

The Hierarchical Conception of the Self in *On Liberty*

Sujith Kumar
DePaul University

On Liberty is best known for its unambiguous argumentation for the value of individual liberty. This reputation is established primarily by the first three chapters of the essay. However, by chapter IV, Mill takes a slightly different tack to explain the many ways in which individuals are rightly to experience high levels of social influence. Mill describes a certain character type that he argues is necessary in order to experience the most amount of happiness. On the other hand, Mill also describes the prevalence of the opposite character type that he sees as the chief obstacle to social progress. He therefore employs informal social sanctions of the more developed members of society to attach “severe penalties” to displays of bad character, even if such displays do not violate the Principle of Liberty. This paper attempts to reconcile the seemingly disparate claims of *On Liberty* by interpreting a hierarchical conception of the individual to articulate an implied theory of character development. This theory simultaneously utilizes high levels of social influence on reflective reasoning, and relies on an inviolable sphere of individual liberty, known as the self-regarding sphere. This interpretation integrates the seemingly conflicting arguments of *On Liberty*, but also challenges the interpretations of Mill that depict him as a single-minded libertarian.

Introduction

On Liberty stands as one of the most eloquent and compelling arguments for the protection of individual freedom. In fact, despite Mill describing himself as a utilitarian all of his life, the dominant arguments in the secondary literature surround interpretations of his liberal thought. Some, such as Isaiah Berlin, C.L. Ten, and even his 19th Century contemporary, James Fitzjames Stephen, argue that his liberal prescriptions are sound, but that he fails to derive these principles from a prior, and fundamental principle of utility, as he claims (Berlin 1996; Stephen 1992; Ten 1980). Others, such as John Gray, J.C. Rees and Alan Ryan, argue that Mill is successful in his derivation of liberal principles, but only if we interpret a very particular form of utilitarianism (Gray 1996; Rees 1996; Ryan 1996). In addition to these two dominant positions, there has been a third one that questions the centrality of Mill’s inclusion in the liberal tradition (Cowling 1990; Himmelfarb 1974). More recently, Joseph Hamburger has challenged Mill’s inclusion altogether (Hamburger 1999). Hamburger provides a very close textual reading, supplemented by extensive

research into Mill's personal correspondences and posthumously published essays, to argue that Mill simultaneously argues for high levels of social control along with individual freedom. His thesis is that Mill's intentions throughout his writings were to facilitate 'moral regeneration', or character development, in the face of the selfish ethic he perceived central to Christian and Victorian social norms and beliefs. Mill endeavored to bring about a secular Religion of Humanity that embraces altruism and the higher pleasures discussed in *Utilitarianism*. To this end, the freedoms argued for in *On Liberty* were nothing more than the means to breaking down the old social norms and instilling new ones, and to be discarded afterwards (Hamburger 2001, 194). Despite Hamburger's attribution of fully illiberal and esoteric intentions being unsustainable, and forcefully refuted (Kumar 2006; Riley 1998, 161; Ten 2002), any interpretation of Mill's Project in *On Liberty* needs to reconcile the high levels of control *correctly* identified by Hamburger with the unambiguous valuation of liberty in the essay. Several of the passages, particularly those in Chapter of IV, seem to contradict the primary argument for individual liberty. This paper offers a new interpretation of Mill's project that integrates these seemingly disparate arguments within *On Liberty* to show that Mill's project entails both a protected sphere of legal and social non-interference, along with high levels of social influence on the process of character formation.

To that end, I first assess the initial thrust of the essay by briefly describing what has come to be known as the self-regarding sphere of the individual, and describe the key liberties that comprise this sphere. I then compile those character defects that though not harmful to others, Mill seeks to marginalize. Like many of his other writings, *On Liberty* argues that certain character traits are necessary for happiness, while others are the chief obstacles to happiness. Hence, Mill articulates two different forms of influence society can exercise over the individual – one for violating the rights of others, and another for displays of bad character traits. Finally, I show how using the hierarchical conception of the self in our interpretation of *On Liberty*, the high levels of societal influence apply only to the 'faulty' second-order reasoning that leads to unrefined and lowly behavior, thereby maintaining an absolute sphere of first-order liberty within which one is free to conduct their experiments in living. Simply put, first-order reasoning is the acknowledgement of one's desires, and the means-ends reasoning employed to fulfill them. Second-order reasoning entails reflection upon those desires, and will include desires about the presence or absence of first-order desires. Mill did not explicitly conceive of the self hierarchically, but inserting this conception into his arguments makes clear the relationship between the individual and the more developed elites of society. This split-level strategy forms part of Mill's implicit theory of character development. It entails not only changing peoples' behavior, but also their beliefs about, and reasons for, their behavior. I do not challenge the validity of this semi-psychological theory; I merely aim to show how using it resolves the central tension of *On Liberty*. The novelty of this interpretation turns on the extent to which the reader considers the influence on one's second-order reasoning to be a limitation on one's liberty.

