

*Is liberty, in Mill's On Liberty, an end or a means to an end?*

In *On Liberty*, Mill construes of liberty as an instrumental good, though the end it is a means towards is that of individuality and pluralism, rather than hedonic utility. Mill is often inconsistent when explaining where he believes liberty derives its value from; he seeks to frame his harm principle as following naturally from purely utilitarian principles, yet in other passages uses language which implies liberty can take precedence over social welfare. The most plausible reading of the text leads to the conclusion that liberty as Mill defines it is incompatible with his nominally utilitarian beliefs, and that the importance he attaches to it is motivated by an attraction to diversity. In this essay, I first outline Mill's conception of liberty, and set out his arguments for its value. I then demonstrate that these arguments are not compatible with a view of liberty as intrinsically good. Turning to the question of what liberty is instrumental towards, I further show that Mill's examples and rhetoric cannot be fully squared with maximising aggregate utility. As a result, I conclude that Berlin's interpretation – that liberty in *On Liberty* is a means to the intrinsic good of pluralism – provides the most compelling exegesis of Mill.

Mill identifies three basic liberties, each of which he argued ought to be protected from infringement: liberties of thought and expression, liberties of pursuits and projects, and liberties of association (OL, 71).<sup>1</sup> If a nation places illegitimate restrictions on these liberties, either by its laws or its social norms, then it cannot be described as free (OL, 63). Mill's Harm Principle identifies the circumstances in which liberty-limiting interventions may be permissible, or even required: when a person's actions or omissions directly cause another person to suffer (OL, 68).<sup>2</sup> As definitions go, this is rather imprecise, something Mill seemed to be aware of. One obvious wrinkle, acknowledged though not resolved in the text (OL, 71), is that the boundary between direct and indirect harms is blurry at best, and entirely arbitrary at worst. Mill argues that the state can legitimately require people to contribute to the common defence (OL, 70), implying that society may make positive claims on what an individual must do to prevent harm, rather than simply requiring that their actions not cause harm (Brink 2022). Yet it is not clear why causing others to pay more towards defence inflicts a meaningfully more direct harm than, say, failing to donate significant sums of money to the poor would – and Mill would not support mandating the latter.<sup>3</sup> However, the focus of this essay is neither the philosophical coherence of Mill's Harm Principle nor its political expediency, but rather why Mill chooses to promote liberty in the first place. Therefore, for our purposes, it will suffice to roughly understand that Mill's conditions for liberty fail to be met when society circumscribes an individual's actions in the self-regarding sphere or punishes them for such actions.

With a somewhat clearer view of what exactly Mill means by liberty, we can now turn to examining whether it is an end or a means to an end. A natural starting point is to look at why, according to Mill, the three basic liberties he singles out should be protected. If he simply asserted that they were valuable, then we would have *prima facie* evidence to conclude that he saw them as ends. On the other hand, if Mill's stated motivation for securing these liberties is linked to their ability to deliver other goods, that would strongly suggest they are means to an end. It is the latter which we find to be the case. For

<sup>1</sup> All in-text references of *On Liberty* (Mill, 1859) are abbreviated to OL, and use the pagination from the 1985 Penguin edition. References to *Utilitarianism* (Mill, 1861) are given by chapter and paragraph number.

<sup>2</sup> Whilst preventing harm to others is a necessary condition for legitimately placing restrictions on an individual's basic liberties, it is not sufficient. Mill further argues that society must assess the benefits and costs of interference in the particular case. For instance, although the growth of one business at the expense of another does indeed cause harm, society as a whole is better off as a result of this competition, and it should therefore not be prohibited. (OL, 163-164)

<sup>3</sup> One might similarly criticise the distinction made in *Utilitarianism* (V.15) between "perfect" and "imperfect" obligations, the non-performance of which approximately correspond to direct and indirect harms respectively. There are other issues with the Harm Principle, too – for instance, Mill's rejection of offence as a genuine form of harm (OL, 116) seems to directly contradict his later approval of society censuring acts which are harmless in private but go against public decency when performed openly (OL, 168).

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Good

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Really strong introduction - clearly delineates the problem and signposts your response.

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Good, we often distinguish here between self and other regarding harm.

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Word choice? Perhaps something like "the state should enforce coercive policies"?

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Is this just about taxation or also to do with other means to collective self-defence (e.g., conscription)?

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Is there a part of Mill's utilitarianism which might actually mandate the latter? There has, since Mill, been interesting work on the "duties of beneficence" from people like Singer and others.

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Word choice. Perhaps argues for the significance of liberty or something like that.

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Good. I would probably just use this jargon throughout so as to make things clear unless you intend to bring back the direct/indirect distinction. Some actions that are self-regarding might be indirectly harmful and so they are not completely analogous.

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But things can be valuable instrumentally and this could also be simply asserted even though it would make things less clear? Is this necessarily *prima facie* evidence or just imprecision?

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instance, one thread in Mill's argument on the importance of free expression is that without it, the intellectual development of would-be geniuses is stifled by the threat of punishment for unorthodoxy (OL, 94-95). Mill also presents an explicitly instrumental account of the value of liberty of pursuits (OL, 120):

- P1:** If we do not protect liberty of pursuits, there will not be variety in lifestyles.
- P2:** Variety in lifestyles is required for "experiments in living".
- P3:** Experiments in living are good and outweigh any badness resulting from liberty of pursuits.
- C:** We should protect liberty of pursuits.

