

The Balance between "Negative Liberty" and "Positive Liberty"

-- On J.S.Mill's Liberal Thought

Weining You

East China University of Political Science and Law, Shanghai, China

weiningyou0221@gmail.com

Abstract. John Stuart Mill, a prominent figure in classical liberalism, inherits the emphasis on individual spirit from earlier liberals such as Locke. He expanded this notion to include social liberty on the basis of political liberty, deepening the public understanding of individual freedom. To some extent, Mill's recognition of negative liberty and human diversity also corrects the classical political philosophy's singular and universal natural purpose. Moreover, his proposal of positive standards and purposes, based on negative liberty, not only complements and corrects classical liberalism but also offers solutions to the problems arising from neoliberalism in the contemporary world.

Keywords: John Stuart Mill; "Negative Liberty"; Classical Liberalism; Neoliberalism.

1. Introduction

John Stuart Mill, an icon of British philosophers, inherited the tradition of classical liberalism and adhered to the fundamental principle of individual rights supremacy. In his work "On Liberty", he clearly defined "negative liberty" and further developed the concept. However, liberalism faces unprecedented challenges in today's world. While negative liberty highlights ample private space for individuals, it fails to guide people toward positive choices and actions. Mill, unlike classical liberal thinkers, incorporated a "positive" aspect into the negative liberty he upheld, which serves as a complement to the limitations of liberalism.

2. The Inheritance and Development of Negative Liberty: From Political Liberty to Social Liberty

In the 17th century, British philosopher Hobbes elucidated that the transition from nature to the social state was for self-preservation, based on his theory of the state of nature. Following him, Locke, known as the father of liberalism, further refined the concepts of individual liberty and property rights. He elevated the citizen's status far above that of the government, asserting that the ruler's power derived solely from the alienation of individual rights. In the 20th century, liberal thinker Isaiah Berlin clearly distinguished between negative liberty and positive liberty in his seminal work "Two Concepts of Liberty". The former indicates the range within which individuals can act freely without external interference, while the latter refers to the ability and extent of individuals to exercise autonomous action (Berlin, 2002). Although Hobbes cannot be considered a liberal, the concept of negative liberty which forms the core of liberalism, was initially proposed by him (Wang C. B. and Jin J. D., 2004). "By LIBERTY, is understood, according to the proper signification of the word, the absence of external impediments: which impediments, may oft take away part of a man's power to do what he would" (Hobbes, 1998, 86). Both Hobbes and Locke's perspectives on liberty are about shielding individuals from control and restraint, acting as a negative precaution against government power and encroachment by others, and its essence is "negative liberty". As a leading figure of 19th-century British classical liberalism, Mill fully embraced the traditional emphasis on negative liberty and the core concept of individual rights supremacy. Consequently, Mill developed a simple principle, i.e. the "harm principle", which delineates the boundary between public authority and private rights. This principle fully epitomizes his concept of "negative liberty": "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, 2003, 80).

Unlike his predecessors, Mill, building upon Locke's emphasis on political liberty, broadened the scope of individual-government relations to include the relationship between individuals and society, thus extending political liberty to social liberty. In the 20th century, philosopher Foucault, in his work "Discipline and Punish", meticulously dissected the potential control exerted on individuals by social institutions such as schools, factories, and prisons: "This infinitely scrupulous concern with surveillance is expressed in the architecture by innumerable petty mechanisms." and "These mechanisms can only be seen as unimportant...minor but flawless, in the progressive objectification and the ever more subtle partitioning of individual behaviour" (Foucault, 2012, 173). Indeed, as early as the 19th century, Mill had already expressed deep concerns over society's covert enslavement of individuals. At the outset of his work "On Liberty", he points out that: "The subject of this Essay is not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual" (Mill, 2003, 73). In contrast to the traditional liberals' concerns about political and economic liberty, Mill placed more emphasis on social liberty. He contended that the coercive aspects of social conventions and the tyranny of majority opinions, though implicit, are far more frightening than other explicit forms of political control. The explicit control often employs criminal law as the means, which is cruel and extreme, this kind of control is usually overt and targets the physical realm. On the contrary, social control, though ostensibly gentler and violence-free in its practices, is covert and hard to escape, because it infiltrates every aspect of one's life, thereby "enslaving the soul itself" (Mill, 2003, 76).

