

## ENDS AND MEANS IN J.S. MILL'S UTILITARIAN THEORY

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N.B. All references to *On Liberty* pertain to the Everyman's edition of *Utilitarianism, On Liberty and Representative Government* (Mill, 1948).

### I. Introduction

The aim of this article is to suggest a framework of analysis of the Millian theory, reflecting on Mill's primary and relative principles. I consider these principles in terms of ends and means and discern whether or not Mill prescribed them in any systematic order. This formulation will provide us with a fresh insight into the Millian theory, beyond the conventional interpretation which holds that the only true end for Mill is utility and all else is a means to utility. The suggested theoretical framework will enable us to understand the relationships between the major Principles of his theory, how one end may serve as a means to a further end.

The primary Principles in Mill's theory are the Principles of Rationality, Good Government, Liberty, Truth, Individuality, and Progress. I argue that these are the only significant principles in Mill's theory. Bearing this in mind we can then better understand the Millian systematic and hierarchical thinking and why Mill spoke of them as almost immune to qualifications. This is indeed the crucial difference between ends and means in Mill's theory: while ends are posed as values that should be pursued and promoted in almost all events, means can be qualified and should be promoted only if they are instrumental to the promotion of ends. Mill regards the primary Principles as valid since they have passed, in his opinion, the utilitarian test: all of them are established as Principles because of their conduciveness to the Ultimate Principle of Utility. All of them are essentially designed to bring happiness, to enrich the world with good, and to avoid evil. Happiness of mankind, "or rather, of all sentient beings" is the general method

to which all rules of practice ought to conform, and the test by which they should be tried. Most of these Principles can be read as practical Principles of conduct. Other Principles cannot (Principles of Rationality and of Progress). From this you can infer that I do not regard the Ultimate Principle of Utility as merely a principle of practical conduct. Like other commentators,<sup>1</sup> I interpret the Principle of Utility more broadly as an axiological principle.

Secondary values are regarded as part of the end, ie, part of Mill's utilitarian good. He argues that questions about ends are questions that concern desirable things: "The utilitarian doctrine is, that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end" (p.32). Mill concedes that people desire as ends many things beside happiness, but this recognition poses no difficulty for Mill because he insists that, in reality, nothing is desired except happiness "by appeal to sort of associationist account". Thus, he regards individuality and progress as ends in themselves and does not see them as contradictory in any way to his ultimate appeal to happiness. These are ends which bring about beneficial effects and, therefore, they are also means to utility.

Some clarification regarding the use of the terms 'primary' and 'secondary' principles is in order. When Mill speaks of secondary principles, he generally means any principle second to utility. In this article I distinguish between 'Principles', which are of major importance in the Millian theory; and other considerations which are part of these major Principles, named here 'formulas'. Through these formulas Mill introduces qualifications to his theorems which, at first, are phrased in very decisive terms.

Hence, a certain pattern in the Millian methodology can be discerned. Mill emphasizes the basic principles, held to be most important in the formulation of his theory. Then, in the following discussions, he proceeds by qualifying them. Thus the general, 'absolute' rules, as they seem to be from a preliminary reading, lose

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1. Cf. Alan Ryan, *John Stuart Mill* (New York: Pantheon Books, 1970); John Gray, *Mill on Liberty: A Defence* (London: Routledge & Kegan Paul, 1983); Fred R. Berger, *Happiness, Justice and Freedom* (Berkeley, Ca.: University of California Press, 1984).

their apparent immunity.

This method of introducing the Principles in stringent terms can be explained by two different ways: historical and personal. Mill's theory should be examined in the context of his time. Mill lived in a period when ideas were put forward bluntly, and writers commonly expressed their views in a rather confident, self-assertive manner. In addition, Mill the writer probably believed that the best way through which his ideas would receive the attention they deserved was by phrasing them in an unequivocal manner; were they to be qualified from the start, the exceptions might receive greater attention than the rules. As a devoted élitist, Mill did not trust the ordinary people to assign the weight he wanted them to assign to his exceptions. Thus he mentioned these exceptions in brief, sometimes in passing, so as not to distract attention from the primary message he wanted to deliver.

## II. Ends and Means

In developing his empiricist analysis, Mill was influenced by Hume's systematic approach of causes. Following Hume, Mill asserts that persons could not predict the future of different patterns unless they had an idea about their causes. Then they would be able to know whether or not certain phenomena would continue to prevail. Mill further argues that if persons understood causality in terms of observable relations, they would have a greater control over social change, and be able to decide whether to alter, modify, or preserve the current situation, and to what extent changes were needed.

Mill distinguishes between ends and means. He sees human beings as visualizers of ends and as makers of means, holding that the very first principle of any art proclaims this human characteristic: every art is a joint result of laws of nature disclosed by science, "and of the general Principles of what has been called Teleology, or the Doctrine of Ends, which ... may also be termed, not improperly, the principles of Practical Reason".<sup>2</sup>

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2. Mill, *System of Logic* (London: Longmans, Green, 1961), VI. 12; 6, p.620.

General premises determine the proper objects of approbation, and the proper order of precedence among those objects. Guidelines for action are conceived as statements about ends, believing that all action is for the sake of some end, and accordingly, all rules of action "it seems natural to suppose, must take their whole character and colour from the end to which they are subservient" (p.2). Insisting that "happiness is the *sole end* of human action", Mill argues that "[A]ccording to the Greatest Happiness Principle ... the ultimate end ... is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality" (pp.36, 11; emphasis mine).

Two kinds of principles exist in Mill's theory: absolute and relative. In his *Autobiography*, Mill admits that he ceased to consider representative democracy as an absolute principle. Instead, he regards it as a question of time, place and circumstances.<sup>3</sup> From this one may understand that, for Mill, there are absolute principles whose application lies beyond circumstances, which should be pursued as a rule, whatever the case in hand; and there are relative principles, whose applicability is determined by the given circumstances. Mill's theory is accordingly consequentialist only in a limited sense: some ends are necessary and desired as such, without paying attention to considerations of time and place. All values and principles are conceived as commensurable along the single ultimate principle of utility.

It is not altogether clear whether the Utility Principle means maximization of any kind of happiness, or only of the higher ones. Mill appreciates more the latter kind, and it is implicit in his argument that he would wish to see humanity advancing towards the enjoyment of these higher pleasures. By arguing for the maximization of happiness Mill wants, first and foremost, to promote certain generic human excellences, and generally, to see every individual as being left to himself, to reflect on and to rationally choose the course of action which he considers to be right. Rationality is an essential precondition for the development of human faculties.

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3. Mill, *Autobiography* (Oxford: Oxford University Press, 1971), p.102.

*i. The Principle of Rationality*

Rationality is closely connected with having reasons for thoughts and actions. Only a rational person can deduce from a given set of rules and preconditions to a specific case, and act according to what he sees best. Only rationality leads to a fully autonomous person, who has the ability to decide, and then to explain, or justify his deeds. In the Millian theory, rationality is the basic requirement without which people cannot possess liberty and advance the other principles conducive to happiness. Rationality is a necessary means to enjoy liberty, to develop individuality and to contribute to progress.

