

PRIVATE LIFE AS A POLITICAL VIRTUE¹

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ABSTRACT

I try to study in that contribution the political virtue of private life in the work of John Stuart Mill. The defence of the private life in Mill not only implies the defense of a moral value of the individual in front of people that want to know more of him, or the protection of its material goods; that defence also has sound effects for the public life; privacy becomes, then, a political virtue.

Keywords: John Stuart Mill, individualism, privacy, virtues, ethics, political philosophy.

RESUMEN

Intento estudiar en este trabajo la virtud política de la vida privada dentro de la obra de John Stuart Mill. La defensa de la vida privada en Mill no sólo implica la defensa de un valor moral para la vida privada frente a la gente que quiere saber más acerca de uno, o la protección de sus bienes materiales; esa defensa tiene también profundos efectos sobre la vida pública; la privacidad se convierte, así, en una virtud política.

Palabras clave: John Stuart Mill, individualismo, privacidad, virtudes, ética, filosofía política

In this paper I try to explain the argument that J. S. Mill develops in *On Liberty* (from now on, *OL*) according to which respect for people's private life is a civic and political virtue that will also bring benefits to public opinion and Government.

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In contrast to a certain traditional stand on the topic of private life according to which society and the individual are two rival parties, each pulling towards its own side (the former trying to regulate, watch and sanction as far as possible, and the other trying to eliminate that normative control), for Mill the defence of private life implicit in the “protected sphere of negative liberty” implies not only the defence of individual sovereignty in some personal matters, but beneficial consequences for public life as well. Liberty, and, with it, the right to the privacy of the most intimate part of the human being, is instrumentally valuable for achieving social fulfillment, because only a society whose individuals freely develops their tastes and pursuits —their personalities, in short—, sheltered from the tyranny of opinion, may consider itself a mature society. This utilitarian reason of the beneficial social consequences of a powerful and safe private sphere is not Mill’s only reason in favour of liberty, nor the main one, as we know, but it is a characteristic one, important in order to evaluate some arguments of his critics.



Let’s go to Mill’s texts. At the end of chapter I of *OL* we can read a significant initial statement: “Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest”³. In chapter II, the great benefits for society derived from freedom of thought exceed even the benefits for individuals: “There have been, and may again be, great individual thinkers in a general atmosphere of mental slavery. But there never has been, nor ever will be, in that atmosphere an intellectually active people”⁴. According to Mill, when the social realm does not interfere with the individual realm, and people feel free from social or political coercion in order to give shape to the projects of their lives, an effect of social utility takes place in the long run.

The *quale* of this effect is its influence on social change. Mill conceives society not as a static entity with perennial values, but as a dynamic entity because of the individuals influence on these values. Specifically, free development of individual personality stimulates a dynamic balance on the whole; not a static or simple, conservative balance, but a progressive and more complex one.

The fulfillment of whole society, then, depends, among other things, on the free exercise of individual will in self-regarding actions. And not

3 JSM, *On Liberty*, pp. 50-1, in Mill: *The Spirit of the Age, On Liberty, The Subjection of Women*, New York & London: Norton, 1997, pp. 41-131.

4 *Ibidem*, p. 67.

just because society can simply “assume” (that is, “tolerate”) a certain degree of creative privacy in individuals, but because that is the way it can be enriched and improved, following its own dynamic nature. A society that doesn’t manage to become emancipated from the yoke of *despotism of Custom*, will affirm Mill, does not have properly a history⁵. In *The Subjection of Women* he will clearly state that “Any society which is not improving is deteriorating”⁶.

