him. Because by it he detects fallacies as well as truthfulness of his own opinion. He never feared discussion and even he was ready to exchange his own opinion for others, if he found his opinion as wrong. As Mill says "if even the Newtonian philosophy were not permitted to be questioned, mankind could not feel as complete assurance of its as they now do."¹⁰ Therefore the truthfulness, or falsehood, of an opinion can only be tested by invoking free discussion which requires diversity of opinions from all sides.

But Mill laments at the present state of human affairs in which the discussion of opinions are hardly allowed. In this state of affairs, an opinion, which is dissents from the received on, is suppressed as false without giving a chance to the suppressed opinion.

There is an another ground on which the suppression of an opinion rests. The people, who are on the side of the received opinion, argue that some beliefs are more useful for the well-being of mankind. They labels as bad man those who will try to disturb that belief. But Mill denounces this argument what no belief which is contrary to the truth, can be

¹⁰ op.cit., p.83.

useful.”¹¹ Besides this its usefulness can not be discussed without considering its truthfulness.

Again Mill argues, against the suppression of opinion that mankind not only suppressed many opinions, but to those also who inherited those opinions. But in the course of history those opinions turned out to be true. For example, Socrates was put to death as corruptor of youth, but his doctrine turned out to be true.

Mill says that mankind must not suppose that truth always makes victory over the false. He refers to history and argues that many opinions have been suppressed, if not suppressed for ever, they may be extinguished for centuries.”¹² But for the emergence of these opinions, there should be person who could defend it against persecution, and all this possible in a free play of opinions. Mill points out another evil of silencing of an opinion, by showing that it (silencing of an opinion) does a great injury to those who are in a preliminary stage of mental development. Because it can create a situation which Mill calls as the atmosphere of mental slavery.” In that atmosphere, Mill, argues that, the intellectuality of a man can not find its fullest expression.

¹¹ op.cit., p.84.

¹² op.cit., p.85.

Thus from these stand point Mill, argues that the silencing of an opinion is an evil to whole human race, and he denounces the infallibility no man is exception to being fallible.

After this Mill passes into his second hypothetical assumption, that is to assume a received opinion as true and contesting opinion as false. He wants to argue that even if it is so, suppression of an opinion is still an evil.¹³ Mill's argument is that, if an opinion, though true one, is not contested with other opinions, it loses its hold of truthfulness. It soon will be turn into, not a living truth, but a "dead dogma". The truthfulness of an opinion results from full discussions which in turn invites other opinions to refute it. The attempts on the part of contrary opinions reveals the grounds on which it (the received opinion) is based. Mill argues on disputed subjects opposed to based on those having definite principles such as mathematics. But on disputed subjects, truth requires different opinions as well as their grounds, in order to find out which one from several alternatives, contains the reliable portion of truth. But it does not entail that we should defend in earnest, only the grounds of that opinion which is on our side, rather he suggests we should consider the grounds of adverse opinion with as much force as we require in defence of ours. Otherwise it would not be justice to an opinion. The another

¹³ op.cit., p.95.

advantage of receiving the adverse opinion is that it (adverse opinion) may not be in conflict always, on the contrary it may be reconcilable with the received opinion, and may supply what the received opinion may lack.

Beside this Mill has considered the mischief of silencing of an opinion from another standpoint. He says that, in the absence of diversity of opinion and discussion, not only the grounds, but the meaning itself of the opinion loses its hold which it originally had on human mind. As he puts "The words which convey it cease to suggest ideas, or suggest only a small portion of the those they were originally employed to communicate. Instead of a living conception and a living belief, there remains 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."¹⁴

But one may argue; as Mill supposes, that is the absence of unanimity or contesting opinion makes it sufficient that an opinion should be received as true? But his answer is negative. Rather suggest for the invention of new opinions to contest our own opinion, because it keeps our mental fitness alive, and an aid for our intellectual development.

The another principal cause, is that there may be a case quite apart from either of the two discussed earlier, when two opinions, instead of being contrary to each other, share the truth between them. At this case

¹⁴ op.cit., p.99.

the non-confirming opinions are needed to supply that portion of the truth which those two doctrines may lack. But question arises, why do those doctrine lack some portion of truth? In nothing the answer could be found in a satisfactory way, than could be by appealing to the Mills statement. Mill argues "popular opinions, on subjects not palpable to sense, are often true, but seldom or never the whole truth; sometimes a greater, sometimes a smaller, but exaggerated, distorted, an disjointed from the truth by which they ought to be accompanied and limited."¹⁵

Thus, it follows that it is the discovery of truth, which requires the diversity of opinion. Again this discovery of truth is as valuable a service as anything else for the well-being of mankind. It is from this points of view, Mill regards the silencing of an opinion as, in a great extent, harmful to society.

After having discussed the validity of diversity of opinion, Mill shifts his attention to the second branch of liberty of forming ones own plan of life. In that chapter titled as "Individuality" Mill discuss the usefulness of diversity in the fields of actions.

¹⁵ op.cit., p.105.

OF INDIVIDUALITY, AS ONE OF THE ELEMENTS OF WELL BEING

In this chapter Mill goes on to examine whether the same argument, which is fruitful in the case of diversity of opinions, is also applicable in the field of actions, unless no harm arises as a result. He found the answer in an optimistic sense. As he puts it

“As it useful that while mankind are imperfect there should be different opinions, so it is that there should be different experiment of living”.¹⁶

Again

“it is desirable in short that, things which do not primarily concern others, individuality should assent itself”.

After having made these statements, he goes on to point out the chief obstacles that lie in the way of experiment of living. The grounds, on which Mill deplores the obstacles, themselves throw light on the fact that ‘experiment in living’ yields to ‘individuality’ which is as valuable as any thing for man as progressive being.

The chief obstacle is the evil of social conformism, which under the shadow of customary rules, interferes with the details of the individuals. It tends to coerce the dissentinents and wants to enforce established

¹⁶ John Stuart Mill : *Utilitarianism on Liberty and Representative Government*, London, Everyman Library,

ways of life. The majority of people are accustomed to it (social conformism) in such a way that they neither think that the uniform pattern of life may not be salutary for all, nor they can recognise any value in things which is different from them.

Mill denounces this social conformity because it kills the human originality. At this point, Mill agrees with the German philosopher William Von Humboldt, to whom individuality, in individual becomes the sources of admiration. But the question is how one can cultivate individuality, and what are essential conditions for it. The answer to the first question is that individuality consists in developing those elevated faculties which are more human in a man and for the development of these qualities, basically two conditions are essential - freedom and variety of situations.

But another question suggests it self. That is how can one develop those faculties that are given by nature only to human beings? Mill's answer is that elevated faculties like, muscular powers, are developed only by being exercised and that exercise consists in recurrent choice making. Mill again here refers in the evils of customary rule which is the great hindrance in the way of exercising human capacities. Because it provides no scope for choice making. As he says "He who does anything because it is the custom makes no choice. He gains no practice either in discerning or desiring what is best. the mental and moral like muscular

powers are, improved only by being used".¹⁷ Again Mill argues that one may be led a good life by some others without having these capacities, but he has no comparative worth as a human being. Thus Mill's argument is that, it is the exercise of these distinctive qualities which makes the life more enjoyable as a human life.

But Mill complains that people are themselves as much responsible as anything else, for giving way to the customary rules. People, even in matters relating to the personal sphere, look forward for things which other people much like themselves do. Thus the people themselves let the customary rule to prevail over them. And not this much only even they force others who try to start a new tradition different from theirs.

But Mill's argument is that those people who are slaves of custom fail to recognise the intrinsic value of individuality. It is individuality alone that becomes all sources of admiration as well as by cultivating it a man becomes more valuable to both himself and society also. As he writes

"In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. There is a gratefulness of life about his own existence, and when there is more life in the unit there is more in the mass which is composed of them."¹⁸

¹⁷ op.cit., p.116-17.

¹⁸ Op.cit., p.121.