Mill was acutely aware of the perils of social tyranny, yet he was equally cognizant that personal freedom depends largely on the restraint of actions that affect others. Therefore, while championing individual liberty, he also delineated the reasonable boundaries of rights conferred by society upon individuals. To clarify the boundary of personal liberty, he divided human actions into two categories: those that impact the interests of others, and those that only pertain to the individual. Mill wrote, "The only part of a person's conduct for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign" (Mill, 2003, 80-81). In other words, the boundary of individual liberty is determined by whether it infringes upon the interests of others, or whether it encroaches on the rights of others. Thus, Mill on one hand upholds a significant degree of personal liberty, safeguarding freedom of thought, pursuit of interests, and association with others. "No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified" (Mill, 2003, 83); on the other hand, Mill also draws clear limits and definitions on personal liberty, safeguarding the collective interests of society and fostering a certain harmony and concordance between individual liberty and social stability and progress.

3. The Crisis of Negative Liberty in Modern World: The Lack of "Positive" and the Dilemma of Choices

It is evident that Mill, drawing from classical liberal thought, fully inherited its negative liberty and upheld the rights and spirit of individual autonomy and independence. Furthermore, Mill shifted from the classical predecessors' focus on "political liberty" to the often-overlooked yet more subtle "social liberty", further deepening the scope of individual freedom. However, the excessive possession of negative liberty by individuals can also spawn many problems and challenges. These issues have become increasingly apparent with the strong advocacy of negative liberty in contemporary neoliberalism.

Negative liberty, the liberty free from external interference, refers to the freedom to act as one pleases, provided it does not infringe on the rights of others, as recognized by Mill. However, if we delve

deeper into this premise: What should one do after such liberty is obtained? How should one use this liberty in choice-making? Negative liberty fails to give any possible answers to human actions due to its lack of positive guidance. In pre-modern societies, behavioral norms were derived from authoritative or transcendent sources, for example, the "natural right" of classical philosophers in the West or the "Tiandao" in China. Regardless of their rationality, at least people would not be confused at the loss of direction. However, in modern societies where liberalism thrives, "All that is solid melts into air, all that is holy is profaned" (Karl Marx, 1992, 35). This certainly has its progressive side: Since modernization, individuals have been emancipated from the constraints of authority to a large extent and have gained the right to choose and plan their own lives. That said, negative liberty still leads to the situation where people don't act by moral standards of right or wrong, but simply on the principle of "not infringing on the rights of others" as their bottom line of actions. Beyond this minimum requirement, negative liberty makes people lose the ability to discern between good and bad. Simply put, all choices or preferences, so long as they do not harm the interests of others, cannot be seen as rightful despite their inherent attributes, and there is no moral distinction between them. Therefore, negative liberty treats a warrior who sacrifices for the country and a cowardly betrayer equally. Thomas Hobbes, who establishes a country based on "fear of violent death", would probably lean more towards the latter. However, humans are inherently distinct from animals, and in making any choice, they always seek a rationale for each decision. If all choices or ways of life lose rational comparison, then what serves as the foundation for individuals to make choices, and how do they validate the legitimacy of the choices and actions? The 20th-century American thinker Leo Strauss once eloquently described the dilemma caused by liberalism: "Once we realize that the principles of our actions have no other support than our blind choice, we do not believe in them anymore. We cannot wholeheartedly act upon them anymore. We cannot live anymore as responsible beings. In order to live, we have to silence the easily silenced voice of reason, which tells us that our principles are in themselves as good or as bad as any other principles. The more we cultivate reason, the more we cultivate nihilism: the less are we able to be loyal members of society" (Strauss, 1999, 6). Modern people who champion "negative liberty" to the fullest extent have freed themselves from all authority constraints, yet at the same time, they eliminated the reasons and standards guiding their actions and choices, wandering in the boundless spiritual desert.

4. The "Positive" Evolution of Negative Liberty

Despite Mill's almost equally strong advocacy for negative liberty as classical liberals, his ideas on negative liberty diverge from those of Hobbes and Locke. Whereas Locke's purpose is purely to delineate individual rights, irrespective of how individuals exercise these rights (as long as they do not violate the harm principle), Mill, based on granting individuals negative liberty, also put forward his perspectives out of positive purposes.

