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THE PHILOSOPHICAL REVIEW.

THE INDIVIDUALISM OF JOHN STUART MILL.

ALTHOUGH Mill's fame as a thinker rests largely upon his work as a logician, his chief interest was in the application of principles to practical affairs. Like so many philosophers before him, he was driven by the desire to discover a rational basis for human conduct and human institutions; he was at heart a reformer, and his aim pointed to the improvement of mankind. It was the practical motive that turned him to a searching examination of "the principles of evidence" and "the methods of scientific investigation." The remarkable success achieved in the applications of the natural sciences (physics, chemistry, physiology) convinced him that the adaptation of their methods to the human field, in the so-called "moral sciences," the sciences that relate to man, would help to "remove the blot on the face of science." At the end of his chapter on the "Historical Method" he gives expression to his faith in the efficacy of the scientific method as the means of reaching Truth in the social sciences: "By its aid," he declares, "we may hereafter succeed not only in looking far forward into the future history of the human race, but in determining what artificial means may be used, and to what extent, to accelerate the natural progress in so far as it is beneficial; to compensate for what may be its inherent inconveniences or disadvantages; and to guard against the dangers or accidents to which our species is exposed from the necessary incidents of its progression. Such practical instruction, founded on the highest branch of speculative sociology [the philosophy of history], will form the noblest and

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most beneficial portion of the Political Art."[1] Since the development of appropriate methods had brought great benefit to the race on the material side, why should not a similar scientific study of man and society lead to equally happy results? Guided by these thoughts Mill wrote his *Logic,* the last and most important book of which, for his purposes, was the one on the "Logic of the Moral Sciences." The rest of his days he devoted to the attempt to apply the results obtained in his methodology to the whole domain of the *Geisteswissenschaften,* as a glance at the titles of his works will show.

It was his conception of the natural-scientific method that supplied him with a logical foundation for his theories in this field. It is true, most of these theories he had inherited from his father, James Mill, and from his father's friend, Jeremy Bentham, both of whom belonged to the English school of empiricists rooted in the soil cultivated by Locke and Hume. He also drew nourishment, or at least inspiration, from French Positivism, which likewise harked back to that type of thought. We cannot, therefore, say that his conceptions of psychology and the social sciences were the direct outcome of his logical studies—these, perhaps, furnished him the water to pour on his mill—but the latter undoubtedly strengthened his belief in their scientific value. The individualist doctrine, for example, was an old English possession, and had become the political creed of the new republic across the sea; and it had helped to bring about the overthrow of the old regime on the other side of the Channel. The application of the scientific method, however, prevented Mill from consistently developing this teaching, from broadening and deepening it, as only a man of his penetrating vision and hospitable mind could have developed it. And yet, owing to his intellectual candor and his eye for facts, he himself supplies us with rich material for the reconstruction of his theory. We have always to distinguish between the Mill who was the son of his father and Mill the thinker. His work on *Utilitarianism,* for example, though Benthamite in its origin, makes so many concessions to the opposing school of perfectionism as almost to lose its hedonistic character. Mill's very inconsistencies,

[1] *Logic,* Book VI, Ch. X, § 8.

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however, are instructive because they help us to remodel his thought.