Liberty and Control

In the opening pages of the essay, Mill states his ‘one very simple principle’, ‘that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others’ (Mill 1977, 223). Mill presumes equal liberty for all, and then this Principle of Liberty posits the only reason for limiting that liberty, namely to prevent individuals from harming each other. There being only one justification for the limiting of one’s liberty, or coercion, essentially establishes a system of moral rights that each member of society possesses and that others are obliged to respect. Even though ‘society is not founded on a contract’, individuals nonetheless have an obligation not to injure the interests of others, ‘or rather certain interests, which, either by express legal provision or by tacit understanding, ought to be considered rights’ (Mill 1977, 276). Mill thus outlines the scope of legitimate penal or public sanctions—coercive measures are only legitimate to prevent actions that adversely affect other people’s interests. In other words, society is only justified in restraining someone to prevent them from harming another. Paternalism is therefore strictly prohibited. ‘His own good, either physical or moral, is not a sufficient warrant. He cannot be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right’ (Mill 1969, 24). A key aspect of Mill’s principle and the system of rights that are generated from it is that they are dynamic. The scope of society’s legitimate coercion depends entirely on its empirical conception of harm, which may vary with the growth of scientific knowledge. For example, cigarette smoke was once considered merely irritating to non-smokers, and therefore unregulated; however science has recently revealed its harmful effects to smokers and non-smokers alike, and is now therefore banned in many public and private spaces around the world. It is not considerations about the smoker’s health that comprise the grounds for regulation; it is the harmful effects to *others*: the non-smokers. Harm to others comprises one of the central criteria for the legitimate use of coercion against individuals.

The upshot of Mill’s principle is to set the *de jure* boundaries of the social and physical area within which a person may engage in their pursuits, free of legal sanctions and moral condemnation. Once society settles on an empirical conception of harm, then a sphere of activity within which one’s actions do not concern others is established. This realm of activity has become known as the self-regarding sphere, because ‘over his own body and mind, the individual is sovereign’ (Mill 1977, 224). This sphere contains:

the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological....Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our

fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others.... (Mill 1977, 225).

This passage also serves to define the concept of liberty Mill aims to promote in the essay, because immediately following it, he states that, “No society in which these liberties are not on the whole respected, is free” (Mill 1977, 226). The bulk of the essay is then committed to explicating the necessity of the constituent liberties described in the passage to Mill’s conception of human flourishing.

One of the defining chapters of *On Liberty*, one that anchors the whole ethos and spirit of the essay is Chapter II, ‘Of the Liberty of Thought and Discussion’. It is here where Mill makes his famous arguments for such freedoms, describing three hypothetical cases of social censorship—one where the censored idea is true, one where it is false, and what Mill claims is the most common case, where the censored opinion contains only part of the truth. These cases illustrate Mill’s sociological theory of the growth of knowledge, which contains three strategies: the first one concerns the growth of human knowledge and its fallibility, the second one concerns the maintenance and consolidation of existing knowledge, and the third one combines both strategies. Only by allowing ideas and opinions to be freely expressed can our perpetually fallible knowledge be improved.

The second key chapter that defines ethos of the essay, Chapter III, ‘Of Individuality as One of the elements of Well-Being’ describes another constituent liberty to emerge from the Principle of Liberty, that of individuality. Individuality for Mill is the exercise of the higher human faculties, such as ‘perception, judgment, discriminative feeling, mental activity, and even moral preference’ in accordance one’s ‘inward forces’, and is the central ingredient for happiness and progress:

Where, not the person’s character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principle ingredients of human happiness, and quite the chief ingredient of individual and social progress. (Mill 1977, 261)

And much like how the fallibility and incompleteness of human knowledge necessitates the liberty of thought and discussion, Mill sees the imperfection of humanity as necessitating ‘experiments in living’. Provided one’s acting on one’s own character does not harm others, then their actions are protected by the Principle of liberty, or rather, falls within the self-regarding sphere described in the introduction of the essay.

