



Reading Political Philosophy: From Machiavelli to Mill

Mill: Nigel Warburton and Alan Ryan

Nigel Warburton

Hello. I'm Nigel Warburton and I'm going to be talking about Mill's essay *On Liberty* with Alan Ryan. Alan Ryan is Professor of Politics at Oxford University, and Warden of New College. Alan, Mill described *On Liberty* as a kind of philosophic text book of a single truth. What do you think that truth is?

Alan Ryan

I suppose the truth that he wants to establish, which is the idea of the absolute and overriding importance of allowing human character to flourish in all kinds of diverse and novel, and even perhaps contradictory ways to, so to speak, treat human beings as if they're plants to be encouraged to grow, not machines to be tinkered with. To allow human potentiality the maximum room for flourishing that it can be given.

Nigel Warburton

Under what conditions do human beings flourish then, according to Mill?

Alan Ryan

Well, that is also something on which Mill was inclined to change his mind, and I think we could start negatively perhaps. Negatively, he didn't think much of the social climate of mid-Victorian England. He thought respectability was a way to cramp individual ideas, a way to cramp imagination, a way to cramp experiments in living. He thought extreme poverty was certainly inimical to human flourishing. He thought that being on the receiving end of cruel and despotic forms of government are deeply inimical to human flourishing so that the first step, I think, is one has to get rid of what you might think of as all the negative conditions.

Nigel Warburton

And what about the positive conditions that people need to flourish?

Alan Ryan

I think he thought they needed interesting work, adequate amounts of leisure, challenging company, I mean ideas from other people they had to bounce their own off, and they needed to think of themselves as people with characters that should be developed. It was a sort of perfectionist ethics, and the odd thing about it is that Mill is very eager to insist that you mustn't practise perfectionism as a sort of direct political aspiration. But if people are to perfect their characters, they have to do it under conditions where they are free to choose to do it or not to choose to do it.

Nigel Warburton

So, what you're saying is that Mill was really interested in self development, but there are limits to what individuals can do in the pursuit of their own self development.

Alan Ryan

Well, I think two things. The point I was initially trying to make was that Mill was certainly interested in self development, and it very much had to be self development. The idea that, so to speak, that government could make us good by imposing virtue upon us was one he repudiated very thoroughly indeed. But of course Mill didn't think that we should be allowed just to chase whatever fantastic vision of our own self development we happened to have in mind, and this is the point of, I suppose, the great stumbling block in all discussions of Mill. Mill's notion is that the limits to individual freedom were set by the requirement that we must not harm others and the idea was the job of the state to prevent us harming others.

Nigel Warburton

Why do you think the notion of harm for Mill is a stumbling block?

Alan Ryan

Well, it's not a stumbling block for Mill. After all, as you know, he refers to his famous harm principle as a very simple principle, and also says that it's entitled to govern absolutely. The dealing of each of us with everyone else is when we're using coercive measures. So Mill seems to have thought of the harm principle as being pretty much self-explanatory and pretty well transparent. I think commentators have always found it difficult because of the obvious problem, which does not know what to count as harm.

Nigel Warburton

So can you give us a practical example of this?

Alan Ryan

Take an obvious thing, I mean the kind of thing Mill doesn't himself discuss except in about one sentence in passing, offences against decency. Now if I decide, heaven help us, to take off my clothes in the middle of the high street in Oxford, I shall undoubtedly cause great offence to passers-by, and the first policeman on the scene will no doubt arrest me, and nobody will say that my rights have been violated. It's not at all clear whether I've harmed other people. I've outraged them, I've shocked them, I've offended them, but whether shock, outrage, offence are to count as harm, is one of the things that practically every commentator on Mill has had trouble with. Now, it wouldn't have mattered if Mill had said harm and a few other things are good grounds for coercing people, but of course he doesn't, he says harm is the only thing. So it looks, at first sight at any rate, as though when I take off my clothes in the high street and offend all the passers-by, and get locked up, that if I'm a good Millian I should go into the magistrates' court and say, 'Look this is an offence against liberty, this is a violation of Von Humboldt's views about self development, I haven't harmed anybody.'

Nigel Warburton

Well, it looks like that, but is that what Mill would say?

Alan Ryan

Well, as I said, there's only one sentence in *On Liberty* that comes anywhere close to discussing this, and it's where Mill is distinguishing between two different things one might say about sexual intercourse. Person who has sexual intercourse with someone to whom they aren't married commits what they used to call fornication, and if this is a sin or if it's, for example, part of an adulterous relationship, one might say it's violated the rights of the wronged partner, and it's wrong as a violation of their rights. It has in some sense harmed them. If, on the other hand, I have sexual intercourse in the middle of the high street, the fact that the person with whom I have sexual intercourse is my wife doesn't, in any sense, diminish the offence against decency. And what Mill says is that there's a class of offences to which the objection is their public character, doing in public what is legitimate in private, and these are offences against decency, and their discussion rests on the wholly different basis from anything in *On Liberty*, and then he promptly moves on to the next subject.