It is for such reasons, in my opinion, that the study of Mill's writings, tantalizing though it may often be, is yet so stimulating and fruitful. It is therefore well worth the trouble to examine the foundations upon which his individualism rests, and to note the phases of his philosophy which seem to be out of harmony with it, and which so often point to new roads. Such a study will, I believe, prove of value, for in spite of all the emphasis which has been laid in recent years upon 'socialization,' and the progress which has been made in the development of our own law, for example, away from that nineteenth-century individualism, whose greatest literary apostle John Stuart Mill was, our age is still strongly individualistic. We are still living in the sign of the modern spirit of revolt against restraint which became alive in the Renaissance and the Reformation, and which has expressed itself so forcibly ever since, in almost every sphere of human activity: in religion, morals, economics, law, art, politics, and the rest. It is still flourishing in our homes and in our educational systems, in spite of, or perhaps because of, all the official standardization and 'uniformication' that is going on; and if I see aright it does not seem to have burnt itself out in the hearts of the younger generation. This new generation would find much to attract it in Mill's individualism; indeed, his little volume on *Liberty* might well become its Bible if it should ever feel the need of any work of edification at all. Such a study may help us, perhaps, to strike the proper balance between the individual and society. For there is something of lasting value in the individualistic doctrine; and 'oversocialization' is no less to be dreaded than individualistic anarchism. All the individualist philosophies of the nineteenth century had a social end in view: all aimed at the improvement of mankind, the creation of better men, or of a better species, or of great personalities. Even socialism is an intensely individualistic doctrine, in the sense that it seeks, through its economic reform and by restraint of the individualist competition, to enable every human individual to live a truly human life. All these systems agree in the desire to free the individual from thraldom; they

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differ as to the ways and means of bringing him into the promised land. There is something in the teaching of all of them, even in Nietzsche's aristocratic individualism, that is worth considering and worth preserving.

Mill's chief interest lies in the study of human nature, in man's mind and its expression in society, in what he calls the moral sciences. He applies to this field the method of science, of physics in particular, which in its development had become a deductive science. It is not to be wondered at that starting out with such a methodology he reached an abstract, atomic, mechanical, deterministic conception of the human mind, the human individual, human society, and human history. Like the atom in physics man is, for him, a metaphysical individual, acting uniformly, obedient to the laws of his own nature; for without uniformity of action, laws, causes, there can be no science. The fundamental laws of the mind are the laws of association, the laws according to which ideas, atomic elements of mind, regularly arrange themselves in an order, just as the planets and the physical atoms arrange themselves according to the laws of motion; and by means of these psychological laws all of man's thoughts, feelings, desires, decisions, and his entire character must be explained; the origin of conscience, the feelings of approval and disapproval, the sense of duty, the love of virtue for its own sake, the feeling of sympathy, all are the results of a kind of mental chemistry. Psychology is simply 'intellectual physics,' as Mill himself dubbed it in the Introduction to his father's *Analysis of the Human Mind*. Whatever qualities man develops in the course of his life-time are to be accounted for by these laws, operating in connection with the environment. The greatest desideratum of the moral sciences is the science of character. Ethology, which, based upon the associationist psychology, will tell us how man, as individual, would tend to think, feel, and act under given conditions; such a science is possible since the individual is the product of psychological and ethological laws, the latter of which are still to be determined.

It is this kind of atomic individual that Mill places in society alongside other fundamentally similar individuals. The relationship of these units he conceives, in the main, in the same abstract

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mechanical way in which he conceives the human mind. The individual as such is the same metaphysical individual whether in or out of society. Every atom counts for one, none for more than one.

"The laws of the phenomena of society are, and can be, nothing but the laws of the actions and passions of human beings united together in the social state. Men, however, in a state of society, are still men; their actions and passions are obedient to the laws of individual human nature. Men are not, when brought together, converted into another kind of substance, with different properties; as hydrogen and oxygen are different from water, or as hydrogen, oxygen, carbon, and azote are different from nerves, muscles, and tendons. Human beings in society have no properties, but those which are derived from, and may be resolved into, the laws of the nature of the individual man. In social phenomena the Composition of Causes is the universal law."[1]

Upon this metaphysical individualism, as we may call it, Mill bases his social science. "All phenomena of society are phenomena of human nature, generated by the action of outward circumstances upon masses of human beings; and if, therefore, the phenomena of human thought, feeling, and action are subject to fixed laws, the phenomena of society cannot but conform to fixed laws, the consequence of the preceding."[2] Whatever influence any cause exercises upon the social phenomena, it exercises through the psychological and ethological laws of the individual.