Mill regards rationality as a requirement for taking responsibility which, in turn, distinguishes societies and individuals from those in 'backward' positions. Mill does not deal with the latter. He proclaims that individuality is progressive and liberty is properly in use only when individuality is responsibly exercised. Moreover, Mill holds as a rough generalization (but, as we shall observe later on, not as a universal truth) that the individual is the best judge in matters that concern herself, and that if external forces interfere, the likely results are that the individual will be worse off. This is Mill's key argument in his plea for individual rationality.

Mill maintains that, in social matters, persons realize that things and considerations exist that lie beyond their abilities to grasp, evaluate, and decide. They acknowledge their lack of sufficient data, experience, or capacities; thus, their role should be narrowed to the election of more able persons who will decide on complicated matters for them.

The argument "each is the best judge", then, holds for rational beings in certain - not all - spheres. In some cases the state knows better what is good for the individuals, and it is more capable in handling their affairs. Hence, it may properly interfere in some social matters, and even in some private ones.

Mill trusts that human rationality will guide the vast majority to recognize their lack of abilities, and to elect those with superior capacities. A person, Mill believes, can be aware of his limitations, but these limitations are not so narrow as to obscure his thoughts from realizing the superiority of an intellect, when he encounters

it. Thus, the basic rationality is often sufficient for conducting the individual's everyday life, and for acknowledging the second level of rationality, which is the possession of a genius minority, (or even of *one* person), who would organize the social life. In an early article entitled "Rationale of Representation", published in 1835, Mill writes:

"It is not necessary that the Many should themselves be perfectly wise; it is sufficient, if they be duly sensible of the value of superior wisdom. It is sufficient if they be aware, that the majority of political questions turn upon considerations of which they, and all persons not trained for the purpose, must necessarily be very imperfect judges; and that their judgment must in general be exercised rather upon the characters and talents of the persons whom they appoint to decide these questions for them, than upon the questions themselves."<sup>4</sup>

This citation brings us to observe the second major Principle in the Millian theory. This is the Principle of Good Government.

*ii. Principle of Good Government*

Good government should aid and stimulate the individual's exertion and development. The only government which can fully satisfy all the exigencies of the social state is one in which all people participate. The mischief begins, however, when instead of calling forth the activity and powers of individuals and bodies, it substitutes its own activity for theirs; when instead of informing, advising, and on occasion denouncing, it bids them to stand aside and does their work for them (pp.169-170).

Nevertheless, Mill is in favour of representation. His advocacy for representative government is not given on the grounds that it would make people, first and foremost, happier, though this would be the end result. Rather, that it would make them more responsible, more conscious of their role in society, more virtuous

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4. Mill, "Appendix", *Dissertations and Discussions* (NY: Haskell House Publishers, 1973), Vol.I, p.470.

in handling their affairs with other people. The level of participation should be as great as the general degree of improvement of the community allows, but since all cannot participate personally in all public business, it follows that the ideal type of a perfect governments has to be representative.

A good government, Mill enunciates, is one that does not distort the representative system in favour of the majority; that ensures and protects an adequate proportional representation of minorities. Nothing but a false show of democracy is possible without it: "[I]n a really equal democracy, every or any section would be represented, not disproportionately, but proportionately". Minorities should be represented in accordance with their relative power, otherwise the government would not only be contrary to all just government, but, "above all, contrary to the principle of democracy, which professes *equality* as its very root and foundation" (pp.257, 260, emphasis mine). Mill, nevertheless, totally disregards this statement, when he comes to consider the voting procedure. We can assume that Mill did not oppose the double-voting procedure that was reserved for lecturers in the universities of Oxford and Cambridge which was abolished only in 1948.

The power of majorities worried Mill a great deal. He is sympathetic with Tocqueville's fears of the "tyranny of the majority", especially over intellectual independence and original thought. The threat is that minorities would lose their place, that they would surrender to the majority, without being able to voice their opinions. In his second review of Tocqueville's *Democracy in America* Mill shares Tocqueville's fears "not of too great liberty, but of too ready submission; not of anarchy, but of servility; not of too rapid change, but of Chinese stationariness".<sup>5</sup>

Mill, however, does not see the source of these evils in "equality of conditions", as Tocqueville does, but rather in the social development and the progress of civilization with its accompanying results, such as the extension of the franchise which naturally encourages the tendency towards collective mediocrity.

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5. Cf. Mill, "Tocqueville on Democracy in America", in *Dissertations and Discussions*, II, pp.56, 77.

Mill does not question the fact that the majority has to rule but he speaks of the necessity of securing the rights of minorities, not only because they deserve the same rights enjoyed by the majority, but also because he grants, in principle, great importance to the forming of opposition to the majority, which serves as a shelter for liberty, individuality and progress. Mill contemplates that "[M]inorities, so long as they remain minorities, are, and ought to be outvoted; but under arrangements which enable any assemblage of voters, amounting to a certain number, to place in the legislature a representative of its own choice, minorities cannot be suppressed".<sup>6</sup>

Therefore, though in the final resort majority opinion prevails over minority opinion, Mill holds that democracy is attained only when all have the opportunity to voice their opinions and to contribute to the decision-making. He frequently asserts that the right of the majority should not be considered as the rightness of the majority, and that quantity alone does not make things right. Mill resists tyranny as such: tyranny of numbers, of opinion, of custom, of rule of government. Tyrannies of any kind rob individuals from fulfilling their capacities, of establishing their autonomy. Tyranny *qua* tyranny is an evil, majority and minority alike.

Having said that, it is quite a task to conceive Mill as a democrat, in the sense that this term is commonly in use today. Mill may be regarded at best as a qualified democrat for he fears that the extension of democracy would endanger good government.<sup>7</sup> In his

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6. Mill, *Autobiography*, *op. cit.*, n.3, p.154.

7. Equality and majorities alarmed Mill if they came to mean the reign of ignorance and mediocrity over knowledge and intellectual reason. The remedy was found in Coleridge's and the St Simonians' writings, where they forwarded the thesis about the authority to which people ought to submit. Coleridge introduced the idea of the "clerisy" - a class endowed with superiority of intelligence, suggesting that the people at large would accept the pervasive authority of that class. On Coleridge's proposition, Mill was able to base his percept of a developed society, in which the majority would exercise its influence "defensively, not offensively", acknowledging the nobleness of the organized body which would obviously take an advantage of its knowledge for the benefit of all. Cf. "Coleridge", in *Dissertations and Discussions*, *op. cit.*, n.4, pp.393-466.

*Autobiography*, Mill confesses, also in the name of Harriet Taylor:

"We are now much less democrats than I had been, because so long as education continues to be so wretchedly imperfect, we dreaded the ignorance and especially the selfishness and brutality of the mass ..."<sup>8</sup>

Believing that persons are not equally endowed with the qualities that are necessary for sound social decision-making, Mill holds that it is quite a natural thing for people to feel respect for superiority of intellect and knowledge; and that they defer much to the opinions, on any subject, of those whom they think are well acquainted with it. He alleges that the people would judge for themselves of the persons who are and who are not entitled to lead, asserting that "whenever the multitude are really alive to the necessity of superior intellect, they rarely fail to distinguish those who possess it".<sup>9</sup>

In part, Mill found a proof to his thesis in his own experience. He was elected to the Parliament in spite, some argue because, of his explicit declarations that he could not undertake to spend any of his time and labour on local interests, and in which he went so far as bluntly calling his potential voters 'liars'.<sup>10</sup> However, Mill did not put all the burden of recognizing genius only on the genuine common sense of the ordinary person. After all, acknowledging the presence of an exceptional talent does not entail that the people would give genius the authority to rule. Therefore, Mill set a series of propositions to secure good government. These included examinations before voting, plural voting, personal representatives, elections according to Thomas Hare's proposal, legislative commissions and competitive service tests. Genius would elevate

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8. Mill, *Autobiography*, *op.cit.*, n.3, p.138.