Mill would seem to be arguing for a highly atomistic and libertarian doctrine of non-interference, but the inherently social nature of humans necessitates the aid of others to achieve his goal of maximizing happiness for all. By Chapter IV of *On*

Liberty, we realize Mill is seeking to promote a particular type of personality-type, or character, that he observes enjoys the most happiness.

“Human beings owe each to each other help to distinguish the better from the worse, and encouragement to choose the former and avoid the latter. They should be forever stimulating each other to increased exercise of their higher faculties, and increased direction of their feelings and aims towards wise instead of foolish, elevating instead of degrading, objects and contemplations” (Mill 1977, 277)

Mill especially wants to discourage the emergence and development of those lowly character traits he thinks so prevalent during his time. Chapter IV contains a litany of behaviors and dispositions condemned by Mill for their undignified, ignoble and generally suboptimal conduciveness to happiness (Mill 1977, 278-9). He goes to great lengths to articulate the social consequences of these character traits, consequences that Mill sees as natural and rightful. Mill begins, ‘I do not mean that the feelings with which a person is regarded by others ought not to be in any way affected by his self-regarding qualities or deficiencies This is neither possible nor desirable’ (Mill 1977, 278). He then goes on to say that people who are successful with their own pursuits deserve praise, while those who do not ‘a sentiment the opposite of admiration will follow’(Mill 1977, 278). Mill singles out ‘rashness’, ‘obstinacy’, ‘self-conceit’, those ‘who cannot live within moderate means’, and those ‘who pursue[s] the animal pleasures at the expense of those of feeling and intellect’ as fit for reprobation (Mill 1977, 278). Mill continues, ‘lowness or deprivation of taste’ renders the individual ‘necessarily and properly a subject of distaste, or, in extreme cases, even of contempt’ (Mill 1977, 278). What is important about these passages is Mill’s *endorsement* of these consequences for individuals who display these character types. He is not lamenting the unfortunate reactions that some people will experience as they explore their own individuality; rather, he is employing public sentiment and disapproval in order to shape character in ways that would be inexpedient and wrong to do by law or moral coercion, that is, for self-regarding character traits.

Mill goes to great lengths to distinguish between the natural consequences that result from these displays of poor character and choice-making, and those forms of punishment that result from harming other people. He consistently differentiates between *penalties*, which are the spontaneous and natural consequences of one’s imprudence, and *punishments*, which are the retributions emanating from our resentment, but dispensed and embodied by law and/or moral disapproval.

The distinction between the loss of consideration which a person may rightly incur by defect of prudence or of personal dignity, and the reprobation which is due to him for an offence against the rights of others, is not a merely nominal distinction. It makes a vast difference both in our feelings and in our conduct towards him,

whether he displeases us in things in which we think we have right to control him, or in things in which we know we have not (Mill 1977, 279).

Violations of the rights of others are categorically different. Transgressions of the Principle of Liberty demand that society inflict some punishment on the agent. These rights refer to everyone's obligation to not harming others. The punishment, as opposed to penalty, necessarily must involve some curtailment of the transgressor's liberty of action, and can range from some penal sanction, to moral condemnation, to the remonstrance of one's guilty conscience. However, the character defects Mill aims to discourage are not punishable. Though they cannot be condemned morally, they do justify our loss of consideration of the possessor.

We are not bound...to seek his society; we have the right to avoid it (though not parade the avoidance)...We have a right, and it may be our duty, to caution others against him...We may give others preference over him in optional good offices, except those which tend to his improvement. In these various modes, a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself (Mill 1977, 278).

Defects of character warrant a different response than legal or moral punishment because they are not violations of any specific obligation or rights. Imprudence and indignity, though not necessarily violations of other people's rights, still are to incur certain negative consequences. These reactions, or the aforementioned 'natural penalties', can only be those 'inconveniences which are strictly inseparable from the unfavourable judgements of others' (Mill 1977, 278). Hence, a person who displays these character defects is, strictly speaking, bringing these penalties upon himself. A reckless gambler rightly and appropriately brings fiscal insecurity on himself, just as a surly alcoholic unsurprisingly brings alienation from her friends and family on herself. These consequences are natural because they are to be expected, and not punitive. These penalties are an aid when a person's judgment is impaired, and reflects the communal good sense of the community.