Again,

“having said that the individuality is the something with development, and that it is only the cultivation of individuality, which produces, or can produce, well developed human beings I might here close the argument. For what more or better can be said of any condition of human affairs than that it bring human beings themselves nearer to the best thing they can be? or what worse can be said of any obstruction to good than that it prevents this?”¹⁹

Thus, Mill’s tendency to defend the diversity of living styles is that it ultimately produces individuality which is the best thing in a human life. But there are people who might argue that how these developed human being may help those who are not. But Mill argues that the people who are rich in originality may help others, by specifying the way in which they can develop their individuality, they may commence new belief. But it does not mean a sort of hero-worship. Rather it is only that they can only point out the paths leading towards originality, but they are not entitled to force others.

But before original people can be helpful to other, it is necessary to preserve the atmosphere in which they can survive - an atmosphere of freedom, atmosphere of freedom is much necessary for them because they are much vulnerable to the attack of public opinion. but it never means that such people or people who are practicing the “experiment of living” need an uniform pattern of atmosphere which will be suitable to all

¹⁹ Op.cit., p.121.

for their development; that atmosphere of freedom cannot be uniform. Rather, diversity of condition is required. As it has been pointed out earlier that each man's development consists in his own mode of life. Therefore, each man requires a distinct and peculiar atmosphere his development, because while one set of circumstances becomes conducive to one's development, it may be, at the same time, a hindrance for another's self-development. One statement of Mill leads support to this argument. He says "such are the differences among human beings in their sources of pleasures, 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 mental, moral aesthetic stature of which their nature its capable."²⁰

The force of all arguments lies in the fact that Mill wants people to realise the value of individuality, because majority of people are blind to see the intrinsic value of individuality. The customary rules appears to them as self-evident; in virtue of that familiarity with customary rules they force others also into conformity. Mill feared much the public opinion, than the yoke of legal penalties. This public opinion as the greatest obstacle in the way of realising individuality, for it characterises as "wild"

²⁰ Op.cit., p.125.

and "intemperate" to those who dissent from its established standards, and therefore makes timid and uniform character. Mill shows that how uniform pattern of life causes to decline of individuality, by putting example of those nations who were once developed and rich in originality. But they, by submission to social conformism, and mediocre public opinion they lost what they had. Thus the conformism can only produce mechanical human beings who are, in Mill word, less important than those who are still striving towards the fulfilment of their own nature.

Thus from preceding analysis it is clear that Mill defends individuality for its own sake. Individuality consists in developing one's own deliberative capacities by making recurrent choice. But all this can only be realised with a background of some liberties. But he warns at the same time that the time to preserve individuality is now, if the mankind become late to recognise, all living styles will be reduced to some uniform pattern and despotism of custom will be complete. Because he correctly perceived that the mediocre public opinion and social conformism moving from evil towards the worst. As he says, when he makes a plea for resisting the forces of social conformism, "if resistance waits till life is reduced nearly to one uniform type, all deviation from that type will be considered as impious, immoral, even monstrous, and

contrary to nature. Mankind speedily become unable to conceive diversity when they have been for some time unaccustomed to see it."²¹

Thus, Mill's argument is that there should be diversity of living styles, and one is perfectly entitled to exercise the experiment of living, unless his mode of existence is with the bounds which rights and liberties others' permit. But what is that bound of or when an individual is said to have crossed those bounds becomes amenable to social control!__ In order to answer these questions we may proceed to Mill's forth chapter titled as "of the limits to the authority of society over individual." In that chapter Mill discussed in which sphere of a man's life, he is entitled the enjoy perfect freedom, and which area of a person's life is subject to the control of society.

²¹ Op.cit., p.131.

OF THE LIMITS TO THE AUTHORITY OVER INDIVIDUAL

In this section Mill, attempts to answer the question which sphere of a person's life permits the perfect freedom of action, and which sphere of a person's life become amenable to social control. His answer is that that sphere of person's life, in which actions affect no body but the person himself, is entitled to immunity from social control. In that sphere of life, in which section affects others interest, social control is permissible. For the proper respect of these sphere, he prescribes a rules of conduct for each member of society. These conducts first is, to refrain from causing any harm to the interests of others. Second, fair participation in social life. This breach of these rules of conduct justifies the social control, either by opinion or by legal penalties, because it affects prejudicially interests of others. But effect to other interest does not allow social control when person involved are of full age and with their undeceived consent.

Mill regards as pretension that argument which claims that involvement of one person with other is possible only when self interest is involved. But Mill argues that people often disinterestedly help one another. He confined this disinterested benevolence to discussion and persuasion. He argues that one may obtain considerations and persuasion from others, but they are not allowed to force what they think best for

him, because on matters purely personal to a man, he himself is the final authority.

But it does not follow that, while personal concerns are free from social interventions, therefore, they are also free from the unfavourable judgements of others. (Whatever may be the case) Because whatever one may do, certainly attracts the attention of others, as a result of which they pass a judgement over that action, thus it is inevitable. If one exhibits deficiencies arising from self-regarding conducts, then he is subject to the disfavoured opinion of others. They may regard him as a creature of lower grade, they may avoid him and warn others not to follow his path, yet they (the people who judge such a man) are not entitled to inflict any suffering on him either by moral reprobation or by legal penalties. But when an action prejudicially affects the interests of others or causes any considerable hurt to others, then it becomes a proper object of punishment. Mill regards the former as the accidental misfortune that might befall on a man, and distinguished it from punishment, either by law or by opinion.

He distinguishes in the following manner. In the former case a person is proper subject of our unfavourable opinion. Though that action concerns his own interests, not ours, what we can do is express our distaste or dislike, but we are not the authority to inflict any punishment on him.

but on the latter case we can both judge him and if he is severely guilty, we can punish him. As Mill puts "In the one case, he is an offender at our bar and we are called on not only to sit in judgement on him, but in one shape or another, to execute our own sentence: In 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."²² Thus, to Mill, this distinction makes a great difference.

But some argue that the part of conduct which concerns agent only, and that part which concerns others, are indistinguishable. Because (as Mill acknowledges that it may be asked) How can any part of the conduct of a member of a society be a matter of indifference to the other member."²³ Moreover this argument is grounded on the fact that every part of conduct of a person makes a difference to other, though indirectly, thus these two spheres of conducts are inseparable from each others.

Mill acknowledges that, every part of a conduct of a man affects, though indirectly, to those at least nearly connected to him. Yet he consistently holds that this part of conduct is still immune to social

²² John Stuart Mill : *Utilitarianism on Liberty and Representative Government*, London, Everyman Library, p.136.

²³ op.cit., p.138.

control, unless it involves a breach of any obligation or any assignable duty to public. Because this breach causes considerable harm to others' interest. But the punishment is for the injury to interests, not for having that sort of conduct; punishment is intended only for the effect, not for the cause.

But there are conducts, that neither causes any injury to other beside the agent, nor violates any assignable duty or any obligation. Mill's answer is that "the inconvenience is one which society can afford to bear for the sake of the greater good of human freedom."²⁴ Because society has much scope to take precautions against such kinds of injury. That are power of education, and natural penalties. And if society, beside these means, obtains the means of compulsion, then the result would surely be opposite of what is expected.

But Mill still holds a strong argument against the interference of public on personal conduct: He writes "when it does interfere, the odds are that it interferes wrongly and wrong placed."²⁵ Perhaps he intends to show that types of interferences do not satisfy the conditions of his harm principles. Because in that cases the feeling or preferences of the majority only becomes the determinative of propriety or impropriety of

²⁴ op.cit., p.140.

²⁵ op.cit., p.

interference. He cites the example of feelings of Muslims towards the eating of pork, in a country when the majority are Muslims or another example, the feeling of a majority where they are religious bigots. But Mill is not seem Satisfied with this much. He argues that in the course of prohibiting what it (society) thinks wrong, it often prohibits a number of things which it admits to be innocent. He cites the example of people who are prevented from taking fermented drinks, and it is honestly done under the pretense of prohibiting intemperance.