9. Mill, "Appendix", in *Dissertations and Discussions*, *op. cit.*, n.4, p.470. In *Representative Government* Mill wrote: "The multitude have often a true instinct for distinguishing an able man, when he has the means of displaying his ability in a fair field before them" (p.267).

10. In his pamphlet "Thoughts on Parliamentary Reform" Mill writes that the working classes, though differing from those of some other countries in being ashamed of lying, are yet generally liars.

the ordinary individuals to reach heights of improvement, not possible without the presence and help of those gifted few. Moreover, in cases of extreme exigency Mill is willing to allow an absolute power in the form of a temporary dictatorship, provided that the dictator employs the power she assumes in removing the obstacles which debar the nation from enjoyment of freedom (p.207).<sup>11</sup>

### *iii. Principle of Liberty*

In formulating his Liberty Principle, Mill begins by saying that the only freedom which deserves the name, is that of pursuing our own good in our own way, "so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it" (p.75). Acts of whatever kind, which without justifiable cause do harm to others, may be, "and in the more important cases absolutely require to be", controlled by the "unfavourable sentiments, and, when needful, by the active interference of mankind" (p.114). Each should receive his proper share, that is, that part which concerns himself: "To individuality should belong the part of life in which it is chiefly the individual that is interested; to society, the part which chiefly interests society" (p.132), for "liberty consists in doing what one desires" (p.152).

Mill values freedom for its contribution to autonomy and to the realization of the higher potential of the individual. Liberty is desired as part of happiness and is consequently a component of that end, as well as a means to it. It is a means to reason, and the midwife of individuality which enables "pursuing our own good in our own way". In turn, liberty also contributes to the development of civilization; for without it, progress is impossible.

In "The Subjection of Women" Mill postulates that after the primary necessities of food and raiment, freedom is the first and

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11. Mill goes on to add a second justification, arguing that by unaccountable monarchy, rather than by representative government, can a multitude of insignificant political units be welded into a people, with common feeling of cohesion and capability to defend itself (p.223). For further discussion on this Principle see Dennis F. Thompson, *J.S. Mill and Representative Government* (NJ: Princeton University Press, 1976).

strongest want of human nature. When people learn to understand the meaning of duty and the value of reason, they are inclined more and more to be guided and restrained by these in the exercise of their freedom. But this does not bring them to desire freedom less: "[O]n the contrary, the communities in which the reason has been most cultivated, and in which the idea of social duty has been most powerful, are those which have most strongly asserted the freedom of action of the individual".<sup>12</sup>

In his *Autobiography*, Mill describes his comprehensive work on liberty as "a philosophic textbook of a single truth". In the introduction to *On Liberty* he eloquently writes in his usual assertive and self-confident style, characterizing that single truth as "one very simple principle":

"The object of this essay is to assert *one very simple principle*, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, 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" (pp.72-73, emphasis mine).

Interference, then, is justified if the conduct to be deterred is harmful to others, or, to put it differently, if the end is self-protection. Mill uses the terms 'harmful', 'hurtful', 'injure', and 'cause evil' interchangeably: "... the conduct ... must be calculated to produce evil to someone else"; "[I]f any one does an act hurtful to others..."; and "so long as what we do does not harm them".<sup>13</sup>

However, this attempt at formulating "one simple principle" which carries the burden of reflecting the entire dealings of society with liberty of its individuals is, to some extent, puzzling. This is because it is difficult to reconcile it with Mill's dismissal of any attempt to explain human activity, or social affairs, and obviously

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12. Mill, "The Subjection of Women", in *Three Essays* (Oxford: Oxford University Press, 1975), p.542.
  13. Mill, *On Liberty*, pp.73, 74, 75. See also pp.114, 132, 135, 136, 138.

not both, by only one principle. The claim for a single principle contradicts his warning against infallibility, which is, as we shall later on observe, the very basic argument of Mill's Truth Principle. Mill explicitly rejects the simplistic view that one principle can truly reflect all the complexities of human nature, and those of social affairs, holding that it is a false assumption. Furthermore, this attempt is even more striking, for according to Mill's testimony, "[N]one of my writings have been either so carefully composed, or so sedulously corrected as [*On Liberty*]".<sup>14</sup>

#### *Freedom of action*

The arguments regarding freedom of action are well aired in the literature, thus I do not wish to expand on them.<sup>15</sup> I shall only summarize them and then clarify their application by an illustrative example.

Mill draws a distinction between self and other-regarding actions. He prescribes interference in another's self-regarding conduct when: (a) the doer is likely to harm herself, and (b) sufficient grounds exist to believe that the doer does not have an interest in doing so, and (c) the circumstances are such that the time factor is pressing, and the opportunity to deliberate is denied to the doer.

In other-regarding cases, when the doer's conduct inflicts harm upon others, interference in her liberty is vindicated when: (1) the conduct violates distinct and assignable obligation(s) to another person. Mill clarifies that a conduct can be seen to violate such an obligation when: (a) the degree of harmfulness is weighty enough to outweigh the loss of freedom incurred as a result of the interference, and (b) the damage is definite.

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14. Mill, *Autobiography*, *op. cit.*, n.3, p.144.

15. For detailed discussions see, *inter alia*, John C. Rees, "A Re-reading of Mill on Liberty" (1960) 8 *Political Studies*, 113-129; G.L. Williams, "Mill's Principle of Liberty" (1976) 24 *Political Studies*, 132-140; D.G. Brown, "Mill on Harm to Others' Interests" (1978) 26 *Political Studies*, 395-399; G.W. Smith, "The Logic of J.S. Mill on Freedom" (1980) 28 *Political Studies*, 238-252; C.L. Ten, *Mill on Liberty* (Oxford: Clarendon Press, 1980); John Gray, *Mill on Liberty: A Defence*, *op. cit.*, n.1; John Skorupski, *John Stuart Mill* (London and NY: Routledge, 1989).

In other words, with regard to other-regarding cases (a) + (b) directly above, are conducive to identify (1). Nevertheless, the degree and the probability of the harm still do not explain Mill's intention when speaking of 'assignable obligation'. Here we can only assume that by 'assignable' Mill means 'undoubted': an obligation that one can clearly attribute to another.