The central dilemma of *On Liberty* is the risk that the difference between Mill's carefully delineated social responses – penalties and punishment – might break down. Even though Mill goes to great lengths to differentiate two distinctly types of social responses, his emphasis is the on the *reasons* for social control, and not the net *effect*. A person may have reason to react negatively to another's self-regarding flaws, and this, Mill contends, would be a natural response. Several recent commentators have defended Mill's distinction, provided the responses to the self-regarding character flaws are 'inseparable' from the imprudent behavior and are 'non-coercive' (Ten 2002, 361; Riley 1998, 161). However, as Jeremy Waldron has noted, a single individual can legitimately express her disapproval—a penalty—of someone else's behavior in a non-coercive manner, but the aggregated disapproval of many individuals may in practice be coercive (Waldron 2006, 231). In fact, Mill

himself recognizes the dangers of the subtle and pervasive power that society can exercise over a person:

Society...practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself (Mill 1977, 220).

Mill presumes that the natural penalties will only attach themselves to clear cases of imprudence, such as excessive gambling or alcoholism, and does not consider the possibility that such penalties might ‘naturally’ attach themselves to legitimate expressions of individuality that go against the traditional and customary modes of living. The issue is whether the social influence advocated by Mill, even though in theory fundamentally different than moral and legal sanctions, ends up being equally as coercive in practice. If so, then Mill’s whole project of protecting the self-regarding sphere fails.

The Hierarchical Conception of the Self

In order to reconcile the seemingly conflicting claims regarding the sanctity of the self-regarding sphere and the high levels of social influence necessarily employed to shape character, we must understand Mill’s conception of the self. By interpreting a hierarchical one can we integrate the arguments for non-coercion with the arguments for social influence. This conception enables us to accept the influence society is to have over the individual, while maintaining a sphere of liberty of action. As will be shown, this sphere is the necessary condition within which individuals must choose to alter their characters towards higher, and therefore more utility-providing activities. Conceived this way, the societal influence exercised over the individual’s reflection on their behavior in no way violates the Principle of Liberty, or adversely affects individuality. In fact, it promotes individuality in a non-paternalistic, non-coercive way. Before mapping this conception onto Mill’s argument in *On Liberty*, it will be helpful to fully articulate the hierarchical self.

One way to reconcile the influence individuals experience with the Principle of Liberty is given to us by Harry Frankfurt’s conception of a person (Frankfurt 1989). A wide range of creatures, both human and animal, experience desires. Lots of creatures experience competing desires as well, and a simple weighing of desires produces the one that moves the creature to action. A tiger may desire both to eat the human and to play with the other tigers, but if his desire to play is stronger, then it will stimulate his will to action. A smaller range of creatures not only have desires, but have desires about their desires as well, or second-order desires. The existence of such desires signifies the conscious capacity for reflective awareness, and precludes the inclusion of the animal species, as far as humans know. Such desires can be about the presence or absence of first-order desires, or more strongly, about a first-order desires constituting one’s will. This latter case Frankfurt calls second-order volitions, and he states plainly that possession of them is ‘essential’ to be considered a person (Frankfurt 1989, 67). One who merely has second-order desires, but who is

indifferent as to whether any of his first order desires constitute his will, Frankfurt calls a wanton individual. An individual who not only has second-order volitions, but who can realize them by having the first-order desires in question actually move the individual to action enjoys freedom of the will (Frankfurt 1989, 69). Because the wanton individual fails to have any second-order volitions, only second-order desires, freedom of the will is not possible for such an individual.

Another version of the hierarchical self is given by Gerald Dworkin. Dworkin also conceives of lower and higher order-desires along the same lines as Frankfurt, but adds that one must identify with the motivations that move one to act on one's lower order desires. Furthermore, this process of identification must not be influenced by external forces; it must enjoy what Dworkin calls 'procedural independence' (Dworkin 1989, 61). A person held at gunpoint may be freely giving his money over to the robber, but is not doing so for reasons that he endorses. The motivational factor of having to hand over one's money in order to keep one's life is clearly not one that the person identifies with as his own. Dworkin's account of autonomy as authenticity plus identification of desires differs from Frankfurt's account in one striking way. Frankfurt gives the example of a willing drug addict, one who desires to have a first-order desire to consume some drug, and subsequently allows that desire to stimulate the will to consume it. Frankfurt then points out that this person is not truly free because his first order desire to consume the drug will remain effective, even if his second order desire about the drug changes. Dworkin, on the other hand, maintains that so long as the addict identifies the desire to consume the drug as authentically his own, he is autonomous, and subsequently morally responsible for his actions. Interestingly, Frankfurt says that despite being un-free, because it is more than the addict's first-order desire, or addiction, that moves him to action, he is morally responsible for his actions as well.