Thus Mill's argument lies in the fact that an individual should enjoy perfect freedom in his own concerns, as long as he does not cause any hindrance to others on enjoying their. Because this is his basic liberty by which he attains his sense of dignity. Mill's arguments ~~for~~ these liberties reveal that these liberties are safeguards against prevailing social tendency which is always trying to interfere even on matters purely personal for a man.

But the question is, do Mill's principles admit any exception? More especially does his harm principle admit of any limitation? Yes, and Mill discusses the situation in which cases his principles admit of exceptions, and all this he discussed in the following chapter.

APPLICATIONS

In the current chapter Mill points out some of circumstances in which his principles of liberty admits of some exceptions. There are circumstances in which, his harm principle admits some exceptions and in which, though an action is not subject to harm principle, nevertheless social control is permissible. As he admits "There is hardly any part of the legitimate freedom of action of a human being which would not admit of being represented, and fairly too, as increasing the facilities for some or other form of delinquency."²⁶ Thus owing to the complexity of human affairs Mill permits some limitations. He has explained them in form of examples and which I will elaborate.

The first is that injury, or probability of injury, to interest does not always justifies social control. For example, getting a job in competitive examination is obtained only at the cost of other competitors, yet it does not allow social control, unless the means of obtaining the result involve unfair means. Again trade is an act that involves persons other than the agent, yet it is free from social control, for the sake of convenience of consumers.

²⁶ John Stuart Mill : *Utilitarianism on Liberty and Representative Government*, London, Everyman Library, p. 151.

* All examples have been drawn from the book, "*Utilitarianism, on Liberty and Representative Government*".

There are personal conducts that are entitled to enjoy perfect liberty, yet they are susceptible to social control. For example if one commits a crime under the influence of drunkenness, he may be subjected to penalties when he found drunk, though to punish drunkenness does not come under social control. Again, there are actions purely personal and violate the interest of nobody including the agent himself. Yet those action when done publicly, are under the group of social control, because they are regarded as violence of public decency.

From the liberty of each individual it follows that, they may unite for purpose to improve what is only their concern. But the involvement of other person beside the agent makes an action other regarding action which is proper subject of social control. Yet, social control is not justified, unless what they promote become biased (some people are making benefits at the cost of others). Because society considers it as an evil. But should such an evil be banned when it becomes an access to means of life of a class of persons? For example keeping of a gambling house, Mill states "There are arguments on both sides."²⁷ Yet to the extent circumstances permits he allows gambling, but rejects keeping of a gambling-house.

²⁷ op.cit., p.154.

Mill allows social interference on these kinds of acts that are only injurious to agents interest. But in this case social interference would not be entire prohibition; but to discourage those acts, which differs only in degree from entire prohibition. For example imposing tax on liquors. Mill goes on to argue the purpose of restriction (upto an extent) justifies that restriction. For example if the purpose of taxation is the collection of revenue which will be spend on the welfare of community, then it is justified.

Mill, again states "owing to the absence of any recognised principles, liberty is often granted where it should be withheld, as well as where it should be granted."²⁸ Under this statement come those actions which a perform may pretend as his own concern. For example there should be a control over a persons desport rule over his wife, by providing her the same rights which he enjoy, or society may compel the parents to educate their children, by imposing certain amount of find on those who do not fulfill the obligation. Again it is not the infringement of liberty if the society requires that the parties to the marriage, must should reliable means to ~~look after~~ their offspring.

At last Mill suggests three arguments against the interference of society (1) Things are likely to be done better when³ it is left on

²⁸ op.cit., p.154.

individuals' own discretion; (2) Even if people, in a particular matter, are less efficient than the government servants, nevertheless they should be left free to do things in that matters. Because it is for their mental and moral development; (3) Government should not vested with more undue power. Because consolidation of power and intellect in a few would produce adverse result for the rest.

Therefore the conclusion is that Mill's limitation is intended not for the sake of interference, rather to condemn the things which experience has shown to be fatal to the human well being. But another question arises, that is interference is intended when it is perceived that non-interference would produce evil. But when the sign of evils are absent, does non-interference with liberty produce what is expected? or does liberty results human well being? Does it help to lead a happy life or help to obtain happiness?

In order to answer these question, I will devote my chapter third under the title "Utilitarian Justification of Liberty" on which I will provide an affirmative answer. I will, by making reference to the writings of some of exponents of revisionary school of Mill scholarship, show that liberty promotes human happiness and it is as essential in a man's life as is the happiness itself.

CHAPTER III

UTILITARIAN JUSTIFICATION OF “ON LIBERTY”

In this chapter I want to put forward some arguments dealing explicitly with the inconsistency between Mill’s Moral theory and his political theory. In other words I will present the revised version of Mill’s utilitarianism and in what way it supports the doctrine of liberty. But before we begin, we should confirm that whether Mill justifies individual freedom on utilitarian grounds. Evidence could be found in the introductory chapter of “on liberty”. Here Mill argues that “it is proper to state that I can forgo any advantage, which could be derived to my argument from the idea of abstract right as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it should be utility in the largest sense grounded on the permanent interest of a man as progressive being.”¹

As a result of this, critics made Mill as an easy prey to their attack. Berlin argues that all efforts of Mill is in vein. Berlin argues “In particular and above all the ultimately fails to square his theoretical commitment to an aggregative and welfarist utilitarianism, in which individual liberty has

¹ John Stuart Mill, *Utilitarianism, on Liberty, and Representative Government*, London : Everyman Library, 1964, p.74.

only an instrumental value, with his substantive view that human choice, autonomy, individuality, and freedom of action have moral importance in themselves, independently of their contribution to general welfare."² He further argues that "no utilitarian theory recognise the intrinsic value of liberty and accord priority to it over general welfare."³ John Plamenat accuses Mill of inconsistency. There are other critics and their common argument is that "Mill's two theories contain distinctive and conflicting values. Even if he succeeds in settling the conflict between them it is only at the cost of compromising the one or the other."⁴ But this view have been challenged by the exponents of the revisionary school of Mill scholarship. They have tried to prove that, though he was an exponent of the liberal and moral values, nevertheless he was within the utilitarian tradition. Their argument lies on the fact that Mill only modified the utilitarianism to an extent at which it would yield a concept of happiness which would be appropriate for human beings as progressive creatures. But I want to deal with the problem in other way which is more specific and which links the Mill's conception of happiness with the heart of the on liberty - individuality where Mill has advocated for individual freedom

² Berlin's argument can be found in the Introductory Chapter of the book, "*J.S. MILL ON LIBERTY IN FOCUS*" (Eds.), John Gray and G.W. Smith, Routledge Publication, 1991, p.4.

³ Ibid., p.4.

⁴ John Gray, *MILL ON LIBERTY - A DEFENCE*, London : Routledge and Kegan Paul, Rev. ed., 1985, p.2.

with all the strength at his disposal. Because it would served dual purpose - an argument for the individuality as intrisically desirable as well as how utilitarianism supports on liberty. But it does not mean that I will ignore the arguments put forward by exponents of revisionary school. I will borrow from them the theory of happiness, and I will, by the help of other arguments, show that how it becomes compatible with the Mill's theory of individuality.

Before we make an attempt to explore what Mill had in mind, it would be convenient, in prime facie, to take into account in which way Mill's environment and teaching did makes an influence upon him. Because every philosopher is the product of an environment and teaching. For we can not evaluate any person apart from his circumstances, therefore mill is also not exception to this. Thus we start by considering what impact did the Benthamitte teaching did have on young mill.