There is further evidence confirming the view that liberty, for Mill, is instrumental. His introduction contains the caveat that that children and others who lack cognitive capacity may legitimately be subject to paternalist interference (OL, 69). Moreover, Mill argues that at other times and places – specifically, in contemporary "backward states" and early modern Europe – liberty would be (or was) detrimental (OL, 69 and 125). If liberty were an unalloyed, intrinsic good, then we would not expect to see such conditionality in when it is desirable (Brink, 2022). All this points to the conclusion that, as Berlin (1959, 225) put it, Mill believes that liberty is "valuable as a means, not as an end".

What is that end? Taking Mill at face value, it is utility: he says early in *On Liberty* that his aim is to derive the necessity of liberty from utilitarian principles, and not as an "abstract right" (OL, 69). This is a perfectly sensible goal. As Mill highlights in *Utilitarianism* (II.24), it is impossible to calculate which action maximises utility at every point in time, and so utilitarians must instead rely on heuristics. Perhaps liberty, and the Harm Principle, is one such rule of thumb. If so, we would expect Mill to be in favour of limiting liberty in the instances where it failed to maximise social welfare, like with all other second-order maxims. As Sen (1970) memorably illustrates, there is no necessary link between liberty and population-wide utility:

A society is made up of two individuals, one prudish and the other lewdish, as well as a controversial book. The Prude would ideally like nobody to read the book, but failing that, he should be the one to read it. The Lewd thinks it would be best if the Prude reads the book, and her second choice is reading the book herself. From the perspective of aggregate social welfare, it is optimal for the Prude to read the book. However, this goes against liberty of pursuits: the Prude does not wish to read the book, so they should not be forced to.

In several places, though, Mill's argument implies that liberties should be protected despite conflicts with utility. Take, for instance, his vehement opposition to paternalism. Although Mill accepts that someone who defers to the judgement of society in planning their life "might be guided in some good path", he asserts that this would be a comparatively worthless existence (OL, 123). Later, Mill argues that the mode of life chosen by each individual is "the best", simply "because it is his mode" (OL, 133). If these arguments are to remain consistent with utilitarianism, we would have to interpret them as empirical statements about what tends to be the case; as a more elegant way of saying *in general, it is true that an individual knows better than anybody else what increases their happiness, and so paternalism is very rarely successful* (Brink 2022). However, this is not a particularly plausible interpretation given how insistent Mill is on preserving plurality of thought and lifestyle, even if "all mankind minus one" wished to have uniformity (OL, 76). Therefore, despite Mill's claims that liberty is instrumental to utility, we should look more widely for a terminal good that is more consistent with the substance of *On Liberty*.

The most compelling alternative candidate for this ultimate end is that of individuality and diversity. As Berlin (1959, 223) notes, the most impassioned passages of *On Liberty* are those in which Mill

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Do you think this necessarily rules out the view that it may also be intrinsically valuable in some ways for Mill? I.e., one might say that there is some intrinsic and extrinsic value here. Perhaps one line of thought is whether the harm principle would necessarily lead to the consequences which Mill thinks are valuable and which you point out here. If not, but there is still room for its endorsement, perhaps there is something else at stake.

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What does this say about intrinsic value? Here, it seems as though the value of autonomous living isn't conditionalised in any way. Given the relationship between liberty and autonomy, this might be some food for thought.

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Is more work needed here? Why is it necessarily implausible? Why can't we say that a set of rules which permit diversity of thought tend also, on aggregate (or average), to promote utility? That seems fairly plausible to me since there will be quite naturally some disutility in a highly illiberal society. You're right to say that there will be an empirical claim here about what actually promotes utility (given a certain metric/index) but couldn't this be rendered philosophically sound even if it turned out to be empirically false in certain cases i.e., because implementation of the harm principle doesn't actually lead to more utility etc.

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exhorts the value of variety in society, and rails against the tedium of homogeneity. Once we realise that Mill is motivated by a desire to preserve intellectual agency and complexity for its own sake, the excerpts quoted above seem far less inconsistent with his aims (Berlin, 235). When society is able to proscribe ideas and activities it deems heretical, these viewpoints and modes of life are lost. As a consequence, the scope of human experience narrows, with fewer people willing (or able) to engage in those unorthodox experiments of living so prized by Mill. The only bulwark against such unhappy outcomes is the sort of robust protection of liberties advocated for by Mill.

In conclusion, it is evident from both Mill's language and arguments that his concept of liberty is instrumental in nature. He consistently refers to liberty as a useful means to obtain other ends, and emphasises that there exist circumstances in which it is undesirable. This is not the treatment that one would give to an intrinsic good. However, the intrinsic good which liberty is instrumental towards is not aggregate welfare, but individuality and pluralism. Whilst Mill attempts to present his defence of liberty as purely utilitarian, his examples and rhetoric are incompatible with liberty simply being a convenient second-order rule of thumb to guide utilitarian action. A far more coherent and faithful reading of the text is that Mill views liberty as a crucial means to increasing the variety and complexity of society, which he views as an end in itself.

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Is this the best word choice given the rejection of the utilitarian reading? Perhaps "undesirable"?

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Overall this is a really strong essay with a cogent argument and analysis of the reading. You could consider further exactly what the value of individuality is and whether part of its value stems from its utility. Furthermore, against an instrumental reading of the kind discussed, you might consider Mill's discussion of rights where individuals have significant interests. If these rights, predicated on liberty interests, are merely conditional to individuality/pluralism then they won't provide sturdy protections. But if you think Mill would endorse some liberty claim rights even when they lead to bad outcomes (in terms of individuality/pluralism) then this might weaken or further complicate the analysis given here. In any case, a really good effort! Grade: 76