Mill concedes "that the mischief which a person does to himself may seriously affect, both through their sympathies and their interests, those nearly connected with him, and in a minor degree, society at large" (p.137). Nevertheless, it seems that Mill thinks that from a methodological point of view one could gain further insight, whose benefit may outweigh the potential vagueness of such a conceptualization. He assumes that in many spheres of life, with regard to a variety of actions, the implications of the self and other-regarding cases could serve as guidelines. Let us reflect on the Millian formulation by considering a true story.<sup>16</sup>

A gifted American ice-skater is eager to represent her country in the World Championship or in the Olympic Games. It is for her *the* dream of her life. The ice-skater thinks that only by participating in such a major competition she could fully realize herself. She decides to take the initiative and improve her chances of participating in the championship in any way she can. Under the Harm to Others formula, as long as she does not harm others, she is free to take every option to realize her dream, including options which may require some sort of self-sacrifice. She, of course, may try to influence the selection committee through legitimate means to choose her. She may self-promote herself so as to convince the committee and the American public that she is the best skater. Upon seeing that she is unable to advance her cause as desired she may decide to emigrate to another country and qualify there. Furthermore, she also has the right to hinder herself

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16. This is a reformulation of an example in my *The Boundaries of Liberty and Tolerance: The Struggle Against Kahanism in Israel* (Gainesville, FL: University Press of Florida, 1994), ch.5.

and so be eligible to participate in the disabled Olympics.<sup>17</sup> Though repellent, one does have this option and one can enjoy one's liberty to harm oneself without interference, so long as one is not coerced into taking either of these options. These alternatives demand sacrifice, and they are permissible if the skater sees them as necessary to accomplish her dream. These alternatives cannot be said to violate distinct and assignable obligations of other people. But if our ice-skater decides to take a different course of action and eliminate her competitors by employing violent measures in order to improve her chances, here her liberty has to be curtailed and criminal proceedings should be initiated.

Thus far for liberty of action. Let me now discuss the restrictions which were introduced by Mill on the far more intricate issue of freedom of expression.<sup>18</sup>

#### *Freedom of expression*

The first subject dealt with in *On Liberty* is liberty of thought and liberty of discussion, a fact which may give an indication of its importance for Mill. He thinks that freedom of speech should enjoy greater immunity from interference than other actions. His tone of discussion on this subject suggests that Mill wishes to establish as far as possible unlimited freedom of speech, arguing as a general rule that it should not be subjected to state interference or control. Nevertheless, Mill does not say that any forms of expression ought to enjoy *perfect* immunity. Being aware of the fact that expressions are other-regarding, and that as such they might inflict evil, Mill does not deny that they may cause harm.

In ch.2 of *On Liberty*, "Of Thought and Discussion", Mill recognizes that in thinking, one's activity is directed inward upon one's consciousness and operates solely in the spiritual level, so that there is no reason for interference in one's thought; whereas

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17. The case would be more complicated if the ice-skater had children dependent on her. Then one could argue, Mill would be more hesitant in permitting such a sacrifice.
  18. Some of the ideas presented in the next two sections are discussed with examples in my book, *The Boundaries of Liberty and Tolerance: The Struggle Against Kahanism in Israel*, *op.cit.*, n.16, chs.5-7.

when one advocates ideas, one's activity is directed outward, and no longer exists only in one's private domain, hence it may have a bearing on others.<sup>19</sup> Though Mill insists as a general rule that the harmfulness of utterances is not sufficient to warrant their restriction, he does not argue that they ought *never* to be restricted. In what he regards as extreme circumstances, Mill explicitly admits the importance of restraining them.

Mill proffers in *On Liberty* two main qualifications for the immunity which freedom of expression should, as a general rule, enjoy (the Harm to Others and the Offence to Others formulas to be discussed immediately) and in an earlier article concerning freedom of the press he formulated two other qualifications.<sup>20</sup> He does not introduce them in a systematic manner, but rather in an *ad hoc* way, allowing for interference in what he conceives to be special cases.

Mill asserts that opinions lose their absolute immunity when the circumstances in which they are expressed are such as to constitute by their expression a positive *instigation* to some mischievous act. Thus, the opinion that corn-dealers are starvers of the poor may be prevented from being delivered orally to "an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard" (p.114). Nevertheless, that same opinion ought to go unmolested when simply circulated through the press.

In other words, the Harm to Others formula speaks of instigation, ie, speech closely linked to action. Mill, in the corn-

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19. Mill does not argue that the liberty of expressing and publishing opinions is of the same importance as freedom of thought; he contends it is *almost* as important. Nor does he say that the former is identical, or inseparable from the latter; he asserts that it is practically inseparable from it (p.75). Thus, freedom of expression does not enjoy absolute immunity as does freedom of thought. In Mill's methodological hierarchy we may say that Mill grants freedom of speech a middle-way immunity between freedom of thought and freedom of action: it does not enjoy absolutism but one must be extremely careful when one comes to contemplate interference with it.

20. Cf. Mill, "Law of Libel and Liberty of the Press", in Geraint L. Williams (Ed.) *John Stuart Mill on Politics and Society* (Glasgow: Fontana, 1976), pp.143-169.

dealer example, implicitly opines that when an audience has no time for careful and rational reflection before it pursues the course of action urged on it, then this speech should not be protected since the people are too excited to be responsible for their acts.<sup>21</sup> Mill does not restrict the advocacy of certain opinions *per se*. Rather, it is the combination of the content of the opinion, its manner, the intentions of the speaker, and the circumstances that necessitates the restriction.

A recent Israeli court case provides further illustration of the application of the Harm to Others formula to denote the limits of free expression. In October 1993 two political activists prepared stickers carrying the message "Rabin Has To Be Killed". Their intention was to incite the public to harm Prime Minister Yitzhak Rabin. That same month the two activists distributed the stickers during a visit of the Minister of Labour, Ora Namir, to a small place called Or Akiva. Given the tense atmosphere following the signing of the Oslo Accords (September 13, 1993) between Israel and the PLO, this sticker which openly called for murder falls under the Harm to Others formula. The content of the speech, the intentions of those who disseminated the stickers, and the circumstances necessitated the restriction. Those stickers were designed to raise discontent and resentment in the Israeli public and they prompted feelings of ill-will and enmity between different sections of the population. Unfortunately, the court showed a very lenient attitude with regard to this open call for murder. Each of the two instigators were sentenced to three months' imprisonment, six months' conditional period in jail and a fine of 1,500 shekels.<sup>22</sup> These sentences could hardly be considered as a deterrent. On November 4, 1995 Prime Minister Rabin was assassinated by an ideological zealot who wanted to hinder the peace process.

Mill's second exception (Offence to Others) which qualifies the immunity Mill generally grants to freedom of expression is

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21. Similar reasoning, as far as shortage of time is concerned, guides Mill in supporting interference in the other's freedom in the case of the unsafe bridge (pp.151-152).
  22. Criminal file 152/94, *State of Israel v. Gil Sharon and Ahuva Vaanunu*, Hadera court.

concerned with indecent conduct that is performed in public. Although Mill speaks of 'conduct' and does not explicitly mention speech, it is plausible to argue that he includes utterances, as well as acts, in this qualification. Mill implies that certain cases fall within the scope of social regulation and people not only have the right, but the duty, to put a stop to those individuals' activities. In a brief paragraph he discusses a category of actions which being directly injurious only to the agents themselves, ought not to be legally interdicted, but which, "if done publicly, are a violation of good manners, and coming thus within the category of offences against others, may rightly be prohibited" (p.153). Some intimate matters do not concern anyone but the individual, so long as they are done in private. But when they are done publicly, then they might cause offence to others, and the state may legitimately control them. Of this kind, Mill says, are offences against decency.

