Mill ½ Lecture

14 March 2017

PPT 2

Now that Andrew has given you the story of Mill’s life as an individual, I want to put that in its larger historical context by talking about some important revolutions.

The first, which we started talking about with Descartes, was the Scientific Revolution. Recall from your lecture that Descartes was rebelling against the Scholastic, Aristotelian education that he got in school, along with Galileo, Copernicus, and all the rest. Here’s how that Revolution was described by a historian and philosopher of science in 1866, someone who argued with Mill over scientific matters (and actually, this is the guy who first came up with the word “scientist,” because as you may or may not recall, they used to be called “natural philosophers”):

“Among the most conspicuous of the revolutions which opinions on this subject have undergone, is the transition from an implicit trust in the internal powers of man’s mind to a professed dependence upon external observation; and from an unbounded reverence for the wisdom of the past, to a fervid expectation of change and improvement.” –William Whewell (1866)

The Scientific Revolution is where we get the idea that science requires experimentation, requires replication, i.e. that you need to give intersubjective evidence accepted by the community. Science gets *institutionalized* into a social practice – here’s the Royal Society, where they used to show off cool experiments to one another. Experimentation, replication, and *manipulation* – that is, the idea that we are trying to control nature for our ends.

Another important thing about Descartes, and which we also saw in the lecture on Hobbes, is that they had a sort of *faith* in science: the idea that science can tell us the answer to all our social problems. (Remember how this worked for Hobbes: people are like atoms, colliding into one another according to these laws of motion). So, by the time Mill is writing, it’s completely natural to think that we should have all these individuals performing their own “experiments in living” – such that a tiny special few of them will discover things that will make society better and prevent human life from becoming a “stagnant pool” (17), as he says. And people need their liberty in order to perform all these experiments.

Politically speaking, there are a couple more really important ideas in Hobbes that become the seeds for more revolutions. We have the idea of basic human equality – did you catch his objection against Aristotle’s argument for natural slavery? We have the idea that the legitimacy of political authority is based in a kind of social contract – people like John Locke take that idea and they run with it, using it for exactly the *opposite* purposes as Hobbes. For them government is based on the *consent of the people*, so if the people don’t like it they can get rid of it, and there needs to be a *separation of church and state* and *religious toleration*, so that the state instead of deciding on religious matters has to stay out of it completely. This package of views is what is usually referred to as “liberalism.”

The point of going through all of this is that Mill (along with his wife Harriet) is writing against the background of all this stuff that’s already happened. Liberalism has conquered the European world (and imperialism is spreading it beyond Europe). And so from the time of the Enlightenment onwards, because all of this exciting stuff is happening and these major social changes have been enacted, the theorizing of science and of history by the time Mill is writing has gotten way more *dynamic* – we don’t just have static theories about human nature and society, we now have dynamic theories about societies develop and *progress* over time: the idea of progress is the idea that science, technology, all this new knowledge and ideas and education are going to make the human condition get *better* and better. But the dark side of this idea of progress, as you all will no doubt have noticed in the text, and as I hope you’ll discuss in your sections, is that – even though it’s based in a sort of equality, this idea that every one can progress and develop, just like children grow into adults – it gets used to rationalize blatant *inequalities*: those so-called “backward races,” those societies that haven’t progressed far enough along, they don’t get to have liberty, they’re like children that the Empire is colonizing for their own good. So philosophy is can be enlightening, but it can also be oppressive. It matters that we get our philosophy right.

And with that, let me now get into some of the philosophy. You can think of chapter 4 as the “payoff” for the entire book: we started off in chapter 1 in the very first sentence with the question of “the nature and limits of the power which can be legitimately exercised by society over the individual.” And now we see the Harm Principle in action:

As soon as any part of a person’s conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person’s conduct affects the interests of no persons besides himself, or needs not affect them unless they like (all the persons concerned being of full age, and the ordinary amount of understanding). (24)

We divide up people’s actions into the ones that affect others, and the ones that only affect ourselves (and other consenting adults). As soon as an act falls into the first category, harm to others, society can interfere either through legal punishment or through public moral opinion. But in the second category, *even if it would be for an individual’s own good* – that’s the strongest possible case one could make for interference, right – Mill says that society is not allowed to use its power over the individual, either legally or through opinion.

Mill has a number of distinct utilitarian arguments for these limits to society, which you can discuss more in your sections. There’s an important set of *epistemic* arguments that every individual has the best access to knowledge about themselves and how things will affect them, compared to society which only has general assumptions that might not apply:

[W]ith respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by any one else.

