Honors Senior Thesis
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PASS WITH DISTINCTION
Conflicting Liberties: Negative and Positive Liberty in John Stuart Mill's Political Philosophy

Introduction

Of John Stuart Mill Shirley Letwin writes, “He marked the birth of the ‘liberal intellectual,’ so familiar today, who with one part of him genuinely values liberty and recognizes the equal right of all adults to decide their lives for themselves, but with another wants the government, under the direction of the superior few, to impose what he considers the good life on all his fellows.” Mill is celebrated as a champion of individual liberty and yet has been accused of moral tyranny, paternalism, and elitist oligarchy. It is revealing that he has just as often been accused of incoherence of thought. Mill’s writings on liberty do indeed contain many contradictory and at least nominally irreconcilable assertions. There is no one cohering theme that that provides an entirely illuminating context, that puts his every statement in harmony, that renders his philosophy obvious and settles the debate on what he really meant.

Nor is there likely to ever be. Mill was a social critic and a logician, a moral philosopher and a journalist, a statesman and a patrician. He wrote so much for so many different purposes that a reviewer of his catalog could not avoid finding some statements he wrote somewhere that contradict others he wrote elsewhere. But it is a more substantial criticism that the reviewer would not have to be very thorough and would not have to peruse
much of his works to find such statements. Indeed, there is no consensus on just what Mill was getting at in his most famous work, *On Liberty*. His publication of *Utilitarianism* two years later in 1861 provided a new surplus of contradictions. Reconciling the statements of *On Liberty*, and those of *On Liberty* with *Utilitarianism* has occupied scholars since their publication, and inasmuch as no consensus has emerged, none has been successful.

The endeavor here is not to contribute to the lack of consensus, though that may be a consequence, but to examine Mill's thought on liberty in the context of negative and positive liberty. Some have argued that this division of liberty is problematic, contrived, and counter-factual. But while the two senses of liberty "start at no great logical distance from each other," they form a useful distinction. Negative liberty, the freedom from coercion, is essentially not the same as positive liberty, the freedom of self-autonomy. In Mill's thought on liberty the primary inconsistency is between the purely negative principle of liberty as contained in the main doctrine of *On Liberty*, the harm principle, and Mill's persistent advancement of a positive view of freedom "as rational self-development." An honest attempt to reconcile these depends on placing them in the context of Mill's broader social morality, one that embraces a positive view of liberty and professes a universal hierarchy of values.

**On Negative and Positive Liberty**

"How much am I governed?" "By whom am I governed?"

Probably the most celebrated account of negative and positive liberty is Isaiah Berlin's "Two Concepts of Liberty," in which he identifies Mill as a "libertarian" on the order of John Locke. Berlin quotes Mill from *On Liberty*: "The only freedom which deserves the name is
that of pursuing our own good in our own way.” This distinctly negative view of freedom, Berlin notes, prompted Mill’s contemporary Ferdinand Lassalle to accuse Mill of reducing the state to the functions of a night watchman. This interpretation of Mill prevailed then and, in most interpretations, prevails today. This places him cleanly in the camp of negative libertarianism. But the debate over how to categorize Mill is inextricably bound with the debate over how to define negative and positive liberty.6

On a standard view, two central tenets compose the essence negative liberty: “that any impediments thereon must apply to an agent’s desires or actions [and] that they must be imposed intentionally by others with the purpose of restricting liberty.”7 By this second element negative liberty ignores the constraints imposed by social and economic conditions over which one has no control. Hillel Steiner puts it thusly: “An individual is unfree if, and only if, his doing of any action is rendered impossible by the action of another individual.”8 According to this strong view of negative liberty, freedom or unfreedom is a physical fact, not a psychological condition.9

Negative liberty is political liberty; it is about coercion, and “coercion implies the deliberate interference of other human beings within the area in which I could otherwise act.” It is not about attaining or being anything; “mere incapacity to attain a goal is not a lack of political freedom.” To claim that poverty and the resultant inability to buy bread is a lack of freedom—so much so as to be comparable to being legally prohibited from buying bread—is to presume that this condition is the result of arrangements made by other humans. This use of negative freedom “depends on a particular social and economic theory.”10

The most obvious response to negative libertarians is that their view of freedom is merely formal and may mean little in the actual world. One cannot be said to have a choice
unless she can actually do what she chooses. Positive liberty holds that certain social, economic, and psychological conditions are necessary for freedom to truly exist. Thus “an assessment of freedom must be made on the basis of liberties that are tangible, and capable of being deployed within the realms of both state and civil society.” Freedom cannot be a mere absence of something; it must have “concrete content—as particular freedoms” for it to be meaningful.11 To be positively free is to be a subject and not an object, to decide and not be decided for, to be moved by one’s own reasons and conscious purposes and not by external causes. Freedom is in “bearing responsibility for my choices and [being] able to explain them by references to my own ideas and purposes.”12

The substance of positive liberty can almost invariably be reduced to self-determination or self-autonomy. It is freedom in the sense that a person “is his own master, whose life and decisions depend upon himself and not upon external forces of any kind.”13 Thus a feature of all views of positive liberty is that the liberty of the individual may be impeded by his own actions, not just those of external agents. His restriction of his own options, his weakness of will, his personal inhibitions or conformist tendencies may all limit his own freedom. Positive liberty allows that passions, vices, and irrationality can govern a person as another human can.

From this observation stems positive liberty’s duality of the self. The higher, ideal, real self is governed by reason; the lower, empirical, heteronomous self, by passion and irrationality. Just as a heroin addict is not self-autonomous, neither is one who allows passions and impulses to control him. To be free in the positive sense, a person must be the slave of no human or psychological master, neither a lord nor irrationality. Self-mastery in both the internal and external sense are essential to self-autonomy and hence to liberty.14
The implications of equating freedom with acting rationally make positive liberty more complicated than simple self-autonomy initially suggests. If acting according to our true natures, our ideal selves, means acting rationally then everyone’s true self coincides in a rational harmony that “may be conceived as something wider than the individual... as a social ‘whole’ of which the individual is an element or aspect.”\(^\text{15}\) This “organic” entity is identified as the true self, and imposes its will on individuals succumbing to baser instincts so they can achieve a higher freedom, for “no one has a right against reason.”\(^\text{16}\) Positive liberty necessarily entails that “freedom resides at least in part in collective control over the common life.”\(^\text{17}\) Thus “only the individual’s real or higher self should not be constrained or interfered with”; society may compel individuals to be rational and thereby to achieve self-autonomy.\(^\text{18}\) This is the basis for Rousseau’s famous dictum that “man may be forced to be free.”\(^\text{19}\)

The standard criticism of positive liberty is that “self-realization” is not determinate; the definition given to it and the requirements of it conceptualized by different people may conflict, and thus there is no basis for finding that any one view can be that of society as a whole. Yet if society is to be the enforcer of rationality, of acting to further one’s self-realization, then positive liberty becomes an ill-gotten “license for paternalism and tyranny.”\(^\text{20}\) Positive liberty presupposes that self-realization is the highest goal of the individual, and insists that if he values something more highly, he is irrational and may be legitimately subjected to coercion to induce rationality and, therefore, liberty. This Orwellian definition of liberty is inherently suspect.