Hence, in some situations, we are culpable not because of the act that we have done, though this act might be morally wrong, but because of its *circumstances* and its *consequences*. Mill assumed that we can evaluate the rightness and wrongness of an action by considering its consequences, believing that the morality of an action depends on the consequences it is likely to produce.<sup>23</sup> Since we are to judge before acting, then we must weigh the probable results of our doing, given the conditions of the situation.

Let me now consider Mill's piece "Law of Libel and Liberty of the Press" (from 1825) which deserves much closer attention than it has received until now. In this essay Mill introduced two other qualifications to free speech. The first qualification Mill conceives to be of importance, since he asserts that "[T]here is one case, *and only one*, in which there might appear to be some doubts of the propriety of permitting the truth to be told without reserve".<sup>24</sup> As usual, 'one' is Mill's favoured term when coming to formulate his theory, with the aim of promoting and advancing it decisively. This case involves the situation "when the truth, without being of any advantage to the public, is calculated to give annoyance to private

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23. "Bentham", in *Dissertations and Discussions* (1973) I, p.386.

24. Mill, "Law of Libel and Liberty of the Press", in G.L. Williams (Ed.) *John Stuart Mill on Politics and Society*, *op. cit.*, n.20, p.161.

individuals". Here sufficient justification exists to put restrictions on the distribution of such truth.

This 'annoyance formula' is quite puzzling, for in *On Liberty* (p.138) Mill implies that more than annoyance must be involved to justify interference in someone's liberty. Furthermore, a difficulty arises regarding the interpretation of the term 'annoyance'. Mill avoids using the terms 'harmful' or 'offensive' and prefers instead this much more general term, a term so vague that we wonder if it could serve as a guideline at all. 'Annoyance' encompasses so wide a range of possibilities that it resists any kind of systematic analysis. One might get annoyed by looking at a person in a bathing suit while another may be enchanted looking at the same person.

Incidentally, Mill goes on to speak of another matter concerning the publication of false facts. By distinguishing between publication of opinions and of facts, Mill explains that while publication of false opinions should be tolerated for the sake of the true, no corresponding reason exists for the publication of false statements of facts: "[T]he truth or falsehood of an alleged fact is a matter, not of opinion, but of evidence; and may be safely left to be decided by those, on whom the business of deciding upon evidence in other cases devolves".<sup>25</sup>

This argument is also difficult to reconcile with Mill's reasoning in *On Liberty*. In his later *Liberty* essay Mill contends that it is impossible to fix bounds of fair discussion, "for if the test be an offence to those whose opinions are attacked, I think experience testifies that this offence is given whenever the attack is telling and powerful, and that every opponent who pushes them hard, and whom they find it difficult to answer, appears to them, if he shows any strong feeling on the subject, an intemperate opponent" (p.112). Mill admits that the manner of asserting an opinion may be very objectionable, and may justly incur severe censure. However, the principal offences of the kind are such as it is mostly impossible to bring to conviction. Mill maintains that the gravest of them are those which twist the facts: "to argue sophistically, to suppress facts or arguments, to misstate the elements of the case, or misrepresent

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25. *Ibid.*, p.160.

the opposite opinion". Nevertheless, Mill urges, all this, "even to the most aggravated degree, is so continually done in perfect good faith" that it is rarely possible to stamp the misrepresentation as morally culpable, and still less could law presume to interfere with this kind of 'controversial' misconduct (p.112).

Bearing in mind the contradictory views, Mill's writings cannot be seen as one unitary work. Mill modified and changed his views during the years under the influence of different experiences, schools and persons. Mill never saw changing of opinions and attitudes as something wrong. Conversely, he thought it was important to modify views according to changes in reality. His dealing with the subject of freedom of expression is no exception and we may discern two trends of thought regarding this issue. The first is pronounced in the most elaborate way in *The Spirit of the Age*, and the other in *On Liberty*. During the period of 1825-1832, Mill criticized Benthamite utilitarianism and modified his own version of the theory. At the height of his reaction against Benthamism, Mill's attitude toward the importance of freedom of thought and discussion was not clear-cut. Then he voiced the opinion that only those who were qualified on social subjects should be allowed to express views on such matters. Thus, in a series of articles from 1831 under the title "The Spirit of the Age", written under the influence of the Saint Simonians and Comte, Mill described freedom of discussion as inevitable and in many respects desirable. However, the unequivocal notion of the inherent good and importance of this freedom, so evident in *On Liberty*, here did not prevail. Instead, the tone used was quite ambivalent, and surely less optimistic. Mill dwelt at some length upon its unfortunate consequences, and urged the people to recognize the abilities and the intellectual superiority of the gifted few rather than encouraging discussion by which people could attain the truth by their own efforts. Whereas in *On Liberty* freedom is a means to truth and good government, in *The Spirit of the Age* it had a much more limited role - to provide, most importantly, an atmosphere in which the talented few will influence the masses.

However, although Mill's tone was quite different from the characteristic tone of *On Liberty*, he still argued in favour of discussion, which causes the decay of prejudices, and the rooting

out of errors. It is, he maintained, by discussion that true opinions are discovered and diffused, though this is not as certain a consequence as the weakening of error.<sup>26</sup> I may also note that Mill showed an implicit willingness to abandon his earlier writings. In his *Autobiography*, Mill explained that he decided not to include some of his earlier articles among his collected works, because they had made little impression when they were first published,<sup>27</sup> quite a peculiar claim when it comes from such an adherent advocate of freedom of expression; from a man who believed all his life that a person should fight for his or her ideas, and that truth should be heard regardless of what other people say.

This discussion brings us to consider another major Principle in the Millian theory, conceived as an end. This is the Truth Principle.

#### *iv. The Truth Principle*

The quest for truth is, according to Mill, an important as well as an expedient endeavour. It is the keystone of his plea for liberty of thought and expression, and it is also of salient importance in his discussion of liberty of action. Mill contends that every opinion should be checked against experience, without the fear of consequences, further stressing that when opinion is verified by experience and observation, then we have sufficient grounds for holding it to be true. This, of course, does not entail that it is true. One can never be sure that the truth in one's possession is the truth, the whole truth, and nothing but the truth. One cannot expect to find more than provisional truths. The result of these views is an avowed commitment to the idea that we can never be sure where the truth lies, hence all our answers must be tentative: a universal, single truth cannot be found.

Two crucial considerations in support of the Truth Principle are offered: the Infallibility and the Vitality Arguments. The *Infallibility*

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26. For further discussion see William Thomas, *Mill* (Oxford: Oxford University Press, 1988).

27. Mill, *Autobiography*, *op. cit.*, n.3, p.104. For further discussion of this issue see G. Himmelfarb, *On Liberty and Liberalism* (NY: Alfred A. Knopf, 1974), esp. at 36-42; and C.L. Ten, *Mill on Liberty*, *op. cit.*, n. 15, ch.9.

*Argument* is based on the familiar assumptions that (a) beliefs exist which claim truth in areas in which it is impossible to hold with certainty any belief to be true; and that (b) any intolerance of opinions involves, *ipso facto*, a claim to infallible knowledge. All opinions must be exposed to scrutiny and doubts (p.83). Those who assume that they know what the truth is provide reasons against pursuing constant inquiry and debate, depriving humanity of exploring further truths, and so blocking the wheels of progress. Thus Mill writes:

"If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind" (p.79).