The interference of society to overrule his judgment and purposes in what only regards himself, must be grounded on general presumptions; which may be altogether wrong, and even if right, are as likely as not to be misapplied to individual cases, by persons no better acquainted with the circumstances of such cases than those are who look at them merely from without. (25)

There’s an argument that interference will actually lead to worse outcome and less overall utility, because people who do just the opposite of what you tell them:

Nor is there anything which tends more to discredit and frustrate the better means of influencing conduct, than a resort to the worse...it easily comes to be considered a mark of spirit and courage to fly in the face of such usurped authority, and do with ostentation the exact opposite of what it enjoins. (29)

And there’s an argument grounded in the extremely high value of individuality, which we’ve already heard him argue for in Chapter 3:

All errors which he is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good. (25)

So he concludes that putting in these limits promotes the greatest utility overall:

Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest. (8)

And – again, you can go into this more in your sections – we should also distinguish between a number of different possible motivations behind social interference, because you might think that Mill’s arguments work better against some of these than others.

One of the main things Mill is worried about is a *paternalist* motivation behind interference. Paternalism is the coercion of an individual to do something against her will, where that is justified by claiming that it’s for her *own* good. So Mill talks a lot about people “committing errors” (26), “spoiling their life through mismanagement” (27), doing things “injurious to happiness” (28), or “doing mischief to themselves” (28).

But at other times Mill seems to be talking about what you might call a *perfectionist* motivation behind interference – people who want to make you do things because they want you to become a better person, the best you can be. And Mill is on board with perfectionism; he thinks that we “should be forever stimulating each other to increased exercise of our higher faculties, and increased direction of our feelings and aims towards wise instead of foolish, elevating instead of degrading, objects and contemplations” (25), he talks about the “ideal perfection of human nature” (25), and “hindrances to improvement” (28).

And finally, Mill is worried about a *legal moralist* motivation behind interference. Legal moralism is the view that *laws* should be used to enforce a society’s *moral* norms – as opposed to merely maintaining the peace or keeping people from killing each other. Now, everyone thinks there should be *some* limits on legal moralism – no one thinks you should get thrown in jail for cheating on your partner or not helping your roommate with their paper even if these are arguably immoral acts – but legal moralists think: hey, if it’s really immoral, then why shouldn’t we use the law to enforce it?

Again, the idea is just that we should carefully distinguish between these different reasons that could potentially justify social interference because Mill’s arguments might work better against some of those reasons than others.

Now what I want to do is point out a number of important distinctions that Mill draws, which we need to be clear on if we want to understand his view correctly.

The first is the difference between *persuasion* and *coercion*. So (as I said earlier) Mill is completely in favor of persuasion - in fact he thinks that:

Human beings owe to each other help to distinguish the better from the worse, and encouragement to choose the former and avoid the latter…Considerations to aid his judgement, exhortations to strengthen his will, may be offered to him, even obtruded on him, by others; but he, himself is the final judge. (25)

Secondly, Mill distinguishes between the unpleasant “natural penalties” of a person’s actions, on the one hand, and *punishment* for actions, on the other. His point is that when someone does something of which you disapprove, you can’t help but judge them and act toward them in certain negative ways – it’s part of *your* being a good person that you dislike bad behavior. He says this about certain kinds of behavior that only affect the individual but not others:

[T]hough it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt: a person could not have the opposite qualities in due strength without entertaining these feelings… Though doing no wrong to any one, a person may so act as to compel us to judge him, and feel to him, as a fool, or as a being of an inferior order…(25)

And so we are allowed – not in order to limit their individuality, but in order to exercise our own individuality – 1) avoid being around them, 2) caution others against them, and 3) not give them special privileges. But, Mill says, this doesn’t count as interfering with or *punishing* the person, because that’s just what happens, and that’s what they should expect to happen, if they engage in this bad behavior.

In these various modes a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself; but he suffers these penalties only in so far as they are the natural, and, as it were, the spontaneous consequences of the faults themselves, not because they are purposely inflicted on him for the sake of punishment. (26)

And Mill’s okay with those natural penalties being quite severe, which is another reason why it’s so important to persuade people beforehand – he says, we should all be less polite and just tell people when they’re going to do something stupid! – not to do those things.

Finally, Mill wants to distinguish between he’s thinking of as “self-regarding faults” and what he thinks are truly moral vices. Self-regarding faults, he thinks, are things like folly, lowness or depravation of taste (25), rashness, obstinacy, self-conceit, indulgence, hedonism (26), extravagance, gambling, drunkenness, incontinence, idleness, uncleanliness (28), want of personal dignity and self-respect (26), while true moral vices are things like cruelty, malice, envy, dishonesty, being too easily insulted, love of power, selfishness, loving to humiliate others, and egoism (26). Because these lead to encroaching on other’s rights, wrongful loss or damage (note that you can *harm* someone – like if you get chosen for the job they have also applied for – without necessarily *wronging* them), falsehood or duplicity, using unfair advantages, not defending them when it serves your own interests (26). And notice that this is just what we get with the harm principles: faults that only affect yourself, faults that affect others: so again, the idea is that self-regarding faults shouldn’t be punished by law or moral opinion, but true moral vices can and should be.