To most liberals, the more innocuous form of positive liberty is the individualist kind of Immanuel Kant, holding that liberty is individual autonomy, “the rational self-government of the individual agent.”\(^\text{21}\) Positive liberty allows for a Kantian view of self-realization and
autonomy that distinguishes between an individual's desires and actions and authentic self-fulfillment, between one's wants and one's real will. This conception does not allow that some will coerce others for their own benefit. In upholding "human diversity and originality" it maintains that means and ends of self-fulfillment vary among individuals and that attempts to impose ostensible self-fulfilling direction "will destroy other necessary conditions of freedom."\(^{22}\)

**Interpretations of Mill**

"The equal claim of everybody to happiness in the estimation of the moralist and the legislator, involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim."\(^{23}\)

"Every law imposes some restriction on the natural liberty of mankind, which restriction is an injustice, unless legitimated by tending to their good."\(^{24}\)

Mill did not claim to follow in the tradition of Rousseau and Hegel (against whose ideal state no one can have a right) or of Kant, but nor did he eschew positive liberty altogether. Larry Siedentop argues that Mill developed his conception of liberty in accordance with the French *Doctrinaires*, particularly Rousseau, who advocated a positive liberty of virtue, "thus collapsing the concept of liberty into that of morality."\(^{25}\) Robert Wolker agrees that Mill was a proponent of human perfectibility, "the doctrine of self-perfection or self-realisation..., the unfolding of individual potentialities, occasionally expressed in their richest variety, more often in stricter accord with their allegedly most virtuous or rational essence."\(^{26}\)

Siedentop concludes that Mill ultimately was of the British school of liberty—the empiricist or physicalist sense—but that he accepted the conclusions of French liberalism—
self-development, politics and state as moral—but did not accept their premises: the historical view of political theory in which liberty is connected to changes in social structure, a historical progression rather than a logical argument. In a historical interpretation of liberty, Mill is difficult to classify.27

While the association of liberty with virtues and particularly with self-development would place Mill within the positive liberty camp, Friedrich Hayek claims Mill for his own negative liberty tradition.28 Accordingly, Shirley Letwin notes that “on the surface” On Liberty argues for “the most unhindered individualism.” She adds that On Liberty was and is “widely attacked as a defence of libertarianism.”29 Further, Paul Smart comments that Mill’s “one simple principle” (the harm principle)—at least on a simplistic reading—affords a clear defense of Mill as negative libertarian.30 And the Marxist R.P. Wolff agrees with Hayek’s assessment, and denounces Mill for espousing “possessive individualism.”31 To many it seems clear that Mill, who in On Liberty wrote that “the only freedom which deserves the name, is that of pursuing our own good in our own way,” was an absolute proponent of negative liberty.32

The convoluted disparity in opinion of Mill’s status as a liberal can be traced to the purported failure of Mill to balance the two primary maxims of his essay On Liberty: that entirely self-regarding action may not be interfered with, and that actions that are “prejudicial to the interests of others” and society may rightly be countered by social or legal punishment.33 Karl Marx said that Mill was trying to “reconcile irreconcilables.”34 Robert Hollinger agrees that in advocating liberty and social control, Mill was unsuccessful in trying to balance “an unstable mixture.”35
Mill’s failure to clarify his understanding of freedom and to reconcile it with his view of social control, social utility, and his utopian predilections, has resulted in an array of divergent interpretations. Examination of Mill’s inconsistencies has often compelled scholars to divide his thought into discrete elements, one paternalistic and near-authoritarian, and the other fundamentally and absolutely committed to negative individual liberty. The most famous of these efforts is Gertrude Himmelfarb’s theory of the “two Mills,” whose subsequent distinction between *On Liberty* and everything else Mill wrote greatly influenced scholars who developed this division. In this interpretation, the Mill who wrote in *On Liberty* that “over himself, over his own body and mind, the individual is sovereign” is different from the Mill who wrote in *Utilitarianism* that “what is moral is, the exclusive subordination of [justice] to the social sympathies.”

Joseph Hamburger attacks the “two Mills” interpretation by arguing that Mill’s body of work does indeed present a coherent system of thought on liberty and social control, one that evinces a strong tendency toward social control rather than negative individual liberty. In this view Mill’s arguments for liberty coincide with his advocacy of social control because they are essentially positive in nature. Semmel takes this view as well, noting that *On Liberty* is “a tract whose major purpose was to advocate the positive freedom of self-development—and of self-control, and self-dependence—of the German philosophers.” This is the tradition of the “positive libertarianism” of Kant, holding that freedom is inextricably bound with rationality; that one cannot act irrationally and still exhibit real freedom. The ultimate purpose of *On Liberty*, as Mill himself identifies in his *Autobiography*, was the advancement of a “developmental liberty,” a positive freedom of expanding human diversity.
But there is no consensus. John Gray writes that “even John Stuart Mill” was a proponent of negative liberty, but also that he cannot be “characterized unequivocally as a negative libertarian.” 42 There is much in Mill’s writings to suggest that Mill adhered to a positive liberty. In On Liberty he argues for freedom as necessary for the end of self-development rather than for the sake of fulfilling one’s wants or on the basis of any natural right. 43 In his System of Logic, he insists that “none but a person of confirmed virtue is completely free,” an “unqualifiedly moralistic and positive notion of freedom.” 44 Mill identifies internal impediments to self-development and emphasizes these “psychological defects of character” (e.g. weakness of will, subjection to habit) and not external coercion. 45 Thus Mill’s sense of liberty fulfills Berlin’s main criterion for positive liberty: freedom as having the powers and abilities to achieve self-development rather than the mere absence of constraints. On one view, all of this makes it clear that “Mill’s primary theme was a positive liberty.” 46

Such arguments recognize the negative libertarian espousals in Mill’s writings but find that he “slides pretty quickly into a much more positive notion of freedom as self-determination.” 47 Mill’s view overlaps with Kant’s individualist conception of freedom. Mill placed self-development within the context of utility “in the largest sense,” “grounded in the permanent interests of man as a progressive being.” 48 Such an interpretation extends utility so much as to nearly constitute a pluralism of a lesser kind, according with Kant’s adherence to diversity in self-development and Isaiah Berlin’s insistence on individual pursuit of the good. Thus Richard Wollheim notes that “Mill in talking of complexity succeeds in doing justice to everything that Berlin has in mind by diversity.” 49
G.W. Smith agrees and emphasizes that Mill’s conception of liberty retains some negative aspects: a person is still free even if she succumbs to temptation, so long as she chooses to do so, so long as she can do otherwise. That is, freedom is not itself dependent on achieving self-determination. Thus Mill sustains the classical liberal distinction between freedom to act and actually acting. But this view is contested. Indeed, Mill himself held that it is only when people have achieved self-discipline that they are “fully prepared to enjoy liberty”; he called self-development “the grand duty of man.” While Mill makes a distinction between self-development and liberty, he does not allow that freedom in the fullest sense can be attained without it.