We have here a picture of society analogous to that of the material body as conceived by the physicist: a causal system of elements, acting according to law. It is true, the human being is not a mere passive element to be acted upon—he has his own nature, which is to be reckoned with—but so also has the atom. "The circumstances in which mankind are placed, operating according to their own laws and to the laws of human nature, form the characters of the human beings; but the human beings, in their turn, mould and shape the circumstances for themselves and for

[1] *Logic,* Bk. VI, Ch. VII, § 1. See also pp. 644 f., American edition.
[2] *Ibid.,* Bk. VI, Ch. VI, § 2. See also Ch. IX, p. 620.

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those who come after them."[1] The characters of the human beings, however—it must not be forgotten—are determined by the psychological and ethological laws of the individuals composing society. Still, these laws are the laws of man's own being; they are not foisted upon him from without. Equipped with the psychological laws of association, he enters the world; and in interaction with that world his character is formed; and by means of this he moulds and shapes the circumstances for himself. There is also such a thing as national character, and there ought to be such a science as Political Ethology, or "the theory of the causes which determine the type of character belonging to a people or to an age." The laws of the national (or collective) character are by far the most important class of sociological laws; but these, too, are merely derivatives of the laws of *individual* psychology and ethology; it is because the phenomena of human thought, feeling, and action are subject to fixed law that the phenomena of society are so fixed.[2]

The stress which Mill laid upon the individual not only saved him from the *environmental* determinism taught by some modern sociologists, but made impossible the mystical notion of a social soul or a spirit of humanity floating over and above the individual souls. There was no place in his philosophy for anything but flesh and blood individuals, or, rather, the psychological skeleton or frame-work of such beings. Moreover, he exercised great caution with regard to the conception of society as an organism; he *did* make use of the analogy of the organism, but generally in quite a mechanical way, in his doctrine of the *consensus,* a term which he borrowed from the physiological science of his day. "There is no social phenomenon," he tells us, "which is not more or less influenced by every other part of the condition of the same society, and therefore by every cause which is influencing every other of the contemporaneous social phenomena."[3] Again, in discussing the causes which determine the general social circumstances themselves (intellectual and moral culture, industry, occupations, com-

[1] *Op. cit.,* Bk. VI, Ch. X, § 3.
[2] *Ibid.,* Bk. VI, Ch. VI, § 2.
[3] *Ibid.,* Bk. VI, Ch. IX, § 2.

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mon beliefs, tastes, government, etc.), he speaks of the natural correlation of these elements: uniformities of coexistence existing between these states of the various social phenomena; indeed, this follows necessarily from the fact that every one of them influences every other. And he goes on to say that "states of society are like different constitutions or different ages in the physical frame; they are conditions not of one or a few organs or functions, but of the whole organism."[1] Here we do seem to get an organic conception, as also in the statement that "the *consensus* is so complete (especially in modern history) that, in the filiation of one generation and another, *it is the whole which produces the whole, rather than any part a part.*"[2] But the analogy of the organism is of no use to us here if the organism is conceived as a mechanism; and so it must be conceived if we accept Mill's view that "however complex the [social] phenomena, all their sequences and coexistences result from the laws of the separate elements."[3]

We never reach a genuine organic conception of society in Mill's account. Although there are phases in his thought which suggest such a view, he resolves it into his mechanistic, deterministic, causal scheme. He observes the interrelationships existing between the different states of society, but he does not bind them together into a unity: each is taken separately, by itself, in a cause-and-effect relation, and the causes are added up in accordance with his physical method of the composition of causes. Ultimately, everything is reduced to the laws of the human mind; and in this mind he could have found a principle of unity which might have helped him. But his working conception of mind did not do him any good; his mind is only known to itself phenomenally, "as the series of its feelings or consciousnesses." It is true, he frankly acknowledged the existence of something else: "the inexplicable tie or law, the organic union which connects the present consciousness with the past one, of which it reminds me, is as near as I think we get to a particular conception of self. That there is something real in this tie, real as the sensations themselves, and not a mere

[1] *Ibid.*, Bk. VI, Ch. X, § 2.
[2] *Ibid.*, Bk. VI, Ch. X, § 6.
[3] *Ibid.*, Bk. VI, Ch. IX, § 1.