John Stuart mill was brought up by his father James Mill, who was a disciple of Jermy Bentham (The Chief proponent of the utilitarian tradition). His father Jame Mill took care of his study under the guidance of Bentham. As a result the out come was astonishing; his mind became over developed, but in the early manhood he underwent a mental crisis. As Berlin's passage implies "with his well trained and indeed, in

eradicable habit of reducing emotional dissatisfaction to a problem, he asked himself a simple question: supposing that the noble Benthamite ideal of universal happiness, which he had been taught to believe, and to the best of his ability did believe, were realised, would this in fact fulfill all his desires? He admitted to himself to his horror, it would not what was then the true end of life?"⁵ Thus at the cost of this crisis, he became able to see the inadequacy of Benthamite principle of happiness. In his eye, Bentham's principle make people no more than a pleasure and pain calculating machine. He believed the falsity of the Bentham's account of human nature. As a result he conceived human nature in a way different from Bentham's and it led him to alter the Benthamite conception of human pleasure. But he did not reject the view that happiness as intrinsically desirable in human life. As Berlin remarks "He continue to profess that happiness was the sole end of human happiness, but his conception of what contribute to it changed into something very different from that of his mentors, for what he came to value most was neither rationality nor contentment, but diversity, versatility, fullness of life-The unaccountable leap of human genius. The spontaneity and uniqueness of a man, a group, a civilization."⁶ It is perhaps in the light of these

⁵ Isaiah Berlin in "John Stuart Mill and The Ends of Life", in J.S. MILL ON LIBERTY IN FOCUS (eds.), by John Gray and G.W. Smith, Routledge Publication, p.133-34.

⁶ *Ibid.*, p.134.

sentiments, Mill invoked his own theory of happiness, and argued that happiness differs from person to person differs. It is in the light of these convictions he did abandon the hedonism, and advocated for a concept of freedom which would yield a form of happiness appropriate for human beings.

Now we may proceed to see what was his conception of happiness and how it differs from headonism of Bentham, Mill's conception of happiness was hierarchical, pluralistic, and non-hedonistic in nature. Mill formed his conception of happiness by deriving materials from other sources. From Plato, the master mind of antiquity, and from Aristotle's he derived the idea that different kinds of pleasures correspond different facaulties."⁷ He derived the idea that some pleasures are more human. Aristotle's view that happiness lies in activities which are proper to human mode of existence resembles closely to Mill's definition of happiness as an existence made up of many various pleasures, with a decided predominance of the active over the possive. Again the assessment of competent Judge is seems parallel to Aristotle. Aristotle's statement that "no one would choose to live with the mind of a child throughout his life however much he were to be pleased at the things

⁷ Benjamin Gibbs, "Higher and Lower Pleasure", in *Phisolophy*, Vol.51, p.33.

(I have brought the similarities of Mill with Plato and Aristotle from Benjamin's article).

that children are pleased at. "This anticipates Mill's assertion that no intelligent being would consent to sink into what he believes to be a lower grade of existence, even if he were to be assured of having all the pleasure proper to the existence."⁸

Thus Mills form his own conception of happiness that is different from hedonists' and it is free from hedonistic stains. Mill beginning of utilitarianism may cause many to think that he was a hedonist. At the starting of utilitarianism Mill writes

"the creed which accepts as the foundation of morals, utility or greatest happiness principle holds that action are right i proportion as they tend to produce happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by ^{un}happiness, pain and privation of pleasure."⁹

Thus hedonists can claim that pleasure is only desirable, and one pleasure is desirable than another if the former produces a greater quantity of pleasure. But Mill rejected this claim by arguing that pleasure also admit of qualitative distinction. (I will discuss this in the value of pleasures). He rejected another hedonist claim that pleasure is not always the object of desire. As Berger argues "on Mill's view people can by association" come to desire the doing of certain acts with out any thought of any

⁸ Benjamin Gibbs, op.cit., n.7, p.37.

⁹ John Stuart Mills, *Utilitarianism, on Liberty, and Representative Government*, London : Everyman Library, 1964, p.6.

pleasure or other good for themselves," can cultivate sympathy and the "other social feelings which forms a part of human nature" and can even develop a "virtuous character which form a path of human nature" and can even develop a virtuous character in which one desires or does right acts for their own sake without anticipating pleasure to be attained."¹⁰ Berger provides in this matter, a persuasive account with reference to Mill's discussion of virtue, where he asserted the desirability of virtue for its own sake (U, OL RG IV). Again Mill's statement immediately following the mentioned one, Mill discusses what things are there in the idea of pleasure, and he presents a comprehensive account of the notion happiness, in which different components of happiness, in the way of pleasure, creep into the idea of happiness. Again in ascribing value to these correspondents, Mill abandons hedonistic claim. How Mill's notion of happiness can be described as an inclusive end has been introduced by David O Brink, who ascribes to Mill a concept of "deliberative happiness".¹¹ It is deliberate in the sense that happiness resides in using deliberative faculties. Brink argued that Mill's conception of happiness can best be grasped if it is defined in an objective way. For a subjective

¹⁰ Fred Berger, *HAPPINESS, JUSTICE AND FREEDOM : The moral and Political Philosophy of John Stuart Mill*, Berkeley, University of California Press, 1984, p.18-19.

¹¹ David, O. Brink, "Mill's Deliberative Utilitarianism" in *Philosophy and Public Affairs*, Vol.21, 1992, p.

interpretation is liable to confound the idea of happiness and contentment. He introduces Mill's account of higher pleasures. Brink argues that on an objective account of higher pleasure it (higher pleasure) refers to non-mental states such as actions, activities and so on that involve exercise of higher faculties. He puts forward some evidence by which Mill could be seen as referring to these things when he talks about higher pleasures. Such as when Mill talks about the preference of the competent Judges he usually refers to their preference to the mode of existence in which higher faculties are properly used. Thus he seems to be reject the hedonists' claim that activities and pursuits are valuable only so far as they cause pleasurable mental state which is pleasure. Thus Mill's account higher pleasures are identified with activities and pursuit that exercise our higher capacities."¹² Again Mill claims that the value of these activities and pursuits are intrinsically desirable and their value is independent of the quantity of simple pleasure (mental state) they produce. Thus in Mill's conception of happiness, some pleasure are crucial, and those pleasure are no doubt, the exercise elevated faculties. Therefore it follows that Mill's conception of happiness includes as its dominant component parts, not any mental state, but activities and

¹² op.cit.

modes of life that require exercise of higher faculties. Mill provides a proof of this in chapter IV of his book utilitarianism. He writes

"this opinion (happiness having diversity of components) is not smallest degree, a departure from the Happiness principle. The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure, as music for instance or any give exemption from pain, as for example health, is to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; beside being means and, they are a part of the end."¹³

(Though it exposes Mill to another linguist fallacy our concern is his concept of happiness). Thus with this we can conclude that his concept of happiness is inclusive and comprehensive, and in it exercise of higher faculties both means and part of a human well being. And his concept is far from being a hedonist claim, becomes a concept which will be appropriate in the context of a human existence.

Given Mill's complex and heirarchical notion of happiness, the exponents of rivisionary schools have shown that Mill's principle of utility accommodates some rights and liberties. Berger refers to Mill's account of competent judge's sense of dignity as the sense of freedom and argues that this sense of freedom as necessary element of well-being and it is possessed by all human beings. Berger refers further to Mill's claim that "security is the most indispensable of all necessities, after physical

¹³ John Stuart Mills, op.cit., n.9, p.33-34.

nourishment.”¹⁴ On this basis Berger argues that freedom and security are indispensable for human happiness, because they create requisite condition in which the higher pleasures may flourish.

Gray, also talks about autonomy and security as essential ingredients of human happiness. Gray links autonomy with personal freedom and independence which essential condition for enjoying the higher freedom. Thus utilitarianism leaves room for freedom because it is an essential condition to enjoy the higher pleasure.

Gray in the context of criticising the traditional lists who argued that principle of utility must settle practical questions, argued that direct appeal to utility in all cases is self-defeating because of lack of information and shortage at time. Thus a utilitarian must need some rules or secondary principle more specific than the principle of utility, in order to deal with daily practical affairs of life. Gray’s moral rule entails the punishability “criterion of duty and enforces a moral rule.”¹⁵ Again these moral rules, on Gray’s account, enumerate some rights and the principle of liberty are warranted in protecting man’s interest in security and autonomy which are necessary for the human well being.

