

Mill's Liberty Principle: correct grounds for government interference?

Introduction

Mill's Liberty Principle (LP) aims to provide the rationale for a doctrine of minimal societal interference which, by maximising 'negative' freedom (absence of coercion), allows individuals to fulfil their potential. The most important such freedoms are: freedom of thought and expression, the pursuit of happiness, and the formation of associations. The LP is 'one very simple principle' that asserts that individuals as well as government are justified in using moral coercion or physical force only to prevent one individual from harming the interests of another.

The criterion I adopt for judging whether the LP constitutes correct grounds for government interference is: Can the LP achieve its aims at acceptable moral cost? I argue it cannot because if the LP is construed in the narrow sense of justifying only the suppression of harmful acts, it results in much easily avoided harm; and if construed in a wider sense of rescuing individuals from harmful situations (such as caused by poverty or disease) then it fails to justify minimal government interference. At best, the LP is a rationale for externalising the costs of beneficial government policies.

The narrow and wide senses of preventing harm

In the narrow sense mentioned above, the LP would not justify government acting to rescue citizens from situational harm, to improve their well-being, or even to prevent their self-harm because those are not harms caused by one individual to another. The LP could therefore result in much suffering and injustice that might easily be rectified. However, construing the LP in the wider sense of mitigating harm *irrespective of cause* would commit Mill's principle to open-ended government intervention in matters such as health care and, even if such beneficial interventions empower individuals to fulfil their potential, i.e. by giving them 'positive' freedom, the principle of minimal interference would no longer hold.

The moral duties of individuals

We can expect Mill to defend government interference in the narrow sense of the LP, but in so doing he needs to find a way to remedy the gratuitous cruelty that might result if individuals also applied the LP in that way. Mill's solution is to split the implementation of the LP so that government applies the LP only in the narrow sense, whereas citizens apply the LP in both the narrow and wide senses. Mill argues that, in contrast to government, individuals are subject to additional rules of beneficial behaviour (thereby departing from 'one very simple principle'). For example, he says individuals have an "*obvious duty*" to try to save the life of a fellow being (and the government should hold them responsible if they do not), and individuals may rightfully be compelled to give evidence in court, or to defend the state.

The beneficial actions by individuals to remedy injustice and cruelty cannot originate from the LP in the narrow sense and, in so far as they arise from the LP in the wider sense, they must be moral duties which, for Mill, means they are grounded in the utilitarianism, i.e. the Greatest Happiness Principle (GHP). Mill says: "*I regard utility as the ultimate appeal on all ethical questions, but it must be utility grounded in the permanent interests of man as a progressive being*" (*On Liberty*, Chapter I). However, tensions between the LP (narrow sense) and GHP undermine the objective of minimal government interference because, as I hope to show in the two sections below, the implementation of the LP cannot be cleanly split between government and individuals. In effect, the government cannot avoid moral responsibilities under the GHP by trying to assign them all to individuals.

Externalisation of costs

Because certain beneficial actions are required of the individual by the government, those beneficial actions may be said to be government policy. As argued above, those policies, being beneficial, are motivated by the GHP. In performing them, individuals are carrying out government policy, and consequently may be said to be acting as indirect agents of the government. In the justice system, for example, witnesses in court would be indirect agents upholding the GHP, whereas policemen would be direct agents of the government tasked with upholding the LP in its narrow sense of preventing harm between individuals.

The government, through the obligatory beneficial actions of its indirect agents, is therefore acting according to the GHP, not the LP. As governments can only act through individuals, the only difference between direct, as opposed to indirect, actions and agents is that one set is financed by the government, and the other is not. In other words, the government is externalising the cost of implementing its beneficial policies so that the tax payer does not have to pay for them directly. Yet the cost to society as a whole remains much the same, and the cost is merely redistributed, so the consequence of mixing the LP with utilitarianism is that the LP provides a rationale for externalising the costs of implementing beneficial government policies.

Externalisation of moral responsibilities?

Yet if it is morally right according to the GHP for the government to perform beneficial actions indirectly, there must surely be at least some cases, e.g. for reasons of economies of scale, where the GHP would indicate that direct beneficial action by the government is the morally correct course of action, and if that is contrary to the LP, then in those cases the LP is morally wrong, and is therefore not the correct ground for government interference.

It therefore seems that the LP can conflict morally with the GHP, and that whereas costs of beneficial actions can always be externalised, moral responsibilities for them cannot. If the LP cannot coexist with the GHP, one of them should be rejected. If we keep the GHP, then we must reject the LP as a correct basis for government interference. If the GHP is rejected, we must accept that, under the LP (narrow sense), there are no moral obligations on individuals, e.g. to save a child from drowning in a pond, to act as a witness in court, or to defend the state. The first example is an obvious gratuitous harm, and the other two would render the government incapable of providing basic security to citizens, which means the LP is not the correct ground for government interference.

Mill's three liberties

In one sense, however, the above considerations are a distraction from the main purpose of Mill's LP, which is to create space for his three liberties:

- liberty of thought and beliefs, and expression of them;
- liberty to pursue happiness as the individual sees fit; and
- liberty to form associations of like-minded individuals for the pursuit of common goals.

Mill says: “*No society in which these liberties are not, on the whole, respected is free... The only freedom which deserves the name, is that of pursuing our own good in our own way, as long as we do not attempt to deprive others of theirs ...*”. (ibid)

Yet liberty without opportunity does not benefit the individual. Better would be: '*No society is free in which these liberties cannot be enjoyed by all*'. Rich and poor may have equal 'negative' liberties, i.e. equal legal rights and freedom from coercion, but they are not equally free to act because wealth creates the 'positive' freedom to act, whereas poverty destroys it. For example, liberty of speech in an unequal society means that the wealthy get to speak more effectively than the poor, e.g. through

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paid lobbyists, and therefore have greater influence over legislators, and consequently have more power which, if used to further their own interests, constitutes the injustice of a tyranny of the wealthy over the poor.

Without equality of opportunity to use the three liberties, tyranny can be the outcome of the LP. On the one hand, Mill seems to recognise the difference between 'positive' and 'negative' freedom, and his second sentence in the quotation above indicates that 'positive' freedom is his real goal, yet the last clause of the same sentence would seem to exclude redistributing goods to establish the equality of opportunity and positive freedom that would make the three liberties available to all. The LP therefore is not a correct basis for government because it fails to deliver the promised free society: instead it denies to many the 'positive' freedom it should guarantee to all.

Summary and conclusion

I have argued that Mill's 'one very simple principle' will not necessarily provide either justice or minimal government interference, nor is it fully compatible with utilitarianism, and that the three liberties as 'negative' rather than 'positive' freedoms could lead to tyranny. Those failings should be sufficient to disqualify the LP as correct grounds for government interference. Nevertheless, despite the difficulties inherent in the Liberty Principle, it still has value as a criterion for preventing government interference which would restrict the freedoms that are necessary for the flourishing of individual human potential, but it should not be used to justify excluding beneficial government interference that would enable everyone to use those liberties.