So, there is a sort of hole there because it looks as though in that passage Mill is saying that it's alright for a society to enforce some sort of standards of decency, and yet at the beginning it looks as though if you have one simple principle, and it's governing all relations, and it's doing it absolutely, it looks as though it's going to shut out any other considerations.

Nigel Warburton

One aspect of the harm principle for Mill is that he's opposed to paternalism, the idea that you could force somebody to do something for their own good. Now you've touched on that already. Could you say a little bit about that?

Alan Ryan

Yes. It's quite hard, in fact it's very hard, to know quite which end to take this from. Mill clearly was deeply hostile to paternalism partly, one might conjecture, because of his own

sense of having been ruled for too long by a dominating father, but also because what lies very close to the heart of Mill's argument in *On Liberty* is the idea that what we do is of no value unless it is really we who do it. So if somebody devised a paternalistic way of making us better people, this for Mill will be a disaster, because the only thing that counts for Mill is going to be our doing it for ourselves. I think the footnote one has to put in, of a slightly wincing kind, is of course that Mill wasn't opposed to paternalism, always everywhere and for everyone. The contrast he draws between, as it were, Europeans who were jolly lucky to have Charlemagne tell them how to behave, Indians who are lucky to have the East India Company tell them how to behave, and mid-Victorian English citizens, who can be left to make their minds up for themselves. So Mill very much thinks that you only escape paternalism when you really are capable of self direction, but once you're capable of self direction, then paternalism is simply out.

Nigel Warburton

I can see how that sort of argument works if you were talking about people trying to make you better, and partly because you are likely to be the person who best knows what will make your life better. But if you take something like the present day case of paternalistic laws which make us wear seat belts when we drive, it's harder to see how Mill could be justified in taking such a strong anti-paternalist stance.

Alan Ryan

I think the seat belt case is extremely tricky because of something that Mill half saw, but never pursued to the end of the argument, and that is that once we're part of an elaborate co-operative system, which is designed to secure benefits for all of us, but the cost of those benefits is greatly increased if people behave foolishly, then of course not wearing a seat belt ceases to be in the appropriate Millian sense, self-regarding, and so I can say to you, not unreasonably, 'Buckle up your wife, your children, the National Health Service, the police, and many other people, have a right to sensible behaviour on your part'. And that's not a paternalist argument. And the difficulty, of course, is that if you push that argument far enough, it becomes very hard to see how much freedom of manoeuvre people really do keep, because it looks as though you can almost always find some co-operative system or other in which they're implicated, which apparently gives other people the right to insist on good behaviour.

Nigel Warburton

That's part of a general criticism that's been made of Mill actually, isn't it? The idea that he assumes that there are self-regarding actions which really don't affect other people.

Alan Ryan

Yes. Of course, he's not absolutely committed to that, or at least what he's not committed to is the view that there's some wonderful hard-and-fast line which, as they say, 'cuts nature at the joints'. Because even when he first offers the principle of actions that only affect oneself, he does throw in the qualification that it's actions which only affect oneself directly and, as he goes on, he develops the argument so that the way in which they affect other people also becomes part of whether they're going to count as self-regarding or other-regarding. So, for example, I engage in some rash activity, and the thought of it frightens my mother. For Mill it's still self-regarding because she doesn't have to think of it, she could always change her mind about whether I have a right to do it, and so on and so forth. So, there is a sort of notion in Mill that self-regarding is actions where I am, so to speak, the direct immediate object of whatever it is that I'm doing, and where other people don't have to get involved unless they choose to do so, and of course that's also a slightly delicate line to draw.

Nigel Warburton

So you seem quite sympathetic to the idea he's putting across there. Could you give some examples of actions you think are purely self-regarding?

Alan Ryan

Well I think the, some of these will sound slightly crazy because tying up the argument is always going to be fairly complicated. But suppose you consider some fairly well-off person who has no dependants, no girlfriend, and just chooses to drink themselves to death, and

does so in a non-obnoxious way, imposes no burdens on the exchequer, doesn't mean that their wife, children die of starvation, doesn't frustrate the desires of their employer, and nobody with a legitimate interest in their behaviour has any of their legitimate interests frustrated. That gets you a pretty good self-regarding action. I think actually everyday life is full of them. I mean I curl up on the sofa and read a book, and that's a self-regarding action. Only if I read a book when I should be teaching, or I read a book when I should be doing something else, does it cease to be self-regarding.