For Mill “the feeling of moral freedom” can only come with conscious self-improvement, and he concludes that “none but a person of confirmed virtue is completely free.” Mill’s conception of freedom as autonomy qualifies as determinate or “closed” since it may not encompass whatever disparate definition individuals apply to it. Autonomous individuals are to “converge on a single form of life or agree on a unified body of truths.” Mill’s view is geared toward a “unanimity of sentiment” in which all rational beings will pursue self-development, and his view of liberty depends on this explicit between freedom and rationality. A purely empirical, negative sense of liberty undermines his conceptions.

Mill’s ideals

“Some kinds of pleasure are more desirable and more valuable than others.”

Negative libertarianism is historically and rationally intertwined with moral pluralism, the belief that there are many conceptions of the good and that each person ought to be free to pursue hers, that no one view is “right” and thus that “moral and political dilemmas are
The pluralist view holds that the idea of a perfect individual and a perfect society are wholly incoherent. In contrast, Mill's advocacy of utilitarianism and its singular view of morality, as well as his utopianism and his belief in human perfectibility, places him in a conflicting camp of moral monism. This corresponds to the hierarchy of freedoms proposed by the positive libertarian Charles Taylor. In this view certain freedoms, like the freedom to drive through an intersection when the light is red, have little or no value. Taylor's distinction is between those freedoms that are "utterly trivial," and those that are "significant for human life."

Richard Wollheim notes that the received view of Mill's morality as backed by Berlin holds that Mill was so much a classical liberal, so much a proponent of negative liberty, so antithetical to Rousseauian positive liberty, that Mill could not have been as committed to utilitarianism as he claimed to be, that "the commitment is not real." Berlin maintained that Mill was a believer in abstract right, that he had duped himself when he wrote, in *Utilitarianism*, that he explicitly rejects that. Berlin, the great pluralist, in finding himself in agreement with much of Mill's prescriptions, could not bring himself to believe that Mill arrived at these by, or that they are consistent with, a "monistic morality" of utilitarianism. Berlin reasoned that Mill was really committed, like himself, to a pluralistic morality.

Berlin further insisted that Mill conflates negative freedom, the principle of non-interference, with the notion that "men should seek to discover the truth, or to develop a certain type of character of which Mill approved—critical, original, imaginative, independent, non-conforming to the point of eccentricity, and so on—and that truth can be found, and such character bred, only in conditions of freedom." These are two distinct ideas that Mill conflates as one, when, Berlin insists, the connection between them is empirical at best, and
Berlin notes that James Stephen has shown that the relationship is often disproved in the real world, and thus that the empirical connection is weak. Berlin uses this conflation to show that Mill, like most thinkers, tended to believe that the ideas he held as good are intrinsically interrelated. 63

The opposite view, advanced by Joseph Hamburger and Paul Smart among others, finds that Mill does indeed advance a conception of freedom that accords with and is conducive to instilling virtue and social morality, but the conditions for freedom are of the positive sort. Mill’s commitment to the “prized achievement” of self-development was not value-neutral; all definitions and pursuits of self-development were not equal. 64 For the sake of inducing true individualism—self-determination—it would be necessary to institute conditions that encourage higher and discourage lower freedoms. Those persons who achieve self-determination, “who are both capable of discriminating between higher and lower pleasures and who choose the former,” are individuals in the full sense. 65 For Mill, true individuality was self-determination via the pursuit of higher pleasures. This is the underlying theme of Mill’s works: “his commitment to a particular form of individuality as the virtuous pursuit of higher happiness via self-determination... that underpinned his analysis of freedom.” 66

It is an unavoidable conclusion that “Mill does seem to have convinced himself that there exists such a thing as attainable, communicable, objective truth in the field of value judgments”; however, it is debatable that Mill also finds “that the conditions for its discovery do not exist save in a society which provides a sufficient degree of individual liberty, particularly of inquiry and discussion.” 67 Berlin’s analysis yields this conclusion, and indeed it is a central argument of On Liberty that the truth is best gotten (and perhaps inevitably
gotten) in the free marketplace of ideas. Mill was always concerned with experiments in living and in social arrangements for the sake of finding new and greater forms of happiness, never believing that a peak or even plateau could be reached, and thus in every successful pursuit of happiness, truth, and liberty, “all solutions must be tentative and provisional.” Mill was committed to experimentation towards progress, convinced that we cannot know “where greater truth or happiness may lie” until we have pursued a given avenue.

Thus for Mill negative liberty was always a means to an end: truth, happiness, self-development. It is desirable and applicable only “when mankind have become capable of being improved by free and equal discussion.” Thus some values ultimately have to be sacrificed for others; Mill thought this a “permanent characteristic of the human predicament.” Freedom is one value among many, and for Mill it was not overarching.

**True and Miserable Individualism**

“[No] human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality.”

Early in his adulthood Mill began to deviate from the Benthamite social morals that had formed the foundation of his political views. His criticism of popular culture and convention led him to adopt the view that simple self-interest leads to the short-sighted pursuit of material gain and a general lapse of moral integrity in favor of base pleasures, and that the promulgation of such a value results in a mediocre and morally vacuous society. Mill criticized Bentham’s philosophy for failing to recognize the complexity of human nature entailing conscience, spirituality, honor, or even self-respect.

Mill was disgusted by the self-serving moderation of middle-nineteenth century Britain; it seemed to him that all its leading figures espoused a shallow mediocrity, a “supine
dependence" on common opinion, and a complacent tendency toward refraining from evil rather than pursuing good. He pilloried the lazy contentment of his age and wished for a renewed vigor and passion for social and moral betterment. He identified the pure, Benthamite self-interest and material acquisitiveness prevalent in industrial England as "the very worst point in our national character" and maintained that the free market economy was reducing English society to an aggregate of mindless and selfish persons, destroying all unique individuality and emphasis on virtue, and "making a people all alike."