¹⁴ David O Brink, *op.cit.*, n.11, p.

¹⁵ Robert G. Hoag, “Happiness and Freedom” : Recent work on John Stuart Mill, *Philosophy and Public Affairs*, Vol.15(2), 1986, p.195.

Berger's explanation of moral rules resembles to Gray's interpretation. Both of them adopted the existence of moral rules as a strategy designed to maximise happiness. Berger also agrees with Gray that utilitarian theory must accommodate some rules protecting man's vital interest in autonomy and security. If these moral rules protect man's vital interests which are essential to human well-being, they are an effective strategy for promoting happiness. Because where the direct appeal to utility is self-defeating, following of these rules is a reliable strategy to maximise happiness.

Thus Mill's conception of happiness, is not always in conflict with his liberty. It will provide some space for some secondary principle that are promoting the ends of happiness. Thus after all, Gray and Berger are justified in arguing that it is the nature of end to be promoted, the nature of happiness conceived by Mill, that is important to his reliance on utilitarian justification, of rights and liberty."¹⁶ Thus, Mill's hierarchical and pluralistic concept of happiness, includes some rights as the essential components of human well being, which in turn justify the adoption of the principle of liberty which by protecting these rights, promotes utility.

We have hitherto discussed how Mill's utilitarian accommodates some rules and right which are essential for human freedom. Thus the

¹⁶ *Ibid.*, p.197.

challenges, that utilitarianism can not afford rights and liberty, are met squarely. We have also dealt with Mill's conception of happiness and how he consistently defends it. What we have done was a starting from utilitarianism and it ended at "on liberty with conclusion that both are not in conflict always. Now we may proceed from the centre of "on liberty" - individuality and we will find that there are, indeed arguments that are quite compatible with utilitarianism. In other word we will proceed through a straight forward way to the conclusion that liberty promote utility. We can do it better if we take into consideration the arguments of Robert F. Ladenson, who in defending Mill's concept of "individuality" encounters with four major criticisms attributed to Mill. Those are as following, Robert Paul Wolf labels the doctrine of "individuality" as the doctrine of sanctity of idiosyncrasy.¹⁷

John Plamentaz argues "it is the third chapter of "on liberty" in which he (Mill) discusses 'individuality, as one of the elements of well-being' that Mill without knowing it abandons utilitarianism. In it he makes the unutilitarian complaint "that individual spontaneity is hardly recognised by the common mode of thinking as having any intrinsic worth or deserving any regard on its own account."¹⁸

¹⁷ Robert F. Ladenson, MILL'S CONCEPTION OF "INDIVIDUALITY" in *Social Theory and Practice*, Vol.4, 1977, p.167.

¹⁸ *Ibid.*, p.168.

Albert William Levi assents that Mill's idea of excellence is departure from "on liberty" and a proceeding towards the Aristotelian ideal of excellence which can be found in Nichomachean Ethics.

And finally, Isaia Berlin argues "At the center of Mill's thought and feelings lies not his utilitarianism.....but passionate belief that men are made human by their capacity for choice-choice of good and evil equally."¹⁹

Ladenson first deals with the arguments of Plamentaz. Plamentaz's remarks is presumably that if people do not regard the individuality, it is only because they can not find out any intrinsic value in it. Thus he is not entitled to complain against this. Thus Mill can not consistently show that it has intrinsic worth, and at the same time, claim that happiness alone is intrinsically is quite distinct from happiness, and argument in support of both, may manifest his inconsistency.

But Ladenson refers to Mill's adoption of "associational psychology of David Hartley and James Mill".²⁰ On this account things are desirable because of their association with pleasure. As for example virtue. Again Mill's pluralistic conception of happiness includes many things as the part of happiness, though those any pleasure is not obtain from those things.

¹⁹ Robert F. Ladenson, MILL'S CONCEPTION OF "INDIVIDUALITY" in *Social Theory and Practice*, Vol.4, 1977, p.168.

²⁰ *Ibid.*, p.169.

Thus individuality also comes under the category of those things. Therefore people's failure to perceive the intrinsic worth of individuality is compatible with the thesis that happiness is desirable.

Now Ladenson proceeds to meet the challenge posed by Wolff, who regards the doctrine of "individuality" as "the doctrine of the sanctity of Idiosyncrasy."²¹ But Ladenson argues that "Wolff is understandably facetious towards the view that uniqueness of character and personality per se is a paramount good."²² Ladenson refers to the evils effects of custom which suppresses individuality. It is in these circumstances Mill advocates for uniqueness of character and personality. Thus in Ladenson's view Mill did not advocate for idiosyncrasy simply for the sake of being idiosyncrasy.

Berlin's objection is also met in the same manner. Mill argued for capacity for choice for those individuals whose opinion or feelings are not properly their "own".²³ There are other passages that suggest that Mill did not take choice-making as an ultimate and unconditional end as supposed by Berlin. Such as "in proportion to the development of his individuality each person becomes more valuable to him self and other".²⁴

²¹ Robert F. Ladenson, MILL'S CONCEPTION OF "INDIVIDUALITY" in *Social Theory and Practice*, Vol.4, 1977, p.170.

²² *Ibid.*

²³ *Ibid.*, p. 171

²⁴ *Ibid.*, p. 171

This statement supports that Mill had in mind other things as intrinsically desirable, besides choice-making.

Again, having said that individuality is the same thing with the development, and that it is only the cultivation of individuality which produces or can produce, well-developed human beings, I might here dose the argument; for what more or better can be said of any condition of human affairs than that it brings human being themselves nearer to the best thing they can be ?²⁵

Therefore, it follows that Mill did not accord the supreme priority to the choice making, but some state of affairs which is best nearer to the human nature, and to which choice making is only a means; a state of affairs, which choice-making helps to achieve.

To Levi's argument Ladenson responds that Mill's comprehensive goodness which when applied to human beings yields the Aristolen ideal of excellence.

After having made the doctrine of individuality, Ladenson proceeds to provide an utilitarian justification of the for the cultivation individuality. Had Mill's conception of individuality not been free from these charges, it would have been interpreted by critics in a different way, and as a result the whole position of Mill would have collapsed. Because this doctrine

²⁵ op. cit., p.171.

would have been internally ambiguous , and its implication would not have received a forceful utilitarian grounds, as it now does. Besides this Mill would have been liable to other charges. Thus the elimination of these charges, is necessary to establish a systematic and coherent relationship between Mill's utilitarianism and the heart of "on liberty"-individuality for which Mill fought will all his force for the freedom of action. Landenson borrows a passage from on "Liberty" and analyses this passage at length. That passage is that where Mill opposes forceful the evil of social conforism. The passage is as such follows.

To confirm to custom merely custom does not educate or develop....any of the qualities which are distinctive endowment of a human being. The human facilities of perception, Judgement, discriminative feeling. Mental activity, and even moral preferences are exercised only in making a choice. He who does anything because it is the custom makes no choice. He gains no practice is discerning or in desiring what is best. The mental and moral powers improved only by being used.²⁶

Thus we can analyse this passage in the light of the arguments put forward by Landenson. Ladenson refers to Mill's criticism of those

²⁶ John Stuart Mill, *Utilitarianism, On Liberty, and Representative Government*, London: Everyman Library, 1964, pp. 116-117.

people who undervalue the intrinsic value of individuality. He argues "for Mill to refuse to conform to custom is to express one's individuality. But it does not follow that simply refusal to custom is manifestation of individuality. Rather his (Mill's) arguments seem to be such that refusal to conform to custom with exercising the qualities that are distinctively human in nature. Among these qualities Mill includes those which are used in making a deliberative decision. Again he who does anything because it is custom makes no choice, he gains no practice either in discerning or in desiring what is best. The mental and moral like the muscular powers are improved only by being used". Mill's arguments here seem to be that the mental and moral powers are that which Mill characterise as the distinctive endowment of a human being and such qualities are improved only by being used. These qualities are helpful in discerning or discerning what is best. Because by choice making these powers are developed and one becomes able to desire and discern what is best. Thus we can derive a premise that refusal to custom by making one's own choice develops these qualities and that are instrumental in discerning or desiring what is best. Therefore Ladenson's view is that Mill is expected to hold that the cultivation of individuality is the development of qualities that are instrumental in discerning or desiring

what is best, and indeed this is his (Mill's) express view."²⁷ Again if we assume that the standard of value underlying the above judgements is none other than the greatest happiness principle, we have a sophisticated yet unmistakably, utilitarian argument for the desirability of cultivating individuality and derivatively for liberty of action."²⁸ We can assimilate all the arguments

- (1) Cultivation of individuality requires the development of certain qualities, that are the distinctive endowment of a human being.
- (2) These qualities are instrumental in discerning or desiring what is best.
- (3) From utilitarian stand point happiness or what is productive of happiness is best.
- (4) Thus these qualities are productive of happiness.
- (5) Individuality ought to be cultivated.
- (6) Liberty of action is essential condition for cultivation of individuality as has been discussed in "on liberty".
- (7) From a utilitarian stand point. The cultivation of individuality is highly desirable.