An invariable static balance of the *shared values* will be, then, necessarily despotic, and can only be maintained in the long run by tyranny and meddling, both from Government and from public opinion, which “it practises a social tyranny more formidable than many kinds of political oppression (...) [because] it leaves fewer means to escape, penetrating much more deeply into the details of life, and enslaving the soul itself”⁷. That’s the reason why John Stuart Mill, in his defence of liberty, pleads for eccentric behaviours: “because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric”. But this statement, a classic target for the conservative critics of Mill, doesn’t mean that eccentricity is desirable for the good of eccentric individuals in the short run, but, above all, for the good of society in the long run: “Eccentricity has always abounded when and where strength of character has abounded; and the amount of eccentricity in a society has generally been proportional to the amount of genius, mental vigour, and moral courage *it contained*”⁸ (italics are mine). Also the originality, cause of the genuine eccentricity, brings social benefits, as we know in relation with the role of creative minds in our intellectual and practical life: “The first service which originality has to render them [the unoriginal minds], is that of opening their eyes; which being once fully done, they would have a chance of being themselves original”⁹ in order to improve, all together, social circumstances. That originality only exerts its positive influence when society recognises the principle of the free will’s autonomy. When liberty to exert and express personal autonomy allows individuals to act with spontaneity, social values can change calmly and intelligently, without dramatic breaks, because society and State are not infallible. Intrinsic human fallibility, a concept that Mill takes from Milton’s *Areopagitica*, has, in his turn, its social correlate in the concept of social *corregibility*. In chapter III Mill points out that fallibility is a good thing, because its apparent deficiency allows us to improve the general conditions of life:

6 JSM, *The Subjection of Women*, p. 209, in *Mill: The Spirit of the Age, On Liberty, The Subjection of Women.*, pp. 133-215

7 JSM, *On Liberty*, ed. cit., p. 44.

8 *Ibidem*, p. 93

9 *Ibidem*, p. 92.

“That mankind are not infallible; that their truths, for the most parts, are only half-truths; that unity of opinion, unless resulting from the fullest and freest comparison of opposite opinions, is not desirable; and diversity not an evil, but a good (...)”¹⁰.

Also in chapter II we find out a similar idea: “The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error”¹¹.

From the very moment of publication of *OL* until now, Mill was criticised because allegedly he would have severely weakened *shared values*, leaving political authority defenceless. In 1859, Richard Hutton pointed out that every society needs non-discussed *shared values* in order to move ahead, and that State and public opinion have the right to surveille and sanction any transgression of social morality in public and private conduct. Gambling and fornication exemplifies this kind of inappropriate private conduct. Mill, Hutton complains, “proposes to impose on it a vow of complete silence with regard to all subjects affecting the individual only”¹². Soon after, Hutton states that Mill “is so anxious to secure free action for human individualities, that he would interdict the “public mind” from expressing any opinion at all on some of the gravest topics than can be submitted to human discussion”¹³. Other contemporary critics like Richard W. Church, Friedrich Max Müller and John Wilson¹⁴ also maintained that in order to preserve the freedom of expression for disagreeing minorities we must deny the same freedom for the majority. These criticisms are not only wrong, but opposite to real relationships in matter of coercion between the public and the individual mind. In fact, Mill never meant to hinder the free expression of public opinion (in *OL* he talks textually about the *legitimate* interference of collective opinion with individual independence¹⁵) (*italics are mine*), but, on the contrary, to find its limits. Because only setting limits to the power of public opinion, legitimate and respectable in itself, can we avoid that thoughts, tastes and

5 Ibidem, p. 96.

10 Ibidem, p. 84.

11 Ibidem, p. 53.

12 Hutton, R. H., “Mill on Liberty”, p. 87, in Pyle, Andrew (ed.), *Liberty. Contemporary Responses to JSM*, Bristol. Thoemmes Press, 1954, pp. 81-117 (originally published in *The National Review*, VIII (1859), pp. 393-425).

13 Idem.

14 Vid. Pyle, Andrew (ed.), *Liberty. Contemporary Responses to JSM*, Bristol. Thoemmes Press, 1954, specifically the articles from R. W. Church (pp. 210-254), M. Müller (pp. 349-385) y J. Wilson (pp. 321-348).