This environment of democratic conformity and individual "torpidity and cowardice" of liberal commercial society demanded a countervailing "system of cultivation" aimed at fostering civic and social virtue. First, the political order would have to be freed from democratic conformism and "the constant danger that the wisest and ablest will be overshadowed by the lack of knowledge, skill and experience of the majority." Mill trusted little in the judgment of most voters and the officials they elected, and thought that their ignorance and avarice made it "palpably false" that everyone should have an equal vote. Thus he favored an intricate system of plural voting whereby the more educated and talented would have as many as five votes while most people have only one. Partly Mill favored this system for pragmatic reasons, for "There is no one who, in any matter which concerns himself, would not rather have his affairs managed by a person of greater knowledge and intelligence than by one of less," but also because he presumed that such a skewed allocation of votes toward the enlightened would help to bring about a greater culture.

Mill believed that only those who shared his values, who were committed to his ideal of self-improvement, were fit members of the empowered elite. He often relied on a ranking of values as an element in his "campaign against the threat of social conformism" and its
enslavement of individuals' souls. Democratic society trained its members to want "only what society is prepared to permit them to do or to get," and they cannot think outside of their social indoctrination, outside of what is customary. This is dangerous because it stifles all individualism; it imposes a "deadening conformity" and limits the individual will to self-development.

Clearly, allocating political and social influence according to one's values, education, and independence from social conformity conflicts fundamentally with individual liberty. On a view of negative liberty, miserable individualism cannot a problem amenable to social coercion if people are simply acting as they choose and satisfying their wants. But Mill was not willing to grant them freedom from external coercion. His concern is self-development and higher individuality. Notably, Mill held that government by the intellectually and morally superior is necessary primarily as a "transitional educative measure" which, upon the improvement of society, the enlightening of the masses, and the inculcation of virtue, would be replaced by a system of equal voting. Again, Mill's preoccupation with inducing utopia reveals itself.

**Mill's State**

"Nothing less can be ultimately desirable than the admission of all to share in the sovereign power of the state." Despite Mill's elitism in plural voting and his general allocation of power to like-minded "true" individuals, he was consistent in advocating the self-improvement of all people and advocated minor forms of popular political participation for that purpose. As with the policy of worker joint-ownership and participation in the administration of business, Mill supported popular involvement in local democracy for the sake of improving individuals'
judicial thought and imagination. Of course, he maintained that for the sake of the greater
good they should be involved in public affairs only where the cost of exercising their
ignorance and inaptitude is not great. Mill held that democracy is mediocre because people
are mediocre, and governance by the moral elite in the form of representative government is
thus necessary for the greater good.86

Mill’s utilitarian values and his enduring optimism in the perfectibility of individual
and society made him a proponent of a far more expansive state than is called for in the
tradition of classical liberalism. He believed that the whole of social ills and impediments to
progress and universal happiness was due to institutional arrangements over which people
have conscious control. He maintained that “the only real hindrance” to the attainment of
universal happiness is “the present wretched education, and wretched social arrangements.”87
All social afflictions—poverty, crime, decadence, etc—“may be completely extinguished by
the wisdom of society, combined with the good sense and providence of individuals.”88
Mill’s utilitarian state would take up his challenge: “laws and social arrangements should
place the happiness, or... the interest, of every individual, as nearly as possible in harmony
with the interest of the whole.”89

Far from the mere functions of a night watchman, Mill’s “governmental agenda”
included mandating and enforcing universal education (“a self-evident axiom”90),
redistributing wealth for the sake of living standards, providing work and wages for the
indigent, regulating working hours and conditions, maintaining roads and sewers, and even
financially supporting the arts.91 Directly or indirectly, these entail coercion, restrictions on
liberty not justified by a negative-liberty reading of the harm principle. Further, the state has
the broad power of determining who is and is not protected by the harm principle since “Mill
made it clear that his principle applied only to 'human beings in the maturity of their faculties,' and granted to the state the power to determine, within reason, the age 'of manhood and womanhood.'

Mill's support for progressive social welfare legislation underscores his distinction between types of liberty. He held that "certain positive conditions" are necessary for self-development and higher happiness, and that these ought to be secured by the state as positive rights. His fundamental distinction between basic and trivial liberties allows him to resolve the conflict between these positive rights and the negative right to be free from the state coercion they entail (i.e., taxation). The latter are simply less important to individuals' lives and happiness. Mill's concern with defending only basic liberties on the grounds of utility rather than liberty on the whole underscores his paternalism (in state regulation of working standards, e.g.). He would, for example, have no problem enforcing seat-belt laws. A necessary conclusion is that Mill's harm principle is not his only justification for restricting liberty; he seeks to restrict liberty for the sake of weak paternalism and social welfare legislation as well. In short, Mill held that certain liberties are necessary for the attainment of happiness and other virtues, and these override lesser liberties.

The elitism of Mill's state is underscored by this hierarchy of liberties; participation in governance is not a fundamental liberty and is applicable only in higher states of society. The less educated and morally enlightened is the populace, the more the state is to be paternalistic. Mill's aim was to secure the means to progress, to further self-development by ensuring the freedoms necessary to that end, and he recognized that the abettors of freedom—eccentric individuals—would need protection from the mass. Thus his government and society were to be elitist for the sake of educating the mass and inculcating the moral
foundations necessary for the advancement of liberty. As that developed, paternalism would gradually be replaced by a new "enlightened social consensus."  

The Harm Principle

"The object of this Essay is to assert one very simple principle... that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."  

"The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people."  

It might be thought that Mill’s method of combating miserable individualism was his system of elitist voting only, that he thought this sufficient or was unwilling to interfere in individuals’ lives (as distinct from the allocation of political liberty) for the sake of inducing virtue. Indeed, the harm principle seems to be an unequivocal assertion of negative liberty, and would seem to preclude this. If it does not allow impeding one’s liberty for his own sake, to prevent him harm or to grant him a benefit he would otherwise lack, then the harm principle precludes imposing virtue or instilling the conditions of a higher, positive freedom. But the principle “is, in fact, anything but ‘very simple’: its meaning and implications remain far from clear.”  