²⁷ Robert. F. Ladenson; "Mill's Conception of Individuality", in *Social Theory and Practice*, 1977, Vol.4., No.2, p. 174. (I have borrowed all the premises from Ladenson's article because it seems to be more persuasive).

²⁸ *Ibid*, P.175.

(8) Thus liberty of action is justified on utilitarian grounds.⁷

Thus the liberty of action has an utilitarian background because from preceding discussion it follows that there are no such conflict between liberty and utility as has been expected by Mill's critics. Because principle of utility also presuppose some rights and liberties necessary to pursue happiness and if liberty is given, people would be able to lead a happy life in their own way. And as we have seen earlier that happiness has many components, it follows that cultivation of individuality is one among them, because it requires the exercise of elevated faculties. Thus Mill's claim that by cultivation of the individuality mankind will be happy in the long run loses none of its

Ladenson's explanation seems to be persuasive, but Gray points out that it neglects another aspect of Mill's Conception of individuality – That is to identify one's unique potentialities is a matter of discovery. Therefore Gray refers to Mill's "Experiments in Living" as strategy to attain self knowledge and by this one can exhibit "authenticity". Thus, on Gray's account, autonomy involves 'authenticity' by which one can determine what exactly are his projects and desires. Again Gray's idea of "making one's desires and projects one's own" is ingredient of a happy life and it can be found in the forms of life expressive of individuality. Therefore, in this way Gray Joins Mill's higher pleasure and Mill's concept of individuality, with the idea of a comprehensive conception of autonomy.

But on the otherhand, it is true that Ladenson identifies the development of individuality with cultivation of 'reason'. Again by appeal to reason one can identify what is one's own "desires and projects". Therefore Ladenson's argument remains still convincing.

The above passage occurs on occasion of Gray's Statement on Ladenson that though it captures neglects another aspect too.

John Gray "Mill's Concept of happiness" in "*J. S. MILL ON LIBERTY IN FOCUS*" (eds.) John Grey and G. W. Smith, Routledge Publication, 1991, p.199.

importance. And this the essence of his statement that utility must be in its largest sense."²⁹

But one question suggests itself. That is how did Mill conceive that happiness of a progressive being is compatible with that of other progressive being? Or in other words, if each man pursues how general happiness will be achieved, because there occurs often conflict between individual interest and general interest. In like manner if there is such a conflict, how Mill can reconcile individual happiness with general happiness ?

We can solve this problem if we take the arguments from HENRY R. WEST who have provided an explanation on this account. West refers to Mill's statement that is "as to the sentence you quote from my utilitarianism : when I said the general happiness is good to the aggregate of all persons I did not mean that every human being's happiness is a good to every other human being. Though I think in a good state of society it would be so. I merely meant in this particular sentence to argue that since A's happiness is good, B's happiness is good C's is a good etc, the sum of all these goods must be a good."³⁰

²⁹ Robert F. Ladenson : MILL'S CONCEPTION OF INDIVIDUALITY, *Social Theory and Practice*, vol. 4,, 1977, p. 176.

³⁰ Henry R. West (West borrows it from D:D.Raphel's "Fallacies in and about Mill's Utilitarianism , '*Mind*', October, vol. 81, 1955, P.349.

HENRY R. WEST, interprets Mill's statement that those things which are desired by different individuals can be summed up to give what is desirable as an end for aggregate of individuals."³¹ On this basis he formulates his proposition of which two are most important for our present purpose. Those are as following :

- (1) "The sum of what is desirable for its own sake for each individual is what is desirable for its own sake for the aggregate of individuals, which is the summum bonum, the foundation of morality."³²
- (2) "Therefore sum of each individual's happiness ("The general happiness") is the summum bonum, the foundation of morality."³³

Thus Mill's conception of happiness is not so much ambiguous as was supposed by Mill's critics. His doctrine is internally consistent provides a forceful support for liberty. Therefore Mill is justified in claiming that liberty promotes utility.

³¹ (For detail formulation, see Henry R. West : Reconstructing Mill's "Proof" Of The Principle Of Utility in '*Mind*', vol. 81, 1995, p. 349.

³² *Ibid.*, p.349.

³³ *Ibid.*, p.349.

CHAPTER - IV

SOME CONFUSIONS OVER MILL'S PRINCIPLE

We have hitherto dealt with the utilitarian justification of "on liberty". And we have found that liberty is not always incompatible with utility and Mill had consistently been able to defend his position by providing a comprehensive account of human happiness which accommodates for the liberty. But one question arises that is did Mill consistently maintain the application of his simple principle or in other words is there any internal problem in the text ? There is one problem arising in regard to the Chapter Fourth titled as "Of the Limits to the Authority of Society Over Individuals".

The problem is one that leads to further difficulties, but if we look at the welfarist aspect of Mill's principle, then it could be to some extent, within our solution. In that chapter Mill introduced his very simple principle. That is "the Sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their member is self protection. That 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 other."¹

¹ John Stuart Mill, *Utilitarianism, On liberty and Representative Government*, London: Everyman Library, 1964, P.73.

For the practical application of his principle Mill introduces two maxims. First the individual is not accountable to society for his actions in so far as these concerns the interests of no person but himself. 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 legal punishment, if society is of opinion that the one or the other is requisite for its protection."²

As a result, the critics thought that Mill is trying to divide the human into two categories actions. The self-regarding and the other-regarding. But the problem does not arise here. It is unproblematic that Mill divides the actions into two categories. The real problem arises with regard to the manner in which Mill divides the actions.

But my argumentative aim will be to show that the traditionalist have did not consider properly the words Mill uses while making this division. I will argue with J.C. Rees, who has provided a persuasive evidence that Mill did not make his distinction in that way which the traditionalist assumed Mill had. The traditionalists have assumed that the use of the word effect can not be useful in dividing human actions, because every action of a person affects the rest of the community. But Rees argues "This assumption on the part of the critics is false and that it

² op.cit., P.151.

derives from a failure to observe the form of words which Mill often employs in the text and to take at its full value Mills firm assertion that actions of the so called "self-regarding" variety may frequently affect, even harmfully persons other than the agent."³ Thus it could be shown that Mill did not commit the fallacy often attributed to him.

But the identification of the word Mill uses for his distinction, does not solve all the problem. Because the word itself is not within the scope of any specific definition, and as a result it leads to further difficulties, as we will see later. But before we begin to discover the prime word which will solve the puzzle, it would be essential at the first sight, to elaborate upon what is the common grounds of beliefs among the traditionalist to see in what way did they interpret Mill's distinction.

There are many who hold this assumption that Mill made his distinction on the basis of 'effect' : I will elaborate the views of some of them. Then I will argue that there is a great deal difference between the word which has been used by Mill and the 'word' which the traditionalists supposed to be the basis of Mill's distinction.