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product of the laws of thought, without any fact corresponding to it, I hold to be indubitable."[1] But he could not *understand* this organic union: it was *inexplicable* to him because he could not handle it with his method; after breaking up the mind into bits, he could not put his finger on the ego, or find it in the series of ideas; and so he could make no use of it, just as he could make no use of an organic conception of society.

> "Wer will was Lebendiges erkennen und beschreiben,
> Sucht erst den Geist heraus zu treiben,
> Dann hat er die Teile in seiner Hand,
> Fehlt leider nur das geistige Band.
> Encheiresin naturae nennt's die Chemie,
> Spottet ihrer selbst und weiss nicht wie."

The tantalizing feature of Mill's writings seems to me to be that he does not follow his own inspired leads. There are other instances of this failing besides those already touched upon. In discussing the requisites of a social union, he introduces elements which suggest a less individualistic conception of society than the one already described. One of these requisites is a system of education, "the ingredient of which was restraining discipline, subordinating personal impulses and aims to what were considered the ends of society." Here we have a fruitful thought, which, however, is weakened by the remark that "when strictness of restraining influence was relaxed, the natural tendency of mankind to anarchy re-asserted itself." The second condition of social union is the feeling of allegiance or loyalty: its essence is always the same; that there be in the constitution of the state *something* which is settled, permanent, and not to be called in question, something which by general agreement has a right to be whatever it is, be it a common god or gods, as protectors of the state, or persons or laws or ancient liberties or ordinances. Or it may attach itself to the principles of individual freedom and political and social equality, as realized in institutions which as yet exist nowhere or exist only in a rudimentary state. Here, again, Mill offers us a principle of unity, a tie that binds, a universal, upon which he might, like Josiah Royce, have constructed a system of ethics and

[1] *Sir William Hamilton's Philosophy*, p. 262.

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politics in which the individual transcends the limits of individualism and inherits universality.

Then there is a third requirement: a strong and active principle of cohesion among members of the same community, not nationality in the vulgar sense of the term, but a principle of sympathy, not hostility; of union, not separation. "We mean a feeling of common interest among those who live under the same government, and are contained within the same natural or historical boundaries. We mean that one part of the community do not consider themselves as foreigners with regard to another part; that they set a value on their connection—feel that they are one people, that their lot is cast together, that evil to any of their fellow-countrymen is evil to themselves—and do not selfishly desire to free themselves from their share of any common inconvenience by severing the connection."[1]

All these principles suggest to us an individual of a broader kind than the isolated, abstract unit of society with whom our author operates in his social science. It seems to be possible for mankind to overcome "the natural tendency of mankind to anarchy," to become big with the universal. In the book on *Utilitarianism* this possibility becomes an actuality: there he tells us of a powerful natural basis of sentiment which approves of the universal-happiness-principle and which cannot be analyzed away. This basis is the social feelings of mankind, the desire to be in unity with our fellows, a feeling of unity which will be increased by the progress of civilization. Mill even thinks it will be possible to give to the service of humanity the physical power and social efficacy of a religion, and that the danger is not "that it should be insufficient, but that it should be so excessive as to interfere unduly with human freedom and individuality."[2] It is a far way that the individual has travelled from his moorings in the basal laws of association which govern human nature, but his entire progress, according to Mill's theory, has been determined by these laws, nonetheless. Man's history is the story of the ascent of the anarchic human atom to the self-sacrificing servant of humanity; a creation of the

[1] *Logic,* Bk. VI, Ch. X, § 5.
[2] *Utilitarianism,* Ch. III.

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individual and social laws, of whose coming the apostle of individual liberty must needs be afraid.