Mill advances real restrictions against self-regarding conduct, ranging from the “weak paternalism” of denying one the freedom to cause himself “substantial or irreversible self-injury” (such as the freedom to sell himself into slavery), to the absolute denial of liberty to people not “in the maturity of their faculties” such as children or those in “backward states of society” who are not “capable of being improved by free and equal discussion.” And in
between these he "identified conduct that caused no direct harm to others that would be penalized."\textsuperscript{101}

Mill's loathing of miserable individualism and his desire that everyone should pursue self-development led him to the view that liberty may be limited by punishing "objectionable self-regarding conduct."\textsuperscript{102} This conduct is the sort of individualism that Mill disapproved of, "miserable individuality," the kind that indulges the base desires and instincts at the expense of the refined pursuits and ends of real individualism. Mill would allow that all contemptible behavior, self-regarding or otherwise, is subject to external coercion in the form of public censure ("arbitrary reactions of opinion") rather than legal punishment. Such punishment may be merely a "natural" and "spontaneous" consequence of those self-regarding faults.\textsuperscript{103} But as Mill envisions it, it is not a mere impulse; it is the deliberate action of the moral elite, and it is their duty to inflict such penalty.\textsuperscript{104}

The coercion of opinion in the area of self-regarding conduct is supposed to be that of real individuals; the principles that guided the moral elite (who have "moral authority")\textsuperscript{105} to censure were not those of common society. In Mill's picture of reform, "those with inferior natures would be shamed into compliance with higher morality." The morally superior would have free reign to scorn all that did not accord with high values and true individualism, including anything that might render one "incapable of self-government" such as gambling, idleness, lack of self-restraint, and uncleanness.\textsuperscript{106} Hamburger suggests that Mill is being contradictory and slightly hypocritical, for he derides "moral police" but allows those whom he considers morally superior such power, and charges them with initiating moral reform.\textsuperscript{107}

Indeed, Mill is not advocating mere expression of opinion; that much is inevitable anyhow. He envisioned a campaign of coercion for the sake of reform for "future
morality” and made it clear that he intends the censuring to have such an impact. Yet whether Mill allows for coercion and punishment or only persuasion is debatable. Hamburger contends that Alan Ryan, C.L. Ten, John C. Rees and others are simply overlooking the implications of Mill’s language in an effort to reconcile his writings with the conventional wisdom of Mill’s liberalism. According to these authors, one may reason, argue, and persuade, but he may not coerce, regardless of his moral superiority. Hamburger insists that Mill’s language is much harsher than mere remonstration; expressions of distaste and contempt are not the same as rational discussion. Mill’s methods of persuasion allow for inducing “fear, dread, and pain,” and thus entail coercion. As Mill put it, “a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself.”

How can this accord with the explicit renunciation of such behavior in the harm principle? It may be that Mill’s “one simple principle” applies to social control of the individual, whereas Mill clearly sees his censuring as individual coercion, of the morally superior on the morally inferior. It is “individual opinion of the superior natures rather than public opinion” that is to criticize, censure, and shame others into a higher morality. Such penalties, then, may not be inconsistent with the harm principle. But this apology clearly overlooks the “individually or collectively” provision of the principle: neither individuals nor groups (nor societies) are warranted in interfering with the liberty of action of another.

Hamburger cannot avoid concluding that Mill simply contradicts himself when he asserts that individuals ought not be subject to compulsion for their own sake, or that “liberty consists in doing what one desires,” for Mill’s distinction between real and miserable individuality is entirely aimed at the contrary point. Punishment in the area of self-regarding
conduct limits liberty because it serves to “establish disincentives for repeating the conduct” that prompted it. Further, moral improvement (which was the intended goal of moral censure) was to widen the range of obligations by inculcating a greater sense of responsibility to oneself and to society. It follows that “when Mill visualized the success of the moral vanguard, he expected a diminution of individual liberty.”¹¹²

Mill’s equivocating is additionally apparent since “the penalties for self-regarding conduct were akin to social pressure” in that the moral vanguard would compose the elite reformers who would induce a new culture, a new society. Scorn and censure were the means for social change, not for individual expression or remonstration. This was not a furtherance of the marketplace of ideas; such moral condemnation may amount to ostracism, “and, as Mill well understood, such pressure was an encroachment on individuality.”¹¹³ If indeed Mill recognized social coercion, as distinct from direct physical force, as an impediment to others’ liberty of action, then the harm principle is misleading.

Thus Mill seems to take a much narrower view of self-regarding conduct than negative liberty allows for. As Mill defines it, harmful conduct is “conduct of a person who ‘is led to violate a distinct and assignable obligation to another person,” and it would seem that all else falls under the category of self-regarding and may not be legitimately subject to coercion.¹¹⁴ Yet Mill’s view of harm encompasses much in the way of moral opinion and a whole range of merely despicable but not explicitly harmful behavior. Mill would “welcome punishments” for “cruelty of disposition” or “ill-nature” as well.¹¹⁵ In short, Mill’s harm principle defends little negative liberty. As a principle of Mill’s thought, it depends for its governance of encroachments on self-regarding action on his broader system of social morality. What is
outwardly self-regarding may be socially baleful and may impede the rational self-development of individuals in a moral society.

Moral Education and the “Unanimity of Sentiment”

That Mill is regularly classified as a utopian thinker is indicative of his broader social philosophy. He thought mere institutional reform ineffective; the problems of society were not so much due to political institutions—though those too would need revamping—but rather morals and motives. This made his commitment to reform “more ambitious and more radical” and underscored his emphasis on universal education that was fundamentally moral—designed “to shape moral feelings and beliefs.” Mill maintained a Hegelian belief that ideas and beliefs are the “defining characteristics of an age and as levers of change” and sought to inculcate in the culture agreement on “the progressive part” of morality. He was concerned with a “reconstruction of the human intellect *ab imo*.”

Mill’s pursuit of social morality via a “system of cultivation” rests on the view that people can actively affect their moral nature and that social institutions play a large role in determining the moral makeup of individuals in society. His empiricist view of human nature holds that mankind can improve itself via “the conscious exercise of the uniquely human ability to constructively create the circumstances of existence.” In *On Liberty* Mill likened human nature to a tree; it is able to grow and develop and needs intellectual nourishment; it has the potential for development inherent in it.