So, I imagine most of you will agree with me that the Harm Principle sounds pretty good. What I want to do in the rest of the talk is look some cases where we might be inclined to interfere with an individual’s behavior, so that we can apply the Harm Principle and see how well it does at deciding those cases for us.

Here are a couple of paternalistic bans, for example, that have been proposed in order to protect women from engaging in behavior that is or runs a high risk of being harmful to themselves. It’s well-known that wearing high heels can cause severe physical damage, affecting your toes, knees, calf, heel, ankle, and spine. But according to this podiatrist, even when he tells his patients why they’re experiencing so much pain, women “will wear their high-heeled shoes until their feet are bloody stumps.” Recently, a lawmaker in Russia proposed a ban on high-heels (and other footwear). Similarly, people have called for bans on cosmetic surgery because of, for example, the risk of breast implants causing severe pain, infection, hardened tissue, and loss of sensation. And again, like the case of high heels, it’s women who want to undergo this procedure that affects no one other than themselves, because they want to attain their own ideals of feminine beauty. But I doubt that many of us think that there should be bans on high heels or cosmetic surgery.

Let’s compare this, though, with some other bans on behavior that is are relevantly similar. In China, footbinding was banned in the 17th century by the Manchu dynasty (the one Huang tried to fight), in 1902 by the Qing dynasty, in 1912 after the fall of the Qing dynasty, and again in 1949 by the Communist Party. Yet here is a woman who didn’t unbind her feet until 1999, even when Communist officials would go around searching for them during the Cultural Revolution. The photographer talks about how these women proud of what they achieved, at how they were considered beautiful because of their feet. Similarly, there have been many attempts to ban female circumcision in Africa and also in Southeast Asia, but it’s very common that people continue to do it in spite of official bans. Again, as this anthropologist describes in this case of trying to give a woman painkillers and being refused, some of the women who participate do so with pride and joy – that they’re mature and can withstand the pain.

Now, I have no doubt that you might be able to find reasons for supporting a ban on footbinding but not on high heels, but the question to ask here is whether those difference are explained in terms of the *Harm Principle* – is it really just the difference between harm-to-myself and harm-to-others that makes one of these ok but not the other?

Let me move to another example. Mill writes:

But there is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it; no more than between the desire of a thief to take a purse, and the desire of the right owner to keep it. And a person’s taste is as much his own peculiar concern as his opinion or his purse. (30)

Now, some of you may have heard of something that’s been called “sexual racism,” which is when a person excludes people of a certain race from sexual or romantic relationships, usually because they don’t find them attractive. Now, people have typically defended this kind of sexual exclusion on Millian grounds, that it’s just a preference, it’s just their taste – and note that no one has a *right* to be found attractive, none of us has a claim on anyone (well, maybe our parents) to love us, so it looks like no one is being *wrongfully harmed* – just like no one is wrongfully harmed when one person gets the job and others don’t - when someone is sexually exclusive. So no one else is being wrongfully harmed, and whom you sleep with affects only yourself and consenting others. But in recent years, moral opinion seems to assert more and more often that people *shouldn’t* have these exclusionary sexual preferences, which seems to go against the Harm Principle.

One last example. The Harm Principle is often taught as one justification for getting rid of anti-sodomy laws, since it prevents interference on behavior that only affects yourself or consenting adults that you do it with. But recall what Mill says about the difference between natural penalties and punishment, where he says that natural penalties can be quite severe:

[T]hough it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt: a person could not have the opposite qualities in due strength without entertaining these feelings… Though doing no wrong to any one, a person may so act as to compel us to judge him, and feel to him, as a fool, or as a being of an inferior order…(25)

[I]nstead of wishing to punish him, we shall rather endeavor to alleviate his punishment, by showing him how he may avoid or cure the evils his conduct tends to bring upon him. He may be to us an object of pity, perhaps of dislike, but not of anger or resentment; we shall not treat him like an enemy of society. (27)

So, if you’re someone who truly believes that homosexual behavior is really immoral, it might just follow from that you naturally feel distaste, contempt, or judge LGBTQ people to be of an inferior order. And you might want to cure these evils by advocating, say, conversion therapy. But in the recent past, President Obama’s administration expressed support for state-level bans on conversion therapy (again, for minors) and moral opinion seems to be turning against it. What should we think about people’s distaste for LGBTQ people or their advocating conversion therapy? Are these just natural penalties or are they a way of treating someone as an enemy of society?

I don’t know what you think about all this. But I’ve deliberately chosen hard cases that I think reasonable people might disagree about, and cases in which there are individuals who have what some people call “deformed desires” – desires that are *shaped* by oppressive social contexts. In other words, these are cases where it’s tricky to delineate between the individual and the society that’s acting within the individual. The philosophical question I want to leave you with is whether Mill’s Harm Principle – the distinction between harm-to-self and harm-to-others – is the thing that *guides* us and give us the answer to these hard cases, or whether we already have answers we like and we interpret the Harm Principle in such a way as to rationalize that answer. I leave that to you – as individuals – to decide that for yourself.