4.1. Broad Utilitarianism: for the "Permanent Interests" of Human

Utilitarianism, established by the British thinker Jeremy Bentham in the 18th century, reached its zenith with John Stuart Mill. Profoundly influenced by utilitarianism, Mill believed that the ultimate appeal in all moral matters should be to utility. Traditional utilitarians, typified by Bentham, employed the sensation of pleasure and pain as the sole measure for assessing the value of all human activities, believing that the only distinction among various pleasures was in quantity, instead of quality. However, Mill's utilitarianism transcended the simple measurement of pleasure and pain. "It is proper to state that I forego any advantage which could be derived from my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being (Mill, 2003, 81)". What are the "permanent interests" of human beings and how does one qualify as a "progressive being"? Negative liberty can provide no effective answers to these questions, while Mill's answer is closely aligned with the ideal answers from classical political philosophy. He posited that "it is more consistent with that faith to believe, that this Being gave all

human faculties that they might be cultivated and unfolded, not rooted out and consumed, and that he takes delight in every nearer approach made by his creatures to the ideal conception embodied in them, every increase in any of their capabilities of comprehension, of action, or of enjoyment (Mill, 2003, 127)". Like the ancient Greek philosopher Plato, Mill thought human beings possess a form of "ideal conception". This concept, manifested in humans, does not revolve around unrestrained indulgence in pleasure, but rather the further development of "human faculties like perception, judgment, discriminative feeling, mental activity, and even moral preference (Mill, 2003, 123)". The "permanent interests" of humanity and the "progressive" trajectory underscores the cultivation of these unique endowments.

How can these endowments be developed? How can the "permanent interests" of humanity be advanced? The answer from Mill is "individuality". From the perspective of individual development, "It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others (Mill, 2003, 127)". This is because an individual can only become a "noble and beautiful object" through profound self-contemplation. From the perspective of whole humanity, it is nearly impossible for humans to ever be infallible due to the limited rationality of human beings. For a potentially erroneous idea, its "fallibilism" only exists in an environment of intellectual liberty, and there is the possibility of being replaced by more perfect and desirable ideas. Even ideas that are currently deemed correct can only continue to flourish and remain vibrant without degenerating into soulless slogans and rigid dogmas through continual questioning and debate. A free, diverse, and unconstrained society is the premise for individuals to possess and express their individuality. This is one of the reasons why Mill advocates negative liberty.

From the foregoing, it is evident that Mill's negative liberty is neither intended for personal enjoyment nor purely for the sake of individual "rights" itself. A brief indulgence, a falsehood that escapes notice, may bring momentary happiness and benefits to a person, and may even offer utilitarian benefits in a narrow sense. However, as per Mill's broad utilitarian concept, these actions not only fail to advance a person's "permanent interests", but also, to some extent diminish a person's endowments, resulting in a loss in benefits. Mill believes that to attain these endowments and truly possess "individuality", the right path is through the use of the liberty bestowed by society, rather than through passive and unprincipled indulgence, thereby pursuing genuinely positive purposes with "the most passionate love of virtue, and the sternest self-control" (Mill, 2003, 125).

4.2. Standard for Judgment: "Comparative Worth as a Human Being"

Some neoliberals may challenge Mill's judgment of the "permanent interests" of individuals. According to liberalism ideals, the happiness of different individuals cannot be compared parallelly in that no possible distinction can be made. They may hence argue: why should the progress of human cognitive abilities and other endowments be considered part of the "permanent interests" of people? Doesn't the happiness brought by indulgence and leisure also fall under the "permanent interests"? In contrast to Mill, neoliberals may even favor Bentham's determination of happiness more: there is only a difference in quantity, not in quality. However, despite being a staunch advocate of negative liberty, Mill does not support the complete elimination of value judgments of good and bad upheld by liberalism.

Certainly, differences among individuals are inevitable, and Mill acknowledged this. He advocates for the pluralism of human nature, opposing the singular and universal natural purpose espoused in classical liberalism, and believes that there is no single way of life that applies to all people. Due to the differences in temperament or individuality, different individuals will prefer different disciplines, subscribe to different religions, and think in different ways. Some individuals may value liberty more, while others lean towards equality. These values or preferences may not immediately distinguish superior from inferior, a phenomenon Max Weber refers to as the "conflict of goods". Mill strongly promoted the openness and diversity of society, asserting that society can only flourish through the collision of different ideas and ways of life, and can only progress through openness. However, this

cannot be a reason for liberalism to advocate for the abolition of standards or the prohibition of value judgments. Mill's notion of pluralism derives from the pluralism of Shakespeare and Tolstoy, not the pluralism between Shakespeare and obscene works, which leads to the loss of standards, making people lose motivation to discover or pursue better things—just like the concept of neoliberalism that make it impossible to compare various kinds of values, therefore there is no such thing as "better" under this concept. In all, openness without any standards leads to the "closure" of the human spirit (Bloom, 1987).