The malleability of human nature figures prominently in Mill’s politics. He was greatly impressed by the ideas of Comte and Saint-Simon before him, and borrowed from them the division of history into organic and critical periods. In this dialectic the organic
period of social harmony and agreement on values and the fundamentals of social life
eventually degenerates into the critical period of social discord, "political uncertainty and
moral malaise," which in turn yields a new consensus. 120 Mill viewed his own age as critical,
undergoing restructuring of social and economic life and the consequent moral decline, and
sought a new and lasting synthesis of past conflicts:

"I look forward... to a future which shall unite the best qualities of the critical with the
best qualities of the organic periods; unchecked liberty of thought, unbound freedom of
individual action in all modes not hurtful to others; but also, convictions as to what is right
and wrong, useful and pernicious, deeply engraven on the feelings by early education and
general unanimity of sentiment, and so firmly grounded in reason and in the true
exigencies of life, that they shall not... require to be periodically thrown off and replaced
by others."121

Mill maintained that the famous unanimity of sentiment, entailing increasing
agreement on social and moral truths, would necessarily come with the moral improvement of
mankind.122 Thus he held that among the educated elite "there is and must be a consensus."123
All that was needed to induce social harmony and human advancement, then, is sufficient
education, and once we are on the road to progress, dissent becomes unnecessary. Mill's
maxim was, in effect, "Let people do what they want, but make sure the elite conditions their
wants."124 His solution to decadent culture was society-wide moral education. He wanted to
educate the masses, but also to shape their values, to "convince them to listen to their
betters."125 His sincere belief in the malleability of human nature led him to the sanguine
view that in the absence of constraints on the desire for self-fulfillment (e.g. the miserable
individualism and democratic conformity he decried), most people can be inculcated to have
such a desire, "they can be socially stimulated and educated" to aspire to individuality "by
way of example and exhortation" from a minority of self-determining individualists (such as
himself).126
Hollinger argues that Mill’s commitment to freedom of thought and expression was only for the sake of the transition to the “organic” state, that this freedom is appropriate only in such transitions, and it should be phased out as it induces the unanimity of sentiment by revealing truth. Why trouble with such freedoms of thought when the truth is known and agreed upon? In Mill’s view, individuals would be no more free to believe in moral falsities (e.g. that one ought to pursue his narrow, self-interested whims) than we are now free to believe that the Earth rests on the back of a gigantic tortoise. That is, we may believe it, but we will be shunned by society and compelled by such pressure to adopt the clear truth.\(^{127}\)

Just as we are taught that the Earth revolves around the sun, individuals in Mill’s society would be taught that appreciation for higher virtues is morally good. So crucial was the change in culture and values to true individualism and freedom that this moral education was mandatory; it was to be enforced by the state.\(^{128}\) Throughout his writings Mill impresses the fragility of the preference for higher pleasures and cautions that it can easily be killed off by “not only by hostile influences, but by mere want of sustenance.” To sustain and cultivate it one’s position in life and the society in which he lives had to be “favourable to keeping that higher capacity in existence.”\(^{129}\) It was not enough for the individual to attend to his own intellectual and artistic capacities; society had to be transformed so as to be conducive to the higher pleasures lest “collective mediocrity” should reign supreme.\(^{130}\)

Thus for Mill “the conditions determining prospects for self-development and individuality are within legitimate social control.”\(^{131}\) This view has led critics of Mill to accuse him of “moral totalitarianism.”\(^{132}\) If indeed “men might be induced to be virtuous,”\(^{133}\) then the “unchecked liberty of thought” that Mill upholds is only nominal. The liberal critique of Mill’s moral monism finds that he conflates consent (agreeing to personal or
political collective choices) and assent (acknowledging scientific truths). Only the latter is suited to the unanimity of sentiment he describes; the former are not matters of truth or falsity. But restriction of such diversity was implicit and necessary to his social prescriptions. Mill envisioned a future state of consensus on higher morals, and this entailed less disagreement and less diversity.

The influence of Comte is palpable in Mill’s thought on cultural reform. Comte’s positivist social science held that social truths are of the same status as scientific truths, and Mill echoes this in suggesting that education will produce unanimity of sentiment and agreement on moral truths, so much so that dissent will be unnecessary. And while Mill eventually shunned Comte’s positivism as despotic, Mill’s own system of moral education took on similar qualities. Mill regarded the pure liberalism of Grote as possessing one half of the truth, and the authority and control of Comte the other half; he sought to combine “sociality with individuality and discipline with liberty.” How, in what proportions, liberty and control are to be combined depends on the stage of historical development according to Mill’s theory of history, but his ultimate goal was a “morally regenerated society” and he sought to combine liberty with control to conduce to this end.

Mill maintained that government by the virtuous, the true individuals, is in the interests of society and even those people who are not empowered by it, even if they don’t recognize it as such. This is clearly a positive libertarian view—one’s expressed interest may be different than his real, i.e. rational, self-interest. But rule by the elite is justified on two grounds: the virtues that define the elite, their distinction between higher and lower pleasures and their preference for the former, warrants their power simply because they demonstrate the self-discipline and moral integrity necessary for desirable leadership.
Second, their power is justified according to simple consequentialism: the elite will govern more ably, more justly, and more efficaciously, allowing for the sufficient (negative) freedom and inculcating society with their higher values so that an increasing number of people will come to pursue their own-self development and attain true individualism.\textsuperscript{138}

Mill's unwavering preference for certain virtues and the complete individual who possessed them, and beyond this, his insistence in according such individuals a disproportionate amount of political power and in instituting a system of education to inculcate these virtues and this type of individualism, shape his view of freedom. That conception of freedom—self-development—became a defense of his favored virtues, a comprehensive virtue in itself, and a substantiation of such individuals' political and social privilege.\textsuperscript{139} And yet all of this is a matter of virtue. The duty of self-development, even self-perfection, is "over and above" claims of utility; these aims are for the sake of achieving "qualitatively superior forms of character."\textsuperscript{140}

Mill's defense of liberty on utilitarian grounds suggests that his aim was to advance "progress at least as much as liberty."\textsuperscript{141} Indeed, his concern for liberty is predicated on his vision for social improvement. Mill’s tendency was always to give credence to policies favoring the social well being, as for laws barring marriage to couples that cannot support children. He concluded that such laws "do not exceed the legitimate powers of the state" because the effect of overpopulation on society and economy is so pernicious, and added that conduct damaging to society "ought to be subject to reprobation, and social stigma, even when it is not deemed expedient to superadd legal punishment."\textsuperscript{142} Thus Mill finds that in all questions of justice "social utility alone can decide the preference."\textsuperscript{143}
Mill's subordination of liberty to social utility and progress and his belief in enforcing a hierarchy of values, renders his social theory paternalistic at its weakest and totalitarian at its most extreme. Individuals would be compelled, often against their expressed wills, to change their moral opinions to accord a preferred hierarchy of values. In the dawning of the organic age, conscientious defiance is an impediment to progress and the furtherance of a society of higher pleasures and self-development, and Mill would have it suppressed and eradicated, its espousers induced to accept the higher morality. G. W. Smith suggests that it is only because of Mill's "reluctance (or inability) to carry his theory of freedom to its logical conclusion" that he was able to avoid explicitly stating this "highly authoritarian" conclusion.144