With these two conceptions in mind, we can now see how society wields influence over individuals without violating the Principle of Liberty. Mill's one very simple principle is modest in its object 'that the sole end for which mankind is warranted, individually or collectively, in interfering with the *liberty of action* of any of their numbers, is self-protection'(Mill 1977, 223, emphasis added). I therefore posit that the Principle of Liberty only applies to the lowest-order of decision-making cum action-taking, or first-order activity, as I will refer to this process. This level is analogous (but not equivalent) to Frankfurt and Dworkin's lower-order desires, but includes both the reasoning and the physical attempt to fulfill that desire. This level of activity however differs from their two models in that it does include minimal reflective processes regarding desires, and how to fulfill them. In short, it is *character*, as described by Mill. Therefore, individuals who only display my first-order activity would still be 'persons' as defined by the Frankfurt model. Some individuals might also possess higher order reflection about their first-order activity. This realm of reasoning I call second-order activity, and it entails the grounds for holding beliefs and opinions, the reasons for having desires, and desires about first-order activity. In other words, it is self-consciousness of one's character, and the

ability to alter it, i.e. freedom of the will as defined by the Frankfurt's model. However, I am reluctant to employ Frankfurt's label, or even to refer to the exercise of this capacity as autonomy because I fear it will confuse my aims here. According to this reading, individuality is engagement of activities that utilize the higher capacities of the mind, along with the acknowledgement that one's character is the honest expression of one's inward forces, and not the product of customary or homogenizing social forces.

On this interpretation, such second-order influence would not be considered coercive, because it is directed to second order-reflection, and does not impede 'liberty of action'. In fact, it actually contributes to the personal development of the individual, which ultimately leads to more (and higher) pleasures. This strategy is to be contrasted with paternalistically coercing individuals to adopt refined characteristics at the first-order, because it denies individuals the ability to exercise their deliberative capacities of the second-order, and so would lack procedural independence. As C.L. Ten points out, Mill is not merely attempting to shape behavior, he is also trying to change their 'normative beliefs' about their behavior. (Ten 2002, 360). Deliberative choice is how a person's individuality is actualized, and is the source of the most utility. However, it is not merely the deliberative procedure that yields the highest utility; the content of the choice is just as important. If upon deliberating, one chooses to adopt lowly character traits or the lower pleasures, as described in *Utilitarianism*, then this would be evidence of defective reasoning skills, according to Mill. One must choose amongst the elevated pursuits and pleasures in order to experience the fullest utility possible, *and* accept and internalize the grounds or reasons for that choice. Society, or rather the more developed elites of society, play a productive role by helping to induce the emergence of the ability to develop one's character by attaching penalties to the second-order reasoning, while protecting first-order activity by application of the Principle of Liberty. Bearing in mind that cultivating an appreciation for the higher pleasures that best conforms to one's individuality is the goal to which Mill aims, the principle protects individual first-order expressions of character, regardless of how lowly. Elites will attempt to instigate second-order reflection on their lowly ways. What emerges is that the Principle of Liberty is part of a larger theory of character development and ultimately social progress.

This developmental conception of human character comprises one of the central breaks between Mill and the classical utilitarianism of Bentham. Classical utilitarianism is premised on a static and fixed conception of human nature, thereby only requiring knowledge of people's particular sensitivities to pain and pleasure in order to organize society in such a way so as to maximize utility. Mill comes to reject this mechanistic conception of humanity in favor of a more dynamic one. Hence, a person's character could develop in indefinite ways, depending on firstly, the 'inward forces' within the individual, and secondly, the social influences directed towards it. This conception can be traced back to Mill's understanding of nature, as containing certain potentials that evolve in indefinite ways (Gerson 2002, 312.). In

the essay, *Nature*, Mill differentiates between two (of many) uses of the term. The first encompasses the totality of the natural world, including the laws that govern it. For example, it is 'natural' for water to boil at 100 degrees Celsius, and 'unnatural' for it to do so at any other temperature. The second use of the term refers to any action that happens independent of human agency, or 'without the voluntary and intentional agency, of man' (Mill 1969, 375). Uses of the term 'nature' in this more restricted sense are often employed to justify the most conservative of positions within social, political, or religious debates. However, Mill also uses the term to convey the inner potentialities within all individuals that then must be socialized by elites, according to his particular theory of character development (Mill 1977, 264).