In turn, the *Vitality Argument* suggests that without the free exchange of ideas, the common views would be rigid, lack adaptability and soon turn into dead dogma. However true an opinion may be, if it is not fully, frequently and fearlessly discussed, it will cease to be held as a "living truth" (p.95). Bearing these assertions in mind, it is quite puzzling to reflect on Mill's reaction when asked to join a society he did not appreciate. Mill declined the invitation of the Neophyte Writers Society, commenting that he was not interested in aiding the diffusion of opinions contrary to his own, but only in promoting those which he considered "true and just".<sup>28</sup>

Mill acknowledges the fact that, indeed, "the dictum that truth always triumphs over persecution is one of those pleasant falsehoods which men repeat after one another till they pass into commonplaces, but which all experience refutes" (p.89). He nevertheless deliberates that free and open discussion is bound to bring about truth. Mill proclaims that in the long run, truth never fails to prevail over error: it may be extinguished once, twice, or many times, but in the course of the ages people will usually be

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28. Cf. Francis E. Mineka (Ed.) *The Later Letters of J.S. Mill 1849-1873*, Vol. XIV of *Collected Works* (Toronto: University of Toronto Press, 1972), p.205, April 23, 1854.

found to rediscover it. This reasoning was adopted by the United States and the Israeli Supreme Courts. Oliver Wendell Holmes, J in a celebrated opinion, stated that "the best test of truth is the power to get itself accepted in the competition of the market".<sup>29</sup> In turn Aharon Barak, J asserted that the remedy for overcoming false views was not to put restrictions on speech but to increase their exposure. Truth would win out through the contest of ideas.<sup>30</sup>

A major criticism of the Truth Principle concerns the infallibility argument. In formulating this argument Mill assumes that all suppression is based on the asserted falseness of the opinion to be suppressed. However, this is often not the case, for opinions are more commonly suppressed because their expression is thought to cause inconvenience or discomfort to certain powerful people. Furthermore, it is perfectly plausible to argue that the dissemination of certain views, quite possibly true, ought to be banned in certain circumstances because of their destructive impact on the public good. Putting restrictions on the freedom of expression does not ultimately involve a claim to infallibility. As we have seen, Mill himself acknowledges this when he introduces qualifications to what otherwise be regarded as an "absolute" principle.

Another difficulty lies with Mill's assertion that the attainment of truth, as well as progress, were the work of a selected few. These great persons influence history for the better, having the power as well as the ability to hasten the historical process. Mill probably sees himself as one of those unique persons whose destiny on earth is to dedicate their talents to the most important work of discovering the truth. In his article "Of the Inverse Deductive, or Historical Method", Mill depicts a picture according to which the pursuit of truth is the very limited enterprise of intellectually endowed persons: "It would be a great error ... to assert that speculation, intellectual activity, the pursuit of truth, is among the

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29. Cf. *Abrams v. United States* (1919) 250 US 616, 630. See also Hugo Black, J in *Martin v. Struthers* (1943) 319 US 141.

30. HC (High Court) 399/1985. *Kahane v. Board of Directors of the Broadcasting Authority*. P.D. 41 (iii), 255. A summary of the case appears in (1989) 23 *Israel Law Review*, 515-517.

more powerful propensities of human nature, or hold a predominating place in the lives of any, save decidedly exceptional, individuals". But, Mill goes on, this is not to say that one can assume lack of importance because it is an effort of only a small minority. Conversely, "notwithstanding the relative weakness of this principle among other sociological agents, its influence is the *main determining cause of the social progress*; ... the state of knowledge at any time is the limit of the industrial improvements possible at that time; and the progress of industry must follow and depend on the progress of knowledge".<sup>31</sup>

At one time Mill was of the opinion that truth is sown and germinates in the mind, and it becomes evident through a process of presenting arguments and counter-arguments. Truth is not to be "struck out from a flint" by the collision of opinion.<sup>32</sup> Later he came to hold the reverse, believing that truth does not always emerge without conflict, and that it could establish itself more often by means of exchanging and challenging views (p.107).

This process of challenging common beliefs was so essential in Mill's view for the sake of revealing the truth that he was willing to invent artificial opinions to challenge the prevailing ones: "So essential is this discipline to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them, and supply them with the strongest arguments which the most skilful devil's advocate can conjure up" (pp.97-98). Mill even went so far as to argue that "the well being of mankind may almost be measured by the number and gravity of the truths which have reached the point of

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31. Mill, *The Logic of the Moral Sciences* (London: Duckworth, 1987), p.115; or G.L. Williams (Ed.), *John Stuart Mill on Politics and Society*, *op. cit.*, n.20, pp.72-73 (emphasis mine).

32. It should be noted, though I would not exaggerate its importance, that in his early private letters, Mill expressed views which were striking in their contradiction to the ones he made in *On Liberty*. Thus, in a letter to Carlyle (May 18, 1833) he wrote: "I have not any great notion of the advantage of what the 'free discussion' men call the 'collision of opinions' ... it being my creed that truth is *sown* and germinates in the mind itself, and is not to be struck out suddenly like fire from a flint by knocking another hard body against it" (*The Letters of J.S. Mill*, I, p.47).

being uncontested" (p.103).<sup>33</sup>

Mill claims that it is not only important for a person to hold true beliefs, but also that she comes to hold them rationally. The same result of bringing about the truth could be reached through, say, indoctrination. But this is not what Mill wants: Truth is essential for its contribution to the progress of the individual and of society. The beliefs one possesses, and the way one holds them, help to define one's personality. If Truth will be indoctrinated without involving any effort on behalf of the individual, no contribution to progress would occur, and the value of truth would, in turn, be of a minor significance, if any. For if one's personality is not developed in the pursuit of truth; if one does not make any effort in acknowledging the truth; if one accepts it as a rule from above, without understanding its essence, then there is no real value in it for anyone. It is only the free search for Truth which will encourage and enrich individuality.

*v. The Individuality Principle*

Individuality is championed by Mill as an essential element of well-being. In his *Autobiography* he speaks of 'the doctrine of the rights of individuality'; 'the doctrine of individuality'; 'the theory of the right and duty of self-development'; 'the claim of the moral nature to develop itself in its own way'; and 'the sovereignty of the individual'.<sup>34</sup>

A close connection exists between the Harm to Others formula and the Individuality Principle: human beings are under moral obligation to develop their inherent moral faculties and to enrich their self-development. While respecting and tolerating the other's autonomy consists in securing opportunities for her, the depriving of a person of the ability to perform her inclinations inflicts harm

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33. Diversity is intrinsically valuable because of its contribution to enable rational calculation, prosperity and a richer life. Differences of opinion shed light on new facts, or renew discussions regarding wrongly interpreted experiences; and truth, in turn, encourages tolerance, preaching to forbear almost any idea whatsoever, and thus giving people the chance to raise their voice for the most extraordinary ideas.

34. Mill, *Autobiography*, *op. cit.*, n.3, pp.151-152.

upon her.