Nigel Warburton

Okay, let's take the example that you gave of the man drinking himself to death, quite self consciously. Does Mill think you can't do anything at all to stop him doing it?

Alan Ryan

Ah, no. This is the great area which I think most of the commentators are actually not frightfully good on. But let's start right at the end and work our way gently forwards. I go into the pub, you go into the pub, I proceed to drink far too much. Are you allowed to coerce me out of having my ninth pint? On Mill's view not, so long as I don't get into fights, don't insult all my neighbours and otherwise make a nuisance of myself. Is there anything you can do? Answer yes. You can, for example, say, 'You're boring, you are tedious, this is a disgusting way of spending your time. If you go on like this you'll have no friends ever, and I do not tell you this to coerce you'. What you are saying is look, I have rights as well as you have, your right to drink yourself to death is undeniable but, as a matter of fact, you behave like this - among the various things that will go with it is no social life, no friends, and the rest of it. You may appeal to my old ambition to lead a more intelligent and thoughtful life than I appear to be heading for on my ninth pint. And Mill wanted, in a curious way, to pull away respectability in order to allow room for other kinds of argument and these, of course, are all the goods about self development, and having an interesting and well-rounded, and well formed character, and if I had been reading Mill *On Liberty* and I then go and try and drink my ninth pint, you will say but surely, and it's not coercion, it's not threatening penalties, it's not using drug force, it is essentially saying there is a life which is a better life than the one you're heading for, and you can for Mill be pretty appallingly rude to people. It's still not coercion.

Nigel Warburton

But how is that different from what he is opposed to, which is the tyranny of the majority, if the majority is saying 'don't drink, it's bad for you'?

Alan Ryan

The idea that frightens Mill particularly is that there'll be what you might call a dead weight of received opinion. Now, what he thinks is that there will indeed be some sorts of self-regarding behaviour, which other people will just find obnoxious, and if that's the way you carry on, will not be friends with you, and you'll lead a fairly grim life. But that's different from asking yourself the crucial Mill question which is, is this the kind of case, in which we need a rule, that everybody has to stand behind, which they all have to co-operate in enforcing, in order to achieve uniformity of conduct? So I think what Mill's always eager to do is to say that there are some things, where it is absolutely essential, that we should all gang up against malefactors, because the whole point of living in society, at least a large part of living in society, is that you protect each individual, in those areas, with the collective force of the whole society. Now, the point of having the harm principle is to say you only need to use the collective force is where what you're trying to stop is damage to other people. You mustn't use it where it's any damage to the person or of failure to live up to some idea or other.

Nigel Warburton

One consequence of protecting individual freedom is that it allows great diversity in society. What do you think about that idea, that we should somehow value diversity?

Alan Ryan

Well, again it comes in three slices, as so often with Mill. One, of course, is the insistence that there are some areas in which uniformity is *de rigueur*. We'd better all drive on the left hand side of the road, or on the right hand side of the road. You then, I think, get a sort of bifurcated argument as you often do in Mill. One says diversity is essential because human

beings just do come various, and if there's to be happiness, then you want to minimise the number of times you try to put square pegs into round holes. If my natural talents are for designing motor cars I shouldn't be set to design dresses instead, or whatever it might be. The more complicated argument, I think, is the view that human beings are many sided, that all of us have a great potential to turn into all kinds of different creatures and that what we need is the space in which we can, as it were, manage ways in which we can get the sort of flexible control, and acceptance of all the various things that we might want and be, so as to turn ourselves into the most interesting creatures we can possibly become. And that, I think, gets very close to the kind of argument you find in Isaiah Berlin which is really an argument in favour of plurality for its own sake, because it just makes the world more vivid and more interesting.

Nigel Warburton

A consequence of tolerating diversity is that there are many voices being heard, and Mill is always keen to protect freedom of speech. What would you say about that?

Alan Ryan

Well Mill, of course, is very famous for the defence of free speech. Basically Mill has, I suppose, two major thoughts about free speech. The first is that you can draw a line about what kind of speech is to be free and what kind is not to be free, according to the harm principle. And so you get the famous example of the man who waves a placard, saying corn dealers are thieves, to an angry crowd outside a corn dealer's house. At that point what he's doing is inciting a riot, inciting a riot has no legal protection, and it's no good him saying, 'it's free speech'. What I'm doing is speaking, or what I'm doing is waving words', or whatever it is he might choose to say. And, of course, cases like the American First Amendment case with the young man who wore a leather jacket with "fuck the draft" written on the back, and was nailed by the local police, and was then acquitted when it got to the Supreme Court. Of course, if Mill is going to allow restrictions on grounds of decency, then the young man in the leather jacket is probably not going to get away with it in Mill's kind of society. Whereas, if Mill is going to widen the area of freedom and not be too bothered about decency, or go down the American track and say politics matters, and if politics matters that much, then decency has to give way, then the young man might get away with it in Mill's world. But it's actually very hard to know what to do with those constitutional cases, on Mill's principles.