This ethological theory becomes apparent when one integrates the arguments put forward in Chapter V for the prohibition of paternalism, the arguments in Chapter II for the freedom of thought and discussion, and the valuation of certain character types described above. The activities or pleasures that Mill's ideal character enjoy are then described in *Utilitarianism* (Mill 1969, 210). Mill's theory is based on his empirical epistemology, and privileges certain reflective choices, namely those to develop his character ideal, over the ability to choose in itself. This concern for the content of the choice precludes any purely procedural conception of autonomy in Mill's thought. Although he is promoting the development of a reflective capacity to choose, this capacity is only a means to the proper appreciation of the higher forms of pleasure described in *Utilitarianism*. Though not explicitly stated in *On Liberty*, the goal of Mill's project is to describe how to experience the most amount, and highest kind of, pleasure. This utilitarian conception of human flourishing is only possible by developing an appreciation for the higher pleasures, and willfully assenting to their desirability (i.e. procedural independence).

The last topics Mill considers in *On Liberty* are not applications of the Principle of Liberty, but some reasons extraneous to the arguments of the main thesis prohibiting government involvement in the affairs of individuals. Following from his first objection to state paternalism, where he claims that regarding the affairs of the individual, the individual is the most suited and knowledgeable to deal with such affairs, he considers those cases where the government may in fact be better suited to deal with the affairs of the individual. Mill says: it is nevertheless desirable that it should be done by them, rather than by the government, as a means to their own mental education—a mode of strengthening their active faculties, exercising their judgment, and giving them a familiar knowledge of the subjects with which they are thus left to deal. (Mill 1977, 305)

Moral or physical coercion at the first order might initially seem a more efficient means to character development, but the price would be the loss of procedural independence, and individuals with deficient capacities for reasoning and choice-making of the second-order kind. The case against paternalism rests not merely on moral claims about the inherent evil of government interference, but also on the necessity of individuals having the opportunity to tend to their own matters in order

to exercise these second-order faculties. With the fullest possible legal and, more importantly, social freedom for experiments in living, and with more successful and developed individuals—the elites—‘helping’ to promote certain normative conclusions about these experiments via penalties, individuals will gradually develop their capacities for the appreciation of the higher pleasures, and ultimately a desire for them as well.

A similar concern for second-order reasoning can be found in Chapter II, where Mill makes his most forceful arguments for freedom of thought and expression, which also contributes to his larger theory of personal development and progress. In particular, the second case Mill considers—where the suppressed opinion is false—illustrates the point that Mill is not only concerned with beliefs and desires, but the *grounds* for them as well. Mill laments the fact that:

There is a class of persons...who think it enough if a person assents undoubtingly to what they think true, though he has no knowledge whatever of the grounds of the opinion, and could not make a tenable defense of it against the most superficial objections. Such persons, if they can at once get their creed taught from authority, naturally think that no good, and some harm, comes of its being allowed to be questioned. (Mill 1977, 305)

Such people infamously hold ‘dead dogma’. Without knowing the grounds of a certain truth, the truth’s utilitarian value is diminished. In other words, it is necessary not just to hold a position, but to know *why* one holds that position as well. Merely surrendering to the truth is insufficient because of the tenuous, superficial grasp the holder will have on it. One must reflect on one’s knowledge, thereby ascending to a secondary level perspective on the first-order activity of truth-exercising. Analogously, individuals should know why they must choose the higher pleasures, and willfully submit to the reasoning. Coercing individuals, either physically or morally, to choose the higher pleasures and adopt certain character traits fails to convey why these choices are superior, just as disseminating certain ideas without any argumentation or reasoning is dogmatic. Hence, the Principle of Liberty maintains a sphere on non-coercion within which individuals conclude for themselves with procedural independence that some lifestyles are inherently better than others. Some examples will help illustrate this point.