This argument is reinforced in *Hamilton*, where Mill explains that:

"[T]he true doctrine of the causation of human actions maintains ... that not only our conduct, but our character, is in part amenable to our will; that we can, by employing the proper means, improve our character, and that if our character is such that while it remains what it is, it necessitates us to do wrong, it will be just to apply motives which will necessitate us to strive for its improvement, and so emancipate ourselves from the other necessity. In other words, we are under a moral obligation to seek the improvement of our moral character."<sup>35</sup>

An autonomous thought followed by an autonomous conduct is regarded as a necessary ingredient for attaining pleasures, especially for attaining higher pleasures. It is a necessary condition of a higher pleasure to be decided and accomplished after self-deliberation and choosing between alternatives. Dependent conduct may also bring pleasures to the doer, but these are bound to be of the lower kind, for they do not really contribute to the development of her character. Happiness is of no use as a criterion for action unless it has a concrete contribution to the agent's sense of autonomy and self-development. Importance is given not only to what a person does, but also to her personality. Mill writes that it is really of importance "not only what men do, but also what manner of men they are that do it" (p.117). Mill further argues that the manner in which persons *themselves* come to hold certain beliefs and attitudes is what we have to count: "If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode" (p.125). This assertion resembles Mill's emphasis on the way people come to hold their truths. It is also one of the major qualifications introduced into

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35. Mill, *An Examination of Sir William Hamilton's Philosophy*, 1979, in J.M. Robson (Ed.) *Collected Works*, Vol.IX (Toronto: University of Toronto Press), pp.465-466.

Utilitarianism, which exemplifies Mill's shift of emphasis from the Benthamite quantitative point of view, in which no place is devoted to the 'manner' of the people, to the qualitative perspective.<sup>36</sup>

Human nature, according to Mill's simile, is not a machine to be built after a model, "but a tree which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing" (p.117). Only a person whose desires and impulses are her own is said to have a character: "[O]ne whose desires and impulses are not his own, has no character, no more than a steam-engine has a character" (p.118). Nobleness of character is the individual's paramount end, simply because the existence of this ideal, or of near approach to it, would go further than all things else towards making human life happy, both in the comparatively humble sense of pleasure and freedom from pain, and in the higher meaning of rendering life which human beings with highly developed faculties can care to have.

Emphasis is laid on the possibility of altering one's character, of cultivating and improving it, with the result of a more developed personality. Mill believes that it is false to deny this possibility by postulating unfounded deterministic assertions regarding human nature. Character can be likened to a map, composed of various influences, some of them external and therefore alterable. We can influence our characters, as indeed others have influenced them in the past: "If they could place us under the influence of certain circumstances, we in like manner can place ourselves under the influence of other circumstances. We are exactly as capable of making our own character, *if we will*, as others are of making it for us".<sup>37</sup>

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36. One of Bentham's major faults, according to Mill, is that he had a very limited conception of the relationship between the character of the agent and the act performed. In Bentham's concept of utilitarianism, the quality of human well-being in the sense of her inner personality, moral character, and conscience, is widely ignored. In "Remarks on Bentham's Philosophy" (in G.L. Williams, *John Stuart Mill on Politics and Society*, *op. cit.*, n.20, p.108) Mill writes: "one would never imagine from reading him that any human being ever did an act merely because it is right, or abstained from it merely because it is wrong".

37. Mill, *System of Logic*, *op. cit.*, n.2, VI. 2; 3, p.550.

Here, Mill's motto is that circumstances change people, and people change circumstances; every change bears a cumulative effect on the successive situation:

"[T]here is a progressive change, both in the character of the human race, and in their outward circumstances so far as molded by themselves: ... in each successive age the principal phenomena of society are different from what they were in the age preceding, and still more different from any previous age."<sup>38</sup>

This accumulative process takes place within the context of society. Mill dedicates much effort to discuss the relationship between individuals and society, implying that although persons are wholly individual, they are also social human beings, and that in those categories in which they express their sociality, they can make an impact on others, and to a certain extent on society. Mill emphasizes that "[M]en ... in a state of society are still men; their actions and passions are obedient to the laws of individual human nature", and that they are not, when brought together, "converted into another kind of substance, with different properties".<sup>39</sup> Therefore, all phenomena of society are phenomena of human nature; laws of society are and can be nothing but the laws of the actions and passions of human beings united in the social state, in which people have no properties but those which are derived from, and may be resolved into the laws of the nature of individuals. Self-development, the progress of the individual goes hand in hand with the progress of society.<sup>40</sup>

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38. *Ibid.*, 10; 3, p.596.

39. *Ibid.*, 7; 1, p.573.

40. There is an important need for communication and discussion with one another, to convey opinions, and to enable people to reflect on those of others. The primary requirement for this process is respect for individuality in its own nature. Thus, in "Civilization" Mill characterizes the social nature of human beings, asserting that the development of civilization is dependent upon sharing common interests, and that the capacity to cooperate is vital to civilization. In *On Liberty*, Mill explains that every one who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each

*vi. The Principle of Progress*

The general tendency of individuals and societies is of progress and improvement. Mill believes this to be true even if people are not aware of this trend. This is the inherent motivation that characterizes human processes as such, and for Mill it is not only a basic theorem of the science of society, but also a desired end. In *The Logic* he writes:

"[I]t is my belief indeed that the general tendency is, and will continue to be, saving occasional and temporary exceptions, one of improvement - a tendency towards a better and happier state. This, however, is not a question of the method of the social science, but a theorem of the science itself."<sup>41</sup>

Progress of mankind depends on the development of individuality, through liberties enjoyed by every one. Mill is aware of the possibility that social progress might prove to be inimical to individuality, as it happened in England. The improvement of transportation and communication, the spread of education, the political reforms, all of these factors contributed to the standardization of material conditions, and to elimination of differences. Most important of all, public opinion ruled supreme. The result was that people were reading the same things, going to the same places, had the same rights and liberties. In other words, these factors have, indeed, increased the tendency to raise the low, but by the same token, they also lowered the high (pp.130-131).

Mill's conclusion is, therefore, that social progress should be achieved only through the previous stages he has formulated, ie, only through individuality and the pursuit of truth; social happiness could be achieved only through individual happiness. Writing to Carlyle in 1834, Mill asserted: "Though I hold the good of the species ... to be the ultimate end, ... I believe with the fullest

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should be bound to observe a certain line of conduct towards the rest (p.132). For further discussion on the Principle of Individuality see Robert L. Ladenson, "Mill's Conception of Individuality" (1977) 4 *Social Theory and Practice*, No.2, 167-182.

41. Mill, *The Logic of the Moral Sciences*, *op. cit.*, n.31, p.103.

belief that this end can in no other way be forwarded but by ... each taking for his exclusive aim the development of what is best in *himself*.<sup>42</sup>

We cannot reach social progress by ignoring the attainment of individuality and truth. Nor can we use them to bring about progress and then abandon them. These are sacred endeavours, or processes, and their importance is not to be outweighed by the end of social progress. Truth and individuality are stages on the road to progress and they are also, in Mill's conception, ends which must be secured at every stage of development, as guarantors of social progress; we cannot progress unless we seek the Truth and hold it by virtue of understanding its essence, by grasping it through our own rational efforts. Progress, like individuality and truth, is an everlasting process.

*vii. Happiness - the Ultimate Principle of Utility*

Mill insists that his moral and social thoughts are derived from the Utility Principle, declaring that his arguments will appeal only to utilitarian considerations: "It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility" (p.74).

As a utilitarian Mill does not appeal to any rights of the individual that can be in opposition to the public good. Instead he strives to show that individual well-being is bound up with public well-being, and that there is only *one* principle of morality, only one test of conduct, which is the Utility Principle: "The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness" (p.6).