15 *JSM, On Liberty*, pp. 59-60.

opinions equally legitimate and respectable may be irrationally persecuted or prohibited. Mill is precise in *OL*, I; with regard to thought and action that don't involve harm to others (*principle of No Harm*), *the opinion of others* can "remostrating with him [the individual], or reasoning with him, or persuading him, or entreating him, but not *compelling him, or visiting him with any evil in case he do otherwise*"¹⁶.

More recently, Patrick Devlin argued that a continuous weakening of *shared values* can disintegrate common life, and that, in consequence, Society has the right of self-defence. Devlin exemplifies this point with the homosexual minority: if society has the feeling that homosexuality is "a vice so abominable that its mere presence is an offence"¹⁷, then it may eradicate it. He doesn't give details about how "eradicate" homosexuality. At first sight at least, I cannot see how to eradicate homosexuality without eradicating homosexuals, but, reading between the lines, Devlin seems to suggest that individuals must be sacrificed for social stability.

Now then, in his defence of free growth of moral individuality, Mill doesn't intended to weaken social ties, but to make it more reasonable, more flexible and useful. In his *Essay on Coleridge*, Mill emphasized the importance of shared values for social stability, and condemned french political philosophers of the XVIII century because they subverted "not merely what was bad in society, but also the very conditions of a stable society"¹⁸. Mill doesn't go in search of individuals isolated or detached from society, as we can check it in this fragment of his *Utilitarianism* where he vindicates the social nature of man: "The social state is at once so natural, so necessary, and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body"¹⁹.

Mill does not try to eradicate Habit or Custom, but to improve its effects bringing it to the light of reason. To such an extent is that so that he gives equal worth to the "intelligent following of custom" and to the "intelligent deviation of custom"; both overcome equally the "blind and simply mechanical adhesion to it"²⁰. Mill doesn't criticizes *custom* in itself, but only *despotism of custom*, that is, some particular determination of custom. For that reason, in contrast to Chinese culture, in Mill's example, in a modern European society individuals can promote more reasonable customs that, in turn, are in advantage for more free individuals, as Nicholas Capaldi pointed out: "Instead of a simple cause-

16 Ibidem, p. 44.

17 Devlin, Patrick, *The Enforcement f Morals*, London: 1965, p. 17, cit. in Ten, C. L., *Mill on Liberty*, Oxford: Clarendon Press, 1980, p. 98.

18 Cit. en Ten, C. L., *Mill on Liberty*, ed. cit., p. 92.

19 JSM, *El utilitarismo*, Stuart Mill, J., *El utilitarismo*, Barcelona: Altaya, 1997, p. 83.

20 JSM, *On Liberty*, p. 87.

and-effect sequence, there is an integral relationship between self fulfillment and social fulfillment"²¹.

Critics of Mill at this point are prone to have an holistic vision of society and public opinion, as if *public mind* were a unique and indivisible entity, without fissures nor changes: "There is a common life and common conscience in society", says Hutton²². It's true that there is common life, but also individual life; there is a common conscience, but also a minority conscience. It's not necessary to agree with Mill's definition of *the public* as a "miscellaneous collection of a few wise and many foolish individuals"²³. It's enough to admit at least that public opinion is less similar to the indivisible *volonté générale* of Rousseau than to a complex intercrossed structure of predominant beliefs and attitudes (of civilization, of culture, of social classes) that necessarily includes minority opinions. At this point, perhaps time has proved that Mill, which represents here liberal culture, was essentially right. Time has proved that modern society can subsist without exemplary punishments to those guilty of fornication and gambling, the illustrations supplied by Hutton, or for homosexuality or drunkenness, the illustrations supplied by Devlin.