Let us consider who a person who as expressions of their character exhibits the first-order desire to drink beer excessively, holds the belief that racism is bad, and has a commitment to stay home and raise children, rather than enter the workforce. Let us say that this person has not reflected on these desires/beliefs/commitments, but simply has come to hold them through social osmosis. The Principle of Liberty protects this person’s ability to act on all of these elements of their character, but society has an interest in inducing second-order reflection on these first-order activities, in order to weed out those suboptimal desires/beliefs/commitments, and reinforce the utility-maximizing ones. Drinking beer excessively is clearly not utility-maximizing, but prohibiting the consumption of beer—either morally or

physically—will do nothing to convey the reasons why drinking excessively is bad, nor lead to the extinguishment of the desire. Developed elites must reason with the individual that drinking excessively is unhealthy, undignified, dangerous, and expensive. Failing that, society can employ more forceful, yet subtle measures, like creating a general ethos of un-congeniality towards this sort of behavior. Elites may even go so far as to indoctrinate the individual using whatever means available at the time to influence the individual's second-order reasoning about this particular character manifestation. Once the individual's reasoning processes on this matter harmonizes with those of the more developed, he will be on his way to rationally extinguishing their desire to drink excessively.

If this person holds the first-order belief that racism is bad, society would still have an interest in inducing the individual to understand *why* racism is bad. It is insufficient merely to hold the correct belief, whether it is scientific or political. People must also have a full understanding of the *grounds* for their beliefs, i.e. second-order understanding for their first-order beliefs. In fact, Mill goes so far as to say that even where there is unanimity on a certain belief, it is incumbent upon society to fabricate an opposing position so that people are forced to articulate the grounds for their unanimous belief (Mill 1977, 251). Employing all of the measures previously described, elites should make the individual understand the irrationality of all prejudices, thereby maintaining the belief that racism is bad as a 'living truth'.

The final example about the individual committing himself to staying home and raising children is a slightly different example. Here, the first-order commitment to forgo a career is neither inherently good nor bad. It is the *reasons* one has for the commitment that needs to be evaluated. The crucial element, that which determines whether this commitment is a genuine expression of individuality or not, is the reason why one chooses to stay at home. If the individual stays at home because it is conventional or traditional for him to do so, or even worse, the individual has not reflected at all on this commitment, then it is not an expression of individuality, and subsequently, not utility-maximizing. However, if the individual confers with his life-partner, reflects on the commitment, and decides to stick to it, then it is an expression of individuality. Again, the commitment itself is neutral with regards to individuality and prudence, it is the *reason* why he holds it or not which determines the utility of this expression of inward forces. Mill presumes that with the help of elites via the sanctioning of very severe penalties individuals will naturally converge on a fixed range of conceptions of the good - the higher pleasures. Despite the range being fixed, spontaneous expressions of individuality would ensure indefinite manifestations of higher pleasures. There is an analogous relationship between one knowing the grounds for a certain truth, and knowing the grounds for a certain choice. Both involve the exercise of second-order reflection, in order to be fully utility-maximizing.

It is important to keep in mind that the influence exercised by society is not done monolithically. Elites within society may disagree, and indeed they *must*

disagree in order to facilitate the growth of knowledge, according to Mill's sociological theory of the growth of knowledge, as articulated in Chapter II. Their disagreement happens at the second-order where reasons for holding beliefs are pitted against each other. The best conclusions of these competitions are then actualized at the first-order level of activity. As Mill states in *On Liberty*, acknowledging the fallibility of our beliefs does not deny the legitimacy of acting altogether, for 'There is no such thing as absolute certainty, but there is assurance sufficient for the purpose of human life' (Mill 1977, 231) All may participate in the debate, but a natural power differential exists between the elites and the laypersons with regard to ability to influence others. Elites will naturally be better at arguing and disseminating their conclusions to the wider public via penalties, if necessary.

This interpretation enables us to reconcile the high levels of influence society is to have over individuals with the absolute protection of the self-regarding sphere, because the natural penalties incurred by individuals displaying lowly characters do not limit the liberty of action of individuals. Since first-order decision-making cum action-taking is protected from interference in the self-regarding sphere, society can influence second-order activity without violating the Principle of Liberty. What needs to be stressed is that this interpretation not only accommodates, but necessitates high levels of social influence, of a second-order kind. Even though physical and moral coercion is not permitted to shape self-regarding behavior, a whole range of techniques of influence are at the elite's disposal. Reason and argumentation to convince crude individuals of the folly of their ways is to be expected. Elites may also do anything from encouraging to indoctrinating beliefs about certain forms of behavior.