This evinces Mill's central paradox of "freely chosen virtue." As it was, he insisted that virtue, the realization of the higher pleasures of selflessness and courage, is necessary for freedom, but that it must be attained by the individual's own volition. Yet the consequence was the well being of society and its individuals, and for its sake it is crucial that virtue be achieved. Mill's subordination of justice to social utility, coupled with his persistent advocacy of moral monism and the unanimity of sentiment, make it apparent that he was willing to resort to coercion to induce virtue. The moral and social coercion imposed by the moral vanguard is the means to societal improvement and the mass realization of self-development via higher pleasures and freedoms. When Mill faced the ultimate and inevitable conflict between moral monism and liberty, he insisted that everyone think, in effect, as he did. The universal convergence on the values of true individualism and self-development—Mill's values—is the defining characteristic of the utopian organic age.
Conclusion: The Meaning of Mill’s Liberty

"By a mixture of optimism about human nature and vagueness as to the precise logical implications of his conceptual innovations Mill manages to sustain a fragile coherence between his complex and ambiguous concept of freedom and his genuinely liberal instincts." 145

"The coexistence of liberty and control [in Mill’s thought] reflected a coherent strategy for moral reform." 146

Like all other aspects of his thought, Mill’s status as a “system maker” affords no consensus. 147 Mill certainly was not the deterministic utopian that Comte was, but he proffered and adhered to a definite path to progress and insisted on certain means for its expedition. His vision of an organic state (developed from Comte) marked by a general unanimity of sentiment is distinctly utopian. His goal was societal perfection as much as individual perfection, and the organic age would manifest that. The principles of the organic age would be “so firmly grounded in reason and in the true exigencies of life,” and so ingrained in individuals’ wills and the workings of society “that they shall not... require to be periodically thrown off and replaced by others.” 148 The universal concurrence on moral truths would be permanent, and would obviate all dissent.

Mill’s concern for freedom of thought has a curious relationship with his concern for the individual conscience. He promoted the discovery of truth, encouraged independence of character, and sought to accord “full freedom to human nature to expand itself innumerable and conflicting directions.” 149 Yet Mill’s promotion of diversity of thought was a means to an end; he thought truth had the best opportunity to be discovered when taking many divergent avenues of pursuit. With the proper institutions—social paternalism and moral education—this diversity would yield universal agreement on fundamental moral values and particularly the commitment to self-improvement.
In one view Mill succeeds in reconciling negative and positive liberty by way of this gigantically tenuous assumption. The negative aspect of Mill’s principle, that individuals should be permitted “the widest possible arena of action” conduces to the positive end; Mill “takes it for granted” that such “a policy of tolerance, encouragement of social variety and concerned non-coercive intervention will trigger, not any arbitrary range of self-regarding desires, but a very specific desire: that for individual self-improvement.” Thus with the right institutions and the right freedoms, everyone would come to the same conclusions Mill had in ranking values and in pursuing the good.

Those who accuse Mill of avoiding authoritarian prescriptions only by failing to draw the logical ultimate conclusions from his principles imply that his adherence to strong negative libertarian tenets is suspect and may be discredited by showing that the necessary conclusions of his principles do in fact preclude negative liberty. Mill did indeed “convinc[e] himself that there exists such a thing as attainable, communicable, objective truth in the field in the field of value judgments” and that ultimately everyone would converge on these truths in the exalted “unanimity of sentiment.” But he thought of this in positivistic terms; he thought moral monism was necessary and inevitable, that “against the moral tendency of this creed no possible objection can lie.” It would, after all, have “no other than an ennobling effect.” It would not be opposed, and therefore it would not have to be enforced.

But in the transition to the organic age, when the moral and values of every rational agent would converge, there would have to be inducements and coercion. These are the moral education and social censure and ostracism that Mill visits in many of his works. The fate of social deviants and intractable students is clear; Mill makes it incumbent on the moral vanguard to compel them to improve themselves. Ultimately he favored individual self-
development, not via a coercive state but via individual realization of the higher freedoms. Yet he intended this censuring to induce mass moral change and a unanimity of moral and social thought, and thus a society of true individuals. Either Mill recognized that this entailed coercion or he believed that his moral and social prescriptions truly could and would never face opposition.

According to the conventional wisdom on Mill’s liberalism, those in the moral vanguard may reason, argue, and persuade, but may not coerce, regardless of their moral superiority. Whether Mill’s persuasive methods are coercive depends on whether they interfere with anyone’s negative liberty, and it seems clear that such methods do interfere with the negative liberty of those whom they are employed against in all but the strongest empirical sense: they do not amount to direct physical force. But they satisfy a weaker sense of coercion. It is the duty of the moral elites to “act upon [their] unfavourable opinion of any one” by arguing with him, scorning him, “caution[ing] others against him,” denying him associations and offices, and shunning, isolating, and ostracizing him, all “for faults which directly concern only himself.” All of this is for the improvement of such “miserable” individuals and to expedite the coming of the organic age when convergence on higher pleasures and higher morality will foster the self-development of everyone.

While Mill was fixated on the higher values of self-development, he did not regard self-development or self-autonomy as freedom itself. Rather, he held that achieving these higher values is what makes freedom valuable. Since he posits certain social and psychological conditions necessary for valuable freedom, his conception of liberty has positive connotations, but since he sees negative freedom as a means to self-development, it has negative connotations as well. In the sense that Mill made both negative and positive
liberty necessary for the attainment of true individualism, he did reconcile his adherence to both. The prerequisites of individual liberty were freedom from external coercion and the development of individual moral faculties. For Mill, negative and positive liberty were dependent on each other.157

But ultimately the positive elements in Mill’s thought on freedom are overwhelming. Mill’s idea of liberty is inextricably bound with the notions of self-development and self-mastery; for Mill one is truly free in the sense that he can enjoy freedom only if he has achieved the higher values and freedoms that define his “true” individualism, and if he has not, then he may be legitimately compelled to improve himself. It is only Mill’s optimistic view of human nature—that it can be educated such that everyone will agree on fundamental moral truths—that prevents this from outwardly evincing the authoritarian tendencies that are underscore his social philosophy, that are the logical conclusions of his universal moral monism. His reconciliation of negative and positive liberty is thus a tenuous one that does not endure honest scrutiny. His theory of liberty survives intact only if it is credible that education and social harmony will preclude all moral dispute, all disagreement about values, all social dissent.

While it remains that negative and positive liberty logically overlap and “cannot be kept wholly distinct,”158 the useful application of them to Mill’s thought, the reason why his vision of the unanimity of sentiment and the harm principle do not cohere, is that negative and positive liberty maintain “two profoundly divergent and irreconcilable attitudes to the ends of life.”159 Mill’s ultimate concern with utility conflicts with his blatant assertion of negative liberty because they advance two dissimilar prescriptions for what ought to be. In one the good life is defined by universal convergence on moral truths and utilitarian values via
mandatory education and social pressure, and in the other it is defined by the maximization of freedom from coercion.