Fitz James Stemphen argues that the attempt to distinguish between self-regarding and other-regarding actions is an attempt to

³ J.C. Rees: A RE-READING OF MILL ON LIBERTY, in J.S. MILL ON LIBERTY IN FOCUS" (Eds) John Gray & G.W. Smith, Routledge Publication, 1991, p.172.

distinguish between the acts that happens in time and the acts that happen in place."⁴ Stephen argument is presumably that since every action involve both time and place so also every effect of an action must involve the agent as well as others. Stephen argues further an 'organic' concept in which the part has no meaning in isolation for the whole. As he argues "A man would no more be a man would no more be a man if he was alone in the world than a hand would be a hand without the rest of the body."⁵ Thus on Stephens view a man cannot be conceived as a man outside the society and if a man lives in society every action of him will concern the society and if a man lives in society every action of him will concern others. Cognizant of above view Ritchie labels Mill's concept of individual as "doctrine" of abstract and negative individual."⁶

Bosanquet also remarks "every act of mine affect both myself and other.....it may safely be said that no demarcation between self-regarding and other-regarding action possibly hold good."⁷ Maclver in his "Modern State" argues that Mill has ignored the social aspect of a man's life, and argues Maclver that the social life and the individual life (the part of life which concerns him chiefly) are inseparable. Thus Mill had not

⁴ Op.cit, P.172. (All References and Criticisms have been brought from J.C. Rees' article).

⁵ O.p.cit. P.172.

⁶ Op.cit. P.173,

⁷ Op.cit. P.173.

sufficiently consider all these aspects. Again Sir Earnest Barker says that Mill's assumption of the two different spheres of conduct is open to the criticism that Mill separates the inseparable; The conduct of any man is a "single whole". There can be nothing in it that concerns himself only, and does not concern other man: whatever he is and whatever he does, affects others and therefore concerns them."⁸

Thus the common grounds of Mill's critics is that before the criteria of social control is introduced, it is "in the first place" totally impossible, and even fallacious to distinguish the spheres of actions with the help of the word "effect". Because every body is born into society and he is closely related to others and he is conceived as a part of the 'social whole'. Again the relation of a man as a part to the social whole is relation of the atom to the mass since a mass can be affected by a trivial change in only atom, in like manner every individual affects by his action to the society which is composed of other individuals other than him. Thus it follows that everybody's action affects everybody, such a distinction can not be sustained.

A little reflection, can be useful to correct the misapprehension the critics. If we look carefully, argues Rees, the two passages quoted above, where Mill explicitly stating his principle it will be noticed that,

⁸ Op.cit. P.173.

although in the first case he writes of conduct which merely concerns the agent and of conduct which concern others, he introduced the word 'interest' in the second passage."⁹ Again in Mill's words both types of phrases appear frequently and with a number of alteration. Such as "on one hand "what only regards himself, which concerns only himself and on the other hand" concern the interests of other, affect the interest of other".¹⁰ The traditionalist assumed that both type of phrases convey the same sense and they concluded that such distinction as Mill makes is impossible. But there is a great deal of difference in meaning and implications of both parses and the term 'interest' makes this difference. For example a person may be affected by the behaviour of another, without his interests being affected. Again it may well happen that one may be affected when interest does not arise. One may have an interest in a particular thing. Such as one's 'interest' in mathematics, but Mills never used the word in that sense.

Again there are sufficient proofs that Mill was well aware about the use of both 'interest' and "effect". Had he not been aware of this, he would never have admitted an exception to his principle. And he made this objection consciously. That exception is based on the following passage.

⁹ Op.cit. P.174.

¹⁰ Op. cit. p. 174.

How (it may be asked) can only part of the conduct of a member of a society be a matter of indifference to the other member? No person is an entirely isolated being: it is impossible for a person to do anything. Seriously or permanently hurtful to himself, without mischief reaching at least to his near connections, and often far beyond them."¹¹

Thus we are to interpret the passage that Mill's self-regarding actions (actions Mill terms as self-regarding) do have affects on others, even some time to the extent of violating the interest of others, such as violating a public duty. Thus Mill did not made his case relied on the word 'effect' as the basis of distinction. Again Mill argues that the self-regarding acts may be subject to server penalties.

But Stephen argues that if the self-regarding actions suffer server penalties, then how Mill's distinction can be defend.

But the point is that what Mill identity as the severe penalties here, is the "inconveniences strictly-inseparable from the unfavorable judgements of other,"¹² and it is attendant on that part of the conduct which concerns nobody's interest but the agent. It is quite distinct from the moral retribution and punishment which is due to a person who has violated the rights of others. The distinction between the two is not

¹¹ Op.cit. P.177.

¹² John Stuart Mill, *"Utilitarianism, On Liberty and Representative Government"*, London, Everyman Library, 1964, p. 135.

nominal, because as Rees puts it "In the former case the offender incurs a loss of consideration by reason of his imprudence or lack of dignity, where as in the latter the reprobation is due to him for an offence against the rights of other."¹³ Therefore the distinction implies a vast difference between the two phrases. It includes the notion of 'right' which is a new element in the discussion, but it would serve a purpose of the argument.

When Mill maintains the application of his principle he invokes a rule of conduct. The breach of which, will make accountable to society. This conduct, says Mill, consists in not injuring the interest of one another; or rather certain interest which either by express legal provision or by tacit understanding ought to be considered as rights". Thus Mill talks about 'interest' (Though not all and relates those with rights which in Mill's eye are inviolable, it follows that he was aware about both the term 'effect' and "interest" and relied heavily on the later, in order to distinguish between actions socially permissible and socially not permissible. Again there is further support that Mill did not use the notion once or twice. As Rees puts "In fact the word 'interest' appears at least fifteen times in the course of essay and some of the passages where it is used are of the greatest importance in assessing Mill's intentions (PP.31 [twice] 32, 78, 90 [4 times] 93, 96, 101, 108 [4

¹³ op.cit., p. 136.

times]).”¹⁴ Though there is some difficulties in this interpretation, yet we are warranted in assuming that Mill adopts the word ‘interest’ instead of ‘effect’.

But the ‘interest’ also is not free from problems. Because if we assume that Mill adopts the word interest. Then we have to explain at first sight what counts as a man’s interest. And Mill did not precisely explained it. But if we assume with Rees, that it is to be a condition in which a person’s claim to, or title to, or share in-something is recognised as valid by others, or at least is regarded as worthy of consideration, we are on the firm ground that Mill did not use the word in any special way different from this. But it generates problems that is, for, example if a person’s freedom, from noisy behaviour coming from the near airfield, is to be regarded as his interest. Certainly Mill supported this kind of relief but the problem is how this freedom could be explained in terms of “interest”.

Another problem related to the social interference on the basis of damage to interests, but Mill allows certain actions unrestrained even if they cause injury to the interest of others. For example, a successful candidate in a competitive examination, and other disappointed

¹⁴ J. C. Rees : *A RE-READING OF MILL ON LIBERTY* in J. S. MILL ON LIBERTY IN FOCUS (Eds.) John Gray and G. W. Smith, Routledge Publication, 1991, p. 180.

candidates are not entitled to appeal to social interference unless the means involves the unfair means.

Thus, Mill does not take the term interest as the ultimate basis of social control, rather he appeals to general welfare where interest as the basis of social control fails. This aspect of Mill's theory can be called as the welfarist aspect. Mill's theory was intended to secure individual freedom from interference which is not likely to promote general welfare or any kind of paternalism. But where there is a freedom and also a damage to the interests then the interference or non-interference could be determined by an appeal to general welfare. Thus only interest cannot be the basis of social control.

Another problem relating to the idea of interest arises out of the prohibition of indecent acts. Those acts are deplorable by appeal to "offence against decency" but it could not be explicated in terms of interests. Even if it can be placed under the heading of public 'interest'. The problem persists still. Because everything becomes dependent on how narrowly or widely the concept of interest is explained. And the problem is if we take the narrow view then we have to allow those actions which we want to condemn and vice-versa and as Rees puts if the standards and value enters into what we conceive to be a man's interest even in a restricted sense of the term, a fortiori. They will shape

what we take the public interest to require."¹⁵

Thus the problem relating to the use of the word 'interest' is persistent, therefore 'interest' can not be the ultimate basis of social control. Thus if we look forward the concept of general welfare then some of the problems might be appeared solved.