They may even go as far as to ostracize, or deny opportunities to those displaying lowly characters, altering the incentive structures as part of the 'natural' consequences of their character defects. Individuality for Mill is not purely subjective. It is bounded within a range of indefinite activities that utilize certain generic capacities of the mind. As such, most people will need the assistance of elites to discover those forms of life that best conform to the individuals inward forces and are maximally prudent. What makes this interpretation novel is the recognition that this social influence may even take on more subtler and pervasive forms, as described by thinkers such as Foucault or B. F. Skinner (Foucault 1990; Skinner 1972). This is one of the dangers overlooked by negative liberty advocates, such as Isaiah Berlin, but not by some feminist writers who rightly see influences on preference formation and conditioning as obstacles to truly 'free' choice. (Richards 1994). This subtle subjection is not the irrational fear of radical critics of liberalism, for Mill himself acknowledges the potential enslavement of the soul by society (Mill 1977, 220). Despite this 'enslavement', provided one's first-order liberty of action is protected, one cannot be said to be un-free with regards to the Principle of Liberty. This reading of Mill's project reveals the high levels of influence an individual is to experience while conducting their self-regarding experiments in living, but not to the point where Mill loses his liberal credentials altogether, as Joseph Hamburger has

argued (Hamburger 1999). Whether the reader finds this to be betrayal of the spirit of the essay or not turns entirely on one's conception of liberty. Because Mill's Principle of Liberty is concerned only with the first order 'liberty of action' of individuals, it is not incompatible with the high levels of second-order influence. Considered simultaneously, we can see how Mill is articulating a theory of character development that relies equally on the knowledge and judgment of elites and the trial and error of individuals.

Conclusion

We can now dispel some of the tensions raised above between some of the chapters of *On Liberty*. Chapters II and III establish the ethos of essay, that of celebrating value of liberty. Chapter IV, on the other hand, is where Mill describes the high levels of influence elites are to have over individuals, even with regards to the self-regarding activity. Certain characteristics are deemed imprudent and ignoble, and not conducive to experiencing the full pleasure humans are generically capable of experiencing. People who display 'lowness or deprivation of taste' will naturally and rightly experience the disapproval of others, especially of those more developed elites. Such disapproval can manifest itself in a range of ways, from reasoned chastisement to outright contempt. Such severe penalties are to be contrasted with punishment one incurs for violating the rights of others. Punishment, as opposed to penalties, must necessarily entail coercion, even if by the reproach of the person's guilty conscience.

The challenge for Mill is to keep the difference between these two types of social responses distinct from each other. If, from the individual's point of view, the aggregated penalties of many different people amount to coercion, then it would seem that Mill's project of protecting a sphere of liberty in order to conduct experiments in living fails. In order to reconcile the seemingly disparate claims of *On Liberty*, we must understand that Mill's conception of the human mind entails two levels of reasoning. First-order activity is the expression of one's character, and second-order activity is the conscious reflection upon one's character and the ability to alter it. Whereas the Principle of Liberty prohibits coercion of first-order expressions of our characters, no matter how lowly or imprudent, it also allows for high levels of influence at the second order. Elites are to alter the incentive structures in people's lives in order to steer them away from dangerous, reckless, or simply undignified activities, and towards the more refined ones. Individuality is the key to the highest forms of happiness, but it is not a subjective concept. Individuality for Mill is a form of life that best conforms to the unique demands of one's nature, while at the same time utilizing certain generic yet higher capacities of the mind. This particular notion of human flourishing is what necessitates the assistance of the more developed, and precludes the atomistic view of individuals in society, along with the libertarian reading of Mill's project. Using this hierarchical conception of the self to understand the complex relationship between the individual and society may render *On Liberty* more coherent, but it does not address the logically subsequent question

of what type of liberal Mill is, if at all. This answer turns largely on the conceptions of liberty and coercion one holds, and remains an on-going debate. Here, I merely intended to offer an interpretation that reconciles some of the conflicting claims of *On Liberty*.

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