Mill’s thought is hard to place because he so often neglects to follow his lines of reasoning to its logical conclusions; he regularly did not pursue the courses he was “undoubtedly conceptually equipped to take.”\textsuperscript{160} The result is a hodgepodge of assertions, prescriptions, remonstrations, and arguments to which scholars have applied their own versions of cohering themes. Some say he was intentionally deceptive, that he “disguises, equivocates, and seeks to mislead,”\textsuperscript{161} some that he was naive, others that he simply favored social commentary to analytic philosophy, that “rigor in argument is not among his accomplishments.”\textsuperscript{162} Thus his readers have had to infer and surmise; the applied conclusions of his reasoning are necessarily speculative to some degree.

Ultimately it is hard not to sympathize with Mill’s efforts to guarantee freedom from coercion and to secure the conditions of universal self-autonomy and the maximization of the good life. An absolute focus on either negative or positive liberty to the exclusion of the other is more despotic than a well-reasoned balance of the two; one amounts to the legal ignorance of freedom as it actually exists in people’s lives, and the other amounts to totalitarianism that has no necessary relationship to popularly desired ends. Mill’s distinction between higher and lower freedoms and his justification of the former on utilitarian grounds appeals to everyone who believes that some virtues can and should be inculcated for the sake of a better society, and his commitment to freedom from external coercion resonates with everyone who thinks that people ought to be able to pursue whatever they chose. Mill’s conception of the good, like those of most people, incorporates both ideas. His failure to explicitly acknowledge their
discrepancy is less a sign of dishonesty or ignorance than a belief in the essential consistency of good ideas.

1 Letwin, 8.
2 Cf. Gerald MacCallum's assertion that all statements about liberty may be reduced to "X is (is not) free from Y to do (not do) Z." In Kukathas, 535-536.
3 Berlin, Introduction, xliii.
4 Smart, 99.
5 Berlin, Introduction, xliii.
6 Ibid. Two Concepts, 124-127.
7 Smith, 201.
8 Quoted at Kukathas, 538. Emphasis in original.
9 Ibid., 539.
10 Berlin, Two Concepts, 122-123.
11 Held, 264-265.
12 Berlin Two Concepts, 131.
13 Kukathas, 534.
14 Ibid., 534-535, and Berlin, Two Concepts, 132.
15 Berlin, Two Concepts, 132.
16 Ibid. 151.
17 Taylor, 175.
18 Kukathas, 535.
19 Roberts 252-3.
20 Gray 1995, 58.
21 Ibid. 57.
22 Taylor, 181.
23 Mill, Utilitarianism, 209.
24 Ibid., 188.
25 Siedentop, 169.
26 Wokler, 233.
27 Siedentop, 173-4.
28 Hayek, 124.
29 Letwin, 297-299.
30 Smart, 98-99.
31 Semmel, 4.
32 Mill, On Liberty, 16.
33 Ibid. 108-109.
34 Karl Marx, quoted in Held, 147.
35 Hollinger, 6.
36 Smart 114.
38 Ibid. Utilitarianism, 197.
39 Semmel, 14.
40 Gray 1984, 336.
41 Semmel, 171n.
42 Gray 1995, 56.
43 Cf. Smith 184-5.
44 Mill, quoted at Smith, 187.
45 Smith, 190-191.
46 Semmel, 171.
47 Smith, 184.
48 Mill quoted at Wollheim, 254.
49 Wollheim, 255.
50 Smith 190-191.
51 Semmel, 115.
52 Mill, quoted at Semmel, 157.
53 Ibid., 196-197.
54 Gray 1995, 58.
55 Ibid. 1984, 336.
56 Mill, Utilitarianism, 146. Emphasis in original.
57 Gray 1984, 324.
58 Ibid.
59 Cf. Wollheim, 253-254.
60 Taylor, 182.
61 Wollheim, 253.
62 Ibid. 254.
63 Berlin, Two Concepts, 128.
64 Smith, 190-191.
65 Ibid. 198.
66 Smart, 114.
67 Berlin, Introduction, i-li.
71 Berlin, Introduction, i-li.
72 Mill, Utilitarianism, 153.
73 Semmel, 157.
74 Letwin, 295-297.
75 Mill, 1829 letter to Gustave d'Eichthal, quoted at Semmel, 90.
76 Mill, quoted at Semmel, 170.
77 Ibid. 117. Also Cf. Semmel, 90.
78 Held, 108.
80 Smart 92-93.
81 Smith, 197.
82 Ibid. 194.
83 Smith, 194.
84 Held, 109n.
85 Mill, Representative Government, 80.
86 Cf. Ibid. 80-81, and On Liberty, 75-77.
87 Mill, Utilitarianism, 151.
88 Ibid. 153.
89 Ibid. 156.
90 Ibid. On Liberty, 121.
91 Brink, 167.
92 Alan Dershowitz, Introduction to On Liberty, viii.
93 Brink, 167-171.
95 Smart 91-2.
96 Mill, On Liberty, 12.
97 Ibid. Quoted at Hamburger, 166.
98 Held, 102.
99 Brink, 166.
101 Hamburger, 167.
102 Ibid. 166.
103 Mill quoted at Ibid., 170.
104 Ibid., 190.
103 Ibid. 191.
104 Ibid., quoting Mill, 170
105 Ibid. 174-176.
106 Ibid. 190.
107 Ibid. 185-188.
109 Ibid. 176-178.
110 Ibid. 179, 190.
111 Ibid. 171-172.
112 Mill, On Liberty, 10.
113 Hamburger, 13.
115 Hamburger 20-29.
116 Smart, 90.
117 Holmes, 195.
118 Smart 91.
120 Letwin, 300.
121 Smart, 6.
122 Ibid. 5.
123 Ibid. 78.
124 Smith, 196, 198.
125 Holmes, 190.
126 Semmel, 171.
127 Mill, quoted at Smith, 198.
129 Smith, 201.
130 Maurice Cowling, quoted at Semmel, 5.
131 Semmel, 170.
132 Holmes, 197.
133 Hamburger, 198.
134 Ibid. 201-202.
135 Smart, 101.
136 Ibid.
137 Ibid. 100.
138 Ibid. 101.
139 Letwin, 299.
140 Mill, On Liberty, 124.
141 Ibid., Utilitarianism, 204.
142 Smith, 199.
143 Ibid. 200.
144 Hamburger, ix.
145 Cf. Semmel, 182: Mill “opposed system making.”
147 Ibid. Quoted at Semmel, 171.
148 Smith, 197.
149 Cf. Ibid. 93.
151 Mill, quoted at Semmel, 198.
152 Semmel 196.
153 Hamburger, 185.
154 Mill, On Liberty, 89.
155 Semmel, 197.
156 Berlin, Two Concepts, xlili.
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