The main difference between Mill and his conservative critics at this point is that Mill thought in terms of social change, of necessary transformation, and his critics in dualist terms of insurmountable antagonism. According to Mill, if we allow individuals to act "from inside", then society will be forced to adapt itself to the dynamic aspect of human nature. As Berlin indicates²⁴, what distinguishes Mill's relevance for our times is his philosophy of individual growth and social change, based on the radical incompleteness of man, in contrast with authors like James Mill, Comte o Herbert Spencer who "remain huge half-forgotten hulks in the river of nineteenth-century thought"; all of them believed to have found a definitive solution to human problems.

This preeminence of dialectical over the monological aspects of individual/society problem becomes evident in its analogy with the function of political parties in a representative system, where the party that represents innovation is as necessary in an efficient system as the party that represents stability: "(...) a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life (...) Each of these modes of thinking derives its utility from

21 Capaldi, Nicholas, "John Stuart Mill's Defence of Liberal Culture", p. 107, in Eisenach, Eldon J. (ed.), *Mill and the Moral Character of Liberalism*, The Pennsylvania State University: University Park, PA, 1999, pp. 77-114.

22 Hutton, op. cit., p. 117.

23 JSM, *On Liberty*, , p. 56.

24 Berlin, Isaiah, "JSM and the ends of life", p. 266, in *Mill: The Spirit of the Age, On Liberty, The Subjection of Women*, ed. cit., pp. 253-279

the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity”²⁵.

The important thing is that order and progress play each one its own part. What we can call “ordered change” may only be approached by a dialectical perspective in accordance with the perspectivism of practical reality, as Peter Berkowitz points out: “The cultivation of sound judgment, the achievement of real understanding (...) requires (...) a peculiar discipline [that] was best exemplified, according to Mill, in the Socratic conversations of Plato’s dialogues and the school disputations of Middle Ages [as Mill points out in *OL*]. Such dialectical exercises cultivate the quality of “many-sidedness”, a virtue that Mill associated with Goethe and Socrates and that consisted in the capacity to appreciate what is true in diverse and rival perspectives”²⁶.

Maybe this liberal confidence that free thought and feeling can’t undermine social stability, but, on the contrary, it will make it more articulated, could best be understood by an analogy: just as for his critics at this point the ideal of common life could be described as a “social monotony”, for Mill social harmony is more desirable; a social harmony only attainable when different instruments and tunes sound at the same time. In chapter III of *Utilitarianism*, Mill uses this analogy: “The deeply rooted conception of every individual as a social being, tends to make him feel it one of his natural wants that there should be harmony between his feelings and aims and those of his fellow creatures”²⁷; analogy that influenced the Deweyan idea according to which education must establish in the mind of every individual an “indissoluble association” between his own happiness and the good of the social whole²⁸. Education must help people to understand that the private and public sphere are only antithetical in the short run; when we consider it from a dialectical point of view, both must tend to converge: “The worth of a State, in the long run, is the worth of the individuals composing it (...) a State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished”²⁹. Thanks to this connection, idealist if you’d like, between individual liberty and social progress, the

25 JSM, *On Liberty*, p. 78.

26 Berkowitz, Peter, “Mill: Liberty, Virtue, and the Discipline of Individuality”, p. 30, in Eisenach, Eldon J. (ed.), *Mill and the Moral Character of Liberalism*, The Pennsylvania State University: University Park, PA, 1999, pp. 13-47.

27 JSM, *El utilitarismo*, p. 87.

28 Dewey, John, *Outlines of a Critical Theory of Ethics*, en *Collected Works*, Illinois: Southern Illinois University Press, 1971-1991, *Early Works*, vol. III. p. 278. About the influence of Mill on Dewey, vid. Catalán, Miguel, “El pensamiento político de John Stuart Mill en la obra de John Dewey”, pp. 13-4, en *Télos*, XII (1), 2003, pp. 7-21.

29 JSM, *On Liberty*, p. 131.

defence of *private sphere* gathers the three highest values that, according to Berlin, characterize Mill's social thinking³⁰: individual liberty, variety and justice.

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³⁰ Berlin, Isaiah, "JSM and the ends of life", ed. cit., p. 260.