By happiness, Mill explains, is intended pleasure and the absence of pain, holding as a psychological fact of human nature that all human desires are either desires for happiness, or are derivative from that desire. They are desires for ends which constitute some part of the individual's happiness. Thus nothing

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42. Mill, *The Letters of J.S. Mill* (January 12, 1834), p.92.

is desired for itself until it has become so. Having reached this conclusion, Mill maintains that "happiness is the sole end of human action, and the promotion of it the test by which to judge of all human conduct" (p.36).

However, Mill does not say that people always act from a desire for pleasure. In *The Logic* he writes:

"When the will is said to be determined by motives, a motive does not mean always, or solely, the anticipation of a pleasure or of pain ... It is at least certain that we gradually, through the influence of association, come to desire the means, without thinking of the end: the action itself becomes an object of desire, and is performed without reference to any motive beyond itself ... It is only when our purposes have become independent of the feelings of pain or pleasure from which they originally took their rise that we are said to have a confirmed character."<sup>43</sup>

A person may be motivated, then, to act according to different desires, but these are causally related to utility. The Ultimate Principle of Utility does not mean that any given pleasure, or any given exemption from pain, is to be looked on only as a means to an end. Listening to music, for instance, is desired and desirable in and for itself: besides being means, it is part of the end (p.34).<sup>44</sup>

In this context we may recall that in the conduct of the *London and Westminster Review*, Mill explains that one of his principal objects is to free philosophic radicalism from the reproach of sectarian Benthamism. One of his major innovations is concerned with the division between pleasures. Mill enunciates a theory which holds that some pleasures are of significantly greater quality than others in two respects: they are more lasting; and they are also more valuable in kind. Mill maintains that these pleasures can be ranked, but not by anyone. Only those who are able to experience

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43. Mill, *The Logic and the Moral Sciences*, *op. cit.*, n.31, ch.2, p.28.

44. Mill has repeated this idea saying: "Whatever is desired otherwise than as a means to some end beyond itself, and ultimately to happiness, is desired as itself a part of happiness, and is not desired for itself until it has become so" (p.35).

every significant pleasure are able to make the ranking. Thus, Mill's Utility Principle differs from the Benthamite version not only in recognizing differences between qualities of pleasures, but also in asserting that some people are more valuable than others, for they are capable of enjoying the higher pleasures.

Mill still defines himself as a utilitarian but his theory is more complicated than the original Benthamite theory. The key to the understanding of Mill lies in his introduction to *On Liberty*, where he contends: "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a *progressive* being" (p.74, emphasis mine).

Accordingly, it is not the common version of utility that should guide us, but rather utility in the *largest sense*, as it is involved in the very act of rational and independent choice, through which we could observe the three departments of the Art of Life, and reflect on the principal requirements for happiness. Making of choices is essential for Mill since choices are guided by reasons, and in order to decide between them one has to make deductions, to proffer explanations, if not to others at least to oneself. Only through the making of a rational choice is individuality cultivated and promoted. Thus, utility in the Millian version refers to the development of individuality and society as a whole through the means of rationality, liberty and good government. Happiness of the individual is merged with the common good, and both of them would never be attained if detached from progress.

### III. Conclusions

In his *Autobiography*, Mill declares that his object in life is "to be a reformer of the world". His conception of his own happiness is entirely identified with this object.<sup>45</sup> This was Mill's frame of mind until the autumn of 1826, when he realized that this conception which guided him for 20 years was not really what he was seeking in life: "[T]he end had ceased to charm, and how could there ever

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45. Mill, *Autobiography*, *op. cit.*, n.3, p.80.

again be any interest in the means?" He came to the understanding that there are stages on the road to happiness which cannot be bypassed. He explained his thesis in the following statement, which may be regarded as the basis of his theory: "I never, indeed, wavered in the conviction that happiness is the test of all rules of conduct, and the end of life. But I now thought that this end was only to be attained by not making it the direct end".<sup>46</sup>

Utility in the largest sense implies the ends, and also the means. Individuality (in the sense of sovereign autonomy and self-development) and Truth are ends in themselves as well as means to Happiness: they are conducive to social development and progress which, again, constitute a necessary stage on the road to happiness. Mill explicitly writes in "Bentham" that those who adopt utility as a standard can seldom apply it truly except through the secondary principles. Each and every conducive principle is indispensable and has to be in a constant pursuit; like the search for the Truth, they should be advanced to a higher degree. By implication, when one thinks that one has fully developed one's potentials, and therefore no need exists for further effort, in that point one's personality would wither away. The same applies to society regarding the notion of progress.

Rationality is the very first principle which Mill prescribes, and the *causa sine qua non* to his other principles. Mill explicitly says that his theory on liberty does not apply to those who lack rationality. Obviously, irrational people would not be able to develop their faculties fully, to progress as autonomous human beings, and to avail themselves of the higher pleasures. Thus rationality is a means and a precondition to reaching the other principles. The prospect of humanity depends on the power of original thought, upon the diversity of opinions, the rediscovery of truths, and forming of new ones.

Rationality is also a precondition for good government and liberty, for without it individuals will not be aware of the

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46. *Ibid.*, p.85.

importance of taking part in the political life.<sup>47</sup> In turn, liberty provides conditions in which the individual could rationally choose between given alternatives, thus developing her personality. There is a reciprocal relation between liberty and good government, for without liberty good government will not come into existence; in turn, good government makes people more responsible for their behaviour, allowing them involvement in public life in matters that concern them as free citizens.

Liberty is essential in Mill's thesis; yet it is not an end in itself. The Millian argument emphasizes liberty as an instrument in pursuing truth and as an assertion of individuality: the freer each individual, the more capable she is to advance her interests, and to accomplish self-realization. It provides the observations from which truth may be derived, thus contributing to the progress of individuality and society. Only truth *freely* gained and *freely* held is of any value. Without an atmosphere of freedom people are not able to develop their plans of life, to give effect to their character. Only through the enjoyment of liberty can one attain the perfection of one's rational and moral powers.

The more free and active one is, the more prosperous society will be. In turn, a prosperous society furthers happiness. Progress and happiness are thoroughly infused in Mill's theory with the conception of free individuals; only the cultivation of individuality which produces well-developed human beings is what Mill considers. He asserts that "individuality is the same thing with development" (p.121), and this argument, indeed, goes hand in hand with Mill's conception of progress.

Similarly, true beliefs are valuable because they promote individuality and human progress. The Truth Principle serves also as a justification for restricting government interference with the individual's life. It is a precondition for realizing the self, as well as for enriching social progress and happiness.

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47. Mill writes: "Modern nations will have to learn the lesson, that the well-being of a people must exist by means of the justice and self-government ... of the individual citizens ... The prospect of the future depends on the degree in which they can be made rational beings". Cf. *Principles of Political Economy* (London: Longmans, Green, Reader and Dyer, 1869), p.458.

**Ends and Means in the Millian Theory: A Graphic Scheme****MEANS**

Principle of Rationality

Principle of Good Government

Principle of Liberty: the Harm to Others formula/  
the Offence to Others formula

**ENDS**

The Truth Principle: the Infallibility Argument  
the Vitality Argument  
the Annoyance formula

The Individuality Principle

The Principle of Progress

Happiness - The Ultimate Principle of Utility

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