Still, however man may have developed the qualities which Mill regards as essential to social life, he now has them; and in consequence of his history, we are told, he is becoming more stabilized and more trustworthy as the chief factor in progress. The laws of association have carried him far: they have made a disciplined, loyal, sympathetic, social being of him; and he is now running on "a preappointed track."[1] This deterministic conception is the logical consequence of Mill's presuppositions—of his mechanical notion of man and mental causation. He himself seems to appreciate the unsatisfactoriness of his interpretation of man and his progress; at any rate, he introduces elements into his thought which soften his determinism, if they do not altogether destroy it. He finds that there is one element in the complex existence of social man which is preëminent over all others as the prime agent of the social movement: the speculative faculties of mankind, intellectual activity, the pursuit of truth. It is true, this principle holds a predominating place only in the lives of decidedly exceptional individuals; nevertheless, it is the main determining cause of social progress. Without knowledge the desire for material comfort would not have produced our material civilization; without it the disuniting selfish propensities could not have been curbed. Social existence is possible only by disciplining these powerful propensities, *i.e.,* by subordinating them to a common system of opinions. To be effective, these opinions must exist and be *believed,* and thus the character of the propositions assented to by the intellect determines the moral and political community, as it determines the physical. And so the conclusion is drawn that the order of human progress will mainly depend upon the order of the progress in the intellectual convictions of mankind.[2]

This view carries us far away from a scientific determinism. According to Mill's thesis social progress is subject to invariable laws, but knowledge is the most effective factor in this process. Not only that: the ultimate cause of the progression of mankind

[1] *Logic,* Bk. VI, Ch. XI, § 4.
[2] *Ibid.,* Bk. VI, Ch. X, § 7.

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is the exceptional individual, the *decidedly* exceptional individual—another factor which, it seems, cannot be harnessed into the rigid shafts of the deterministic system. And still another disturbing element enters: among the circumstances which account for the making of human character must be reckoned the conscious efforts of men. Each one of us, in every particular case, Mill tells us, spontaneously interprets his own experience of conduct in this way. Human agency has power not only over the physical agencies of nature, but still greater power over human and social facts; it can convert them into instruments of its designs, bend them to its purposes.[1] This escape from determinism is made easy for Mill by his conception of causality as uniformity or concomitance—a notion, by the way, which he does not always consistently follow. And here, too, he further weakens the case of determinism, if he does not abandon it entirely, by making the conscious efforts of exceptional individuals responsible for the impetus given to the evolution of the human race. "The volitions of exceptional persons or the opinions and purposes of the individuals who at some time compose a government may be indispensable links in the chain of causation." Mill does not agree with Macaulay's view of the inoperativeness of great men. "I believe that if Newton had not lived," he says, "the world must have waited for the Newtonian philosophy until there had been another Newton, or his equivalent." "Eminent men do not merely see the coming light from the hill-top, they mount on the hill-top and evoke it; and if no one had ever ascended thither, the light, in many cases, might never have risen in the plain at all." Had there been no Socrates, no Plato, no Aristotle, there would have been no philosophy for the next two thousand years, nor in all probability then; and if there had been no Christ, and no St. Paul, there would have been no Christianity. "Who can tell how profoundly the whole subsequent history of China may have been influenced by the individuality of Confucius? and of Sparta (and hence of Greece and the world) by that of Lycurgus." Here, it appears, we are at our rope's end. We cannot foresee the advent of great men and great thoughts. That would seem to make a scientific philosophy of history a somewhat

[1] *Ibid.*, Bk. VI, Ch. XI; see also Ch. II.

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precarious enterprise. All that science can do here, according to Mill, is this: "It can trace through past history the general causes which had brought mankind into that preliminary state, which, when the right sort of great man appeared, rendered them accessible to his influence. If this state continues, experience renders it tolerably certain that in a longer or shorter period the great man will be produced," provided the general circumstances are favorable to his coming—which point, also, Mill thinks, science can in some measure judge.[1] Nevertheless, even if this were so, no one can foretell the kind of impetus the great man will give to progress, and therefore history will always have to wait until the great man comes before it can go on with its work of explaining how things came to be just what they are. History never makes the mistake of predicting before the event!