Furthermore, while numerous differences exist among individuals in terms of temperament, the feeling of pleasure, inherited animality of self-preservation, and so forth, are all but universal in human nature. The pursuit and gratification of these basic desires is the most relaxed and can provide immediate pleasure, or happiness. By contrast, the realization of what Mill referred to as the "distinctive endowment of the human species" necessitates strong willpower to overcome the temptation of immediate pleasure, daily discipline and perseverance, and sufficient humility to recognize one's potential failings. Severing the connection between animality and the unique nature of humanity essentially caters to the latent animality within human nature, pandering to the desire for pleasure that everyone possesses, potentially leading to a situation where individuals lose the rationale and motivation for "nobility", as no one is born to distaste pleasure, and no one is naturally inclined toward self-restraint and the pursuit of virtue. While the "plurality of human nature" can lead to the coexistence of "goods", it cannot serve as a pretext for obliterating all the differences.

Mill posited that the standard for judging actions as good and bad is the "comparative worth as a human being", which, refers to the dignity and uniqueness of being human, serving as the fundamental difference between humanity and animals. "It really is of importance, not only what men do, but also what manner of men they are that do it" (Mill, 2003, 124). Mill advocated for freedom and emphasized the unique capacity of humans for judgment and reasoning, stating that "He who lets the world, or his portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation (Mill, 2003, 124)". This sentiment is encapsulated in Mill's famous motto: "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied" (Mill, 2009, 19). Different from Bentham's utilitarianism, which solely hinges on the distinction between "satisfaction" and "dissatisfaction", "happiness" and "unhappiness" and does not constitute the standard for Mill to judge the value of people or things. Even if some action or physical presence can bring satisfaction to a person, if the feeling is not unique to humans, the resulting contentment and happiness are regarded as insufficient, as they fail to reflect the "comparative worth" of human beings and their unique dignity. By this standard, Mill believed that individuals should assist each other in moving towards improvement: "Human beings owe 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, 2003, 140)". When a person's behavior "shows some degree of folly", others can offer appropriate advice personally. However, it in line with the "harm principle" of negative liberty, individuals should not be compelled to alter their behavior unless their actions infringe others' rights. This principle serves as Mill's means of reconciling negative freedom's bottom line with the pursuit of positive freedom.

It is possible that some individuals may still question the objectivity and validity of the standard of "comparative worth ". It should be acknowledged that this standard demonstrates a degree of subjectivity and is not entirely rational. Liberalism, after all, cannot completely defend its beliefs in terms of logic and rationality—if all values can not be judged by certain standards, then why should "tolerance", as the core value of liberalism, be placed above all other values, including "intolerance"? One of the defining characteristics that distinguishes humans from animals is the capacity to weave a web of meaning, through which people can articulate their deep-seated beliefs and desires, ultimately contributing to the creation of a magnificent human civilization. Should this web of meaning dissolve and cease to exist, then humans stop to be human. What else should humans hold

in the highest regard besides themselves and their comparative worth as human beings? The foundation of human civilization is firmly rooted in the belief that humans possess intrinsic value. To question the unique value of humans is essentially to question the entire human civilization. In this regard, although Mill's standard may not be absolutely rational, it nonetheless exerts a profound influence and shows persuasive power.

5. Conclusion

Mill's liberty thought stands as a pivotal juncture between traditional and modern liberalism. It not only provides insights into traditional liberalism and makes further extensions, but also significantly impacts the development of modern liberalism. Following him, subsequent new liberals such as Hobhouse and Laski argue that the nature of liberty is not merely negative, but rather embodies certain positive nature that can be shared among people (Wang C. B. and Jin J. D., 2004). As a torchbearer of classical liberalism, Mill fully inherited the emphasis on individual spirit from his predecessors, notably Locke, and expanded it from political liberty to social liberty, thus deepening the understanding of individual liberty. His synthesis of negative liberty with the recognition of human diversity, to a certain extent, has rectified the unique and universal natural purpose of classical political philosophy. Concurrently, Mill's introduction of positive evaluation standards and purposes proposed building upon negative liberty reconcile the two, addressing the historical deficiency of liberalism in guiding human actions and choices. A profound understanding of the characteristics of Mill's liberalism also holds the potential to offer constructive insights into the problems caused by neoliberalism in contemporary society.

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