But, I wish to argue that even if the concept of interest can not provide a definite solution to a complicated case, nevertheless it could be determined, by an appeal to general understanding, that whether the interests are being injured or not . But to provide solution to formation of the notion interest requires an unending debate, because the notion itself is vague and changed according to different persons.

Again, whether Mill succeeds in explicating certain types of immunity from intervention, as a man's interest or not and whether it could determine the legitimacy of social control or not, these are quite distinct subject matter; what is the out come is that Mill did no use the word 'effect' while distinguishing human actions. We have a strong conclusive ground that Mill gave too much importance to the word 'interest'. than to the word 'effect' and for this reason the traditionalists are proved being mistaken.

Again it would be a grass injustice to mills theory, if we reject it

¹⁵ Op.cit. p. 187.

simply because it fails to provide a definite answer in the complicated cases. Because there are a few principles which provide such a quick and automatic solution to complicated affairs in our every day life.

But apart from these considerations, we have proved that, the term 'interest' was crucial to Mill's theory and he did not take. The word 'effect'. Otherwise he would not have admitted that self-regarding actions also do have 'effect' on others and in this way Mill is free from the fallacy which is attributed to him.

CONCLUDING REMARKS

As civilization proceeds, the demand for liberty becomes a dominant slogan. Liberty is essential in human life, because it makes life worth living. Liberty protects the area of a person's life which is inviolable. But liberty can not be conceived only in terms of negative liberty. Because, as we have seen in Charles Taylor's analysis, liberty can also be obstructed by internal barriers. The classical or negative liberty only deals with external obstacles which are deliberate. But Macpherson has proved that even if obstacles are unintended, they are still obstacles. Again in Taylor's account we have seen that even a negative sense of freedom involves a view of qualitative discrimination. This is because human beings are purposive beings and freedom is related to the fulfillment of desires and purposes. But there are certain kinds of desires which become obstacles in realising freedom. Thus qualitative discrimination helps to find out true and authentic desires and to eliminate unauthentic desires and feelings. Therefore identification of true and authentic desires requires a sort of self-realisation, which must become an ingredient of the concept of liberty.

However, the positive concept of liberty should be confined to self-realisation. It should not be shaped in an extreme idealist way which may

license paternalism. Thus, the term liberty is appropriate when the modest form of both concepts are involved in the notion. Otherwise it would be a denial of liberty and would amount to the paternalism, which, Mill among other liberals feared much.

In order to avoid such misutilisation of the word, Mill in chapter II sets himself the task of providing a detailed formulation of the principle of liberty. Mill's liberty is intended to protect individual from undue encroachment of social control and other kinds of paternalism.

Mill starts from the liberty of thought and discussion and he defends the diversity of opinion on three major grounds. The first is that when a suppressed opinion turns out to be true, mankind lose a chance to reach the truth. It is, in a great measure, an injury to the whole human race. The second reason is that even if a received opinion is true it can not retain its truthfulness. Unless it is discussed and contested with other opinions freely and fearlessly. The meaning of the opinion loses its vital essence, which it was designed to convey and there remains only few words. The third reason is that opinion on disputed subjects never embody the whole truth, but only a portion of truth. Therefore the plurality of opinion is required for the supplement of the remainder portion of the truth.

The diversity which Mill finds useful in the field of opinions, he finds so in the fields of actions also. Mill argues that as long as one's action does not hurt others, one is entitled to pursue one's life one's own way. Thus there should be diversity in living styles. Mill's arguments depend on the fact that human being possess some distinctive qualities that distinguish them from the rest of the world. These qualities cannot be developed as long as one is within the grip of custom. On the contrary these qualities can only be developed by ~~recognition~~ choice making. These qualities develop originality which constitute individuality. Thus the cultivation of individuality is worthy of admiration. Therefore, diversity of living styles provides a scope for pursuing one's own mode of life in which these endowment capacities are developed by making choice.

Mill prescribes some principles by which we can know which area of a persons life is left unrestrained for the development of individuality and which area becomes amenable to social control. He concludes that, the portion of a persons life is immune from social control in which actions do not affect others interests, where interests are being affected, social control, either in form of legal punishment or in the form of moral retribution, is permissible. Therefore he calls the former types of actions as self-regarding, and latter as other regarding actions, and argues that

self-regarding sphere should be left free, unless it causes a breach of obligation or public duty or harms others.

But owing to the complexities of human affairs and demands of general welfare Mill admits some exceptions to his principles. That is he permits some action even if they cause damage to other's interests and he seeks to prohibits actions that falls under the self-regarding class. The example of the former case is the neutrality of the state towards the competition held for obtaining a job. The example of the latter case is that the state should require of young persons before marriage. that they have to show the reliable means and intention to look after their offspring.

Though his welfarist motive exposes Mill to a charge of inconsistency, yet his comprehensive concept of happiness serves as a useful device for the exponents of the reversionary school, to release him from that charge. Mill puts forward a concept of happiness which is best suited to the human nature as progressive beings. His notion of happiness includes various components as both means and part of the happiness. Further in this notion the exercise of elevated faculties plays a dominant role. The exercise of these facilities requires autonomy, and liberty provides the condition in which these faculties can be exercised

freely. For this reason Mill's concept of happiness leaves room for the principle of liberty.

Again in Chapter III Ladenson has maintained the compatibility between liberty and utility in a quite decent way. By making free Mill's concept of individuality from other charges, he does a lot of favours to those interest in the subject. Ladenson's explanation, that the cultivation of individuality requires the cultivation of certain qualities those are instrumental in desiring what is best, proves that the comprehensive account of Mill's happiness has an exact fit with the concept of individuality. Thus his explanations seem to be persuasive as well as convincing.

Further HENRY R. WEST provides a strong evidence that general happiness and individual happiness are not always in antagonistic position to each other. So it is legitimate on the part of Mill to claim individual happiness is a part of general happiness.

Again we are thankful to professor J. C. Rees for putting forward an argument which avoids lot of confusions arising out of the traditional interpretation of Mill's self-regarding and other regarding actions. Rees' explanation provides us an evidence that Mill was well-conscious about the use of both the terms "interest" and 'effect' while formulating his principle. Because Mill himself admitted that self-regarding action do

have 'effects' on other too. Therefore Mill seems to use both the terms vary carefully. Though there are problems related to the use of the word 'interest' as the basis of social control, yet by an appeal to common sense, we can readily determine whether one's major interests are being injured or not. Thus, in Rees words we ought not reject out of hand a theory to which the concept is crucial. But whatever may be the problem, we are on the firm ground that Mill did not rely heavily on the word 'effect' and did not commit the mistake which the traditionalist suppose. Again from the use of the word 'interest', it is clear that Mill advocated for perfect freedom where interests are not involved.

Thus we can conclude by passing a remark on "On liberty" that despite being a subject of an unending controversy, its deserves its reputation. In a society dominated by mediocre government and public opinion, it serves to provide a principle protecting individual freedom. No body has formulated the principle of liberty as persuasively and candidly as did Mill. His value of individuality is able to attract the attention, from all quarters, and of all generations. Nobody has explained the sphere of social control and sphere of personal concern in a detailed the sphere social control and sphere of personal concern in a detailed formulation. Than Mill has his concept of individuality is a warning against despotism that even a single man's potentialities must be taken into consideration.

Though it is unable to provide a quick and automatic solution to the most complicated cases, yet it should not be under-valued. Social aspect of human life is so complicated that no theory will universally and permanently be valid.

Therefore, despite its drawbacks. The essay "on liberty" succeeds in being a remarkable classic which may even adopts itself to some extent to modern liberal societies.

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