Upon the foundations which I have tried to lay bare Mill rears his ethical and political theories. We have seen that, for him, the basal element of society and of its history is the individual; and that in the progression of human life the unique individual plays the leading rôle. His metaphysical individualism easily leads to ethical and political individualism. Before his book *On Liberty* he sets, as his motto, a sentence taken from Wilhelm von Humboldt's treatise on *The Sphere and Duties of Government:* "The grand, leading principle towards which every argument unfolded in these pages directly converges is the absolute and essential importance of human development in its richest diversity." Mill's equivalent for this ideal was his doctrine of Utility, "but," he adds, "it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being."[2] He was convinced that this end could be realized only by leaving the individuals free; and the only freedom he thought worthy of the name was "that of pursuing our own good in our way so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it." No person should be compelled by law or even by the moral coercion of public opinion to do what does not appeal to his reason or his taste, except where his act hurts others. Mill some-

[1] *Op. cit.*, Bk. VI, Ch. XI, § 3.

[2] *Liberty*, Ch. I.

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times justifies this liberty as a good in itself, sometimes on the ground that man has a right in himself; but the thought most emphasized by him is that it is a means to human progress. Without freedom of thought, tastes, and experiments in living, there can be no rich diversity of individuals, no unique personalities, no originality of mind or individuality of character, and hence no progress. The development of individuals is one of the essential ingredients of happiness and the chief ingredient of individual and social progress. "He who lets the world, or his own portion of it, choose his plan of life for him has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself employs all his faculties." "Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, 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." [1]

Such liberty, Mill believed, can be best realized in a free society, in a democracy, because it alone would guarantee liberty. But the new order of society had brought with it a new evil, "the tyranny of the majority," "the tyranny of the prevailing opinion and feeling," and against this tyranny Mill's metaphysical individualism provided the theoretical weapon. The problem is to make the fitting adjustment between the independence of the individual and social control. How shall we justify compulsion and control, that is, physical force, in the form of legal penalties, and the moral coercion of public opinion? The answer is simple and clear. Society has no right to interfere with that part of a person's conduct that concerns only himself, and in which society, as distinguished from the individual, has, if any, only an indirect interest; in that his independence is of right absolute: he is sovereign over his own body and mind. Society has jurisdiction only over that part of human life that chiefly interests society. The principle, therefore, underlying just government is this: "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." "The only purpose for which power can be rightfully exercised

[1] *Liberty*, Ch. III.

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over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."[1]

What, now, is the part of human life assigned to individuality, the sphere of action in which society is only indirectly interested? There is the inward domain of consciousness, demanding liberty of conscience, liberty of thought and feeling; absolute freedom of opinion and sentiment prevails—on all subjects, practical or speculative, scientific, moral, or theological. And with the liberty to think the liberty of expressing and publishing opinions is inseparably conjoined. Then there is the liberty of tastes and pursuits, doing as we like, subject to such consequences as may follow; without impediment from our fellows, so long as we do not harm them, even though they should think our conduct foolish, perverse, or wrong. Finally, there is the liberty of combination among individuals, freedom to unite for any purpose, not involving harm to others.

Society has jurisdiction over conduct that violates the rights of others; the refusal of a person to bear his equitable share of the labors and sacrifices of defending society or its members from injury, and conduct which, though not violating constituted rights, is hurtful to others or wanting in due consideration for their welfare. This latter conduct may be justly punished by opinion, though not by law.

It is to be noted that Mill applies his doctrine of individualism only to beings in the maturity of their faculties, to personalities, to beings who are capable of being improved by free and equal discussion. He makes exceptions of children, the insane, and backward states of society. He considers despotism justifiable in the case of backward peoples provided the end be improvement.

It is not difficult to point out the weaknesses in our author's political theory. The chief fault lies in his conception of the individual as an abstract element in society, as occupying a sphere that can be sharply and precisely marked off from the whole. Society, in consequence, is conceived, with equal abstractness, as an entity external to the individuals, standing, as something more or less

[1] *Op. cit.*, Ch. I.