Nigel Warburton

And what about slander. Does that harm you?

Alan Ryan

It's very easy to know what to do about slander, liable fraud, anything of that kind, because they all fall foul of the harm principle very directly. So if I induce you to buy my motor car by saying that it's only done 22,000 miles, but actually it's done 148,000, and it's completely clapped out, I can't say 'we only spoke'. The answer is I've harmed you, I have subverted a legitimate protected interest of yours, and therefore out.

Nigel Warburton

So that's how the harm principle can give us an account of free speech. But you were going to mention another aspect of Mill's view of free speech.

Alan Ryan

The other face of it, which is the one I think that gives everybody most grief, is the connection between free speech and truth. Because, of course, the harm principle pays no attention to whether what I say is true, false, and indifferent. The argument about truth, I think, is where everybody has difficulty, where Mill ought to have noticed more difficulties than he really admits to. Goes like this. Mill says, unless speech is free, you can't search for the truth properly; answer, that is very largely true, in most contexts. I want to show that the phlogiston theory of combustion is false, if my boss in the lab is determined to stop anybody performing experiments that show it's false, or stopping people writing in defence of the new oxygen theory, then there'll be no progress in chemistry. So a substantial measure of freedom is required in all those areas where truth is at stake. Is absolute free speech required? If you believe writers on the philosophy of science, such as T.S. Kuhn, you might think of other

values that cut across freedom. Now people like Kuhn have wanted to say that if you're going to have the search for truth, you may need a kind of discipline in a profession that rules out absolute free speech. So I think those kinds of arguments Mill really would have trouble with, because I don't think he has any apparatus with which to handle them.

Mill wasn't interested in that kind of truth curiously enough, what he was really interested in was what you might call moral truth, or ethical truth, or truth about human life, and of that I think he thought that there were plural truths, so that one truth didn't exactly shut out another truth in the same way as in science. There's that wonderful scathing line where he says that someone who's willing to let other people's opinion set their plan of life has no need of anything other than the apelike facility of imitation. Well, you say, that's a pretty powerful insult. What is it that he wants instead of the apelike facility of imitation? And the answer has to be that we've got to find our own truths.

Nigel Warburton

On Liberty's often held up as the bible of Liberalism, could you say just a little bit about what you think Liberalism is?

Alan Ryan

Yes. I think two things to say about the connection between *On Liberty* and Liberalism. The first is it's very much the bible of a certain kind of perfectionist Liberalism, the bible of the kind of Liberalism that says the point of a liberal polity in society is to end up with autonomous self-creating citizens, members of that society who are, as it were, deeply but freely committed to living in that sort of society, and making it flourish. In terms of his place on the political landscape, which is the second side of all this, he's actually more complicated than one might think. For example, one thing he says in *On Liberty* that tends to make people turn pale once they've understood it, is that it's perfectly legitimate for a government to forbid people to marry, until they have the means of bringing up a family without becoming a charge on the public. So Mill's attitude towards the plight of the single mother in our own time can only be guessed at, but it certainly isn't what we would nowadays tend to call liberal, and that's because Mill has the view of society which is there in order that we can all flourish in the economic realm, and so people who are knowingly and wittingly a drain on the resources of other people are not to be tolerated. So, there are some quite savagely 19th Century aspects to Mill's Liberalism.

Neglect of children is something that Mill was pretty savage about as well, had no doubt at all that when you bring children into the world you take responsibility for them, and once you've done that, then you can be held accountable, if they don't get educated, if they aren't employable, and a good deal else besides. So when my offspring don't get jobs it's I who go to jail. So, he's a tough kind of Liberal, thinks that the government should act coercively as little as possible, but where it should act coercively, it should act effectively.

Nigel Warburton

Why do you think we should read Mill at all now something like a hundred and fifty years after he was writing?

Alan Ryan

I think most of the arguments are pretty compelling. I think the verve, indignation, irritation, the drive with which it's all done, is absolutely wonderful to read. It's a kind of model for what engaged political thinking ought to look like, and we do, I think, live in the shadow of these arguments still.

Nigel Warburton

Thank you very much.