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foreign, over and against them. It is not easy, in our modern industrial life, to draw a line between that part of man's conduct which affects only himself and that part which concerns society only. Harm is caused to society not only by direct acts of aggression, but by many insidious ways of violating individual rights: by conditions affecting the health, safety, and morals of the people. The liberty enjoyed by one person or group of persons may mean the coercion of the other, while interference with the liberty of some means the deliverance of others from restraint: the interference with the liberty of the slave-holder brought freedom to the slave. Leaving men free to exercise their rights, with the State on guard as the policeman, will not necessarily result—indeed, has not resulted—in a social order in which men enjoy complete and genuine freedom. Moreover, mere negative freedom from restraint is at best a questionable good. To be free from something need not be freedom at all: the all-important question is what one is free for. The freedom of speech of an ignorant man may be no good to any one, either to himself or to society; what he needs is the larger positive freedom to acquire knowledge. To quote Ritchie: "We must know who or what is being left alone, on what occasions, in what places, and who it is who is leaving any one alone, before we can profitably discuss the good or evil of freedom. To give a baby its freedom on the verge of a precipice and to attempt to supervise every act of grown men are both foolish and culpable proceedings."[1]

All this Mill would undoubtedly have admitted, in spite of his statement that "over himself, over his own body and mind the individual is sovereign"; for, after all, he found the chief justification of liberty in the happiness and progress of mankind. With him, as with other thinkers, freedom was not absolute; it was a limited freedom, as it needs must be in a social order; in the very nature of the case each man's liberty must be so restricted as to make it possible for other men to enjoy liberty also. "Everybody to count for one, nobody for more than one." The principle of freedom of contract, abstractly conceived and abstractly applied, would result in intolerable hardship, as our own courts have de-

[1] *Natural Rights,* p. 138.

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clared in subordinating this liberty to the claims of the general welfare. And Mill himself pointed the way to a broader and deeper conception of individualism—a conception which the new school of American jurists is emphasizing—when he recommended as the best criterion for the settlement of social questions the direct and exclusive interest of the human race.

The refreshing thing about Mill's thinking is that he does not ride his principles to death. In his *Political Economy* he refuses to follow the *laissez-faire* school, although his metaphysical individualism, consistently carried out, might have carried him in that direction. He does not renounce his individualistic principle, but he tempers it to meet the facts of social life. "There is," he insists, "a circle around every individual which no government . . . ought to be permitted to overstep." And the reserved territory "ought to include all that part which concerns only the life, whether inward or outward, of the individual, and does not affect the interests of others or affects them only through the moral influence of example."[1] The circle or reserved territory, here as in *Liberty,* is evidently quite small, for Mill favors many activities on the part of the State which would be regarded by individualists of a sterner type as anti-individualistic—among them: the restriction of the power of parents over children; compulsory elementary education; laws limiting the hours of labor for children ("freedom of contract in case of children is but another word for freedom of coercion"); a ten-hour day for factory-workers; governmental regulation of stock-companies; public poor relief; establishment of colonies under the supervision of the State; the promotion of scientific research and explorations, and the dissemination of useful knowledge by the State. He favors municipal ownership of gas and water-works, and holds that the government should reserve to itself a reversionary property in privately owned canals, roads, and railways, or retain the right of fixing a maximum of fares and charges. He has no objection to public ownership of canals and railways, though he considers it advisable, in such cases, for the State to lease the properties to private concerns. Nor does he condemn socialistic and communistic theories as necessarily

[1] *Principles of Political Economy,* Bk. V, Ch. XI.

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impracticable; but he sees many serious obstacles in the way of their realization, and he thinks that, for a considerable time to come, the political economist "will be chiefly concerned with the conditions of existence and progress belonging to a society founded on private property and individual competition." He adds that "the object to be principally aimed at in the present stage of human improvement is not subversion of the system of individual property, but the improvement of it, and the full participation of every member of the community in its benefits."[1] It is the ethical ideal that serves as the limiting principle of Mill's political individualism and makes of this a practical working theory today.

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[1] *Political Economy*, Bk. II, Ch. I, § 4.

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