

## Autonomy, Tradition, and the Enforcement of Morality

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## Introduction

John Stuart Mill is committed to a utilitarian and liberal theory of human nature and the good. His theory of value is meshed with a liberal philosophy of education that is dedicated to encouraging a process of self-development<sup>1</sup>. Mill's utilitarianism and liberalism are also strongly influenced by the philosophical tradition of virtue ethics and politics. One sign of the link is Mill's advocacy of a kind of liberal education designed to develop the core intellectual and moral excellences in childhood. Mill's liberalism also champions democratic social and political institutions that have as one major goal to provide institutional support for life-long pursuits of these excellences<sup>2</sup>. Mill's many discussions of the educational processes of development and self-development can be seen as setting out a plan for inculcating these mental and moral virtues. The program of education in self-development aims to train human traits of reason, emotion and sympathy as well as higher order capacities of autonomy, individuality, sociality and compassion. Mill is a liberal egalitarian, but he appreciates the Greeks and their virtue ethical conception of a good human life as including essentially the training and habituation in these excellences.

Autonomy and individuality have pride-of-place in Mill's conception of human excellence. The two virtues are connected, for in Mill's theory one prime task of autonomy is to develop an individuality or identity that is authentic for each person. Mill professes liberal autonomy. Mill's liberal autonomy features the core abilities of self-determination, critical reflection and authenticity. It relies upon these talents for critical scrutiny and reflection upon options to choose conceptions of the good, life plans, core commitments and character. Autonomy and individuality are connected skills. These capacities combine to enable agents to pursue lives and principled identities that are their own. Mill deems these talents to be so valuable that he claims that without them people lack character. "A person whose desires and impulses are his own---are the expression of his own nature, as it has been developed and modified by his own culture—is said to have a character"<sup>3</sup> (CW 18:264). This could rightly be said to be the very essence of individuality. Without this, Mill says, there is no authentic character. Conformity to what is customary in society, just for the sake of custom, amounts to abandoning these crucial human excellences (and entitlements) and, in Mill's eyes, attacks the fundamentals of human well being. Mill's impassioned argument for the indispensability of individuality in *On Liberty* is one of the most

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<sup>1</sup> See Wendy Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy*, Ithaca: Cornell University Press, 1991, and "Mill's Utilitarianism", in *The Cambridge Companion to Mill*, ed. John Skorupski, Cambridge: Cambridge University Press, 1998, 255-292.

<sup>2</sup> For a more extensive treatment of these questions, see Wendy Donner, "John Stuart Mill on Education and Democracy", in *J. S. Mill's Political Thought: A Bicentennial Re-Assessment*, ed. Nadia Urbinati and Alex Zakaras, Cambridge: Cambridge University Press, forthcoming, 2007.

<sup>3</sup> John Stuart Mill, "On Liberty", 18: 264, in *The Collected Works of John Stuart Mill*, ed. John M. Robson, 33 vols., Toronto: University of Toronto Press, 1963-1991. Hereafter cited as CW.

widely read and familiar pieces in the liberal pantheon. But this underscores the problem. Mill argues so eloquently for autonomy and individuality because he fears the constant threats from the counteroffensive forces of conformism. Conformity, in Mill's eyes, is the shadow side of the deep human desire for belonging and harmony with family and culture. It is because these needs and desires for connection and attachment run so deep in the human psyche that autonomy and individuality are frequently, he thinks, under threat. Authentic forms of belonging and attachment and connection are not threatened by healthy doses of autonomy and individuality. In their healthy forms, these are mutually reinforcing traits. But the shadow forms of belonging and attachment are masquerading for the real thing. Mill engaged in life-long battles with the human predilection for oppression and tyranny. His eloquent arguments for freedom and autonomy are designed not only to furnish positive arguments for their merits, but also to warn of those who try to undermine or diminish individuality and autonomy by appeals to questionable forms of belonging and attachment that corrode the human spirit. The encounter of autonomy and individuality with tradition is a rich backdrop against which to explore some of the most compelling questions of liberalism.

Mill himself provides an excellent case for study of these questions in his discussion of the proper application of the Liberty Principle in chapter 4 of *On Liberty*. This case concerns the practice of polygamy within Mormon communities in Mill's day. The controversies surrounding this practice continue in the present, with ongoing investigations, especially of the treatment of women in the community. A striking current example is the Mormon community of Bountiful, British Columbia in Canada, which is a breakaway sect of Mormons<sup>4</sup>. No longer remote from the larger culture, Mormons in America and Canada live under the same laws as all other citizens. The mainstream Mormon group has long since ceased this practice and has outlawed polygamy, excommunicating any of its members who enter into new polygamous arrangements. The breakaway excommunicated group in Bountiful also are subject to Canadian law that outlaws polygamy, although there are longstanding complaints that the law is not enforced in this case. Mill characterizes the treatment of Mormons as persecution. He invokes the example as a notable test of the limits of the application of his Liberty Principle. At the time of his writing, Mormons had relocated their community to what was then a remote area of Utah, but today they exist as part of the wider cultures of the United States and Canada and are not separate societal cultures, in Will Kymlicka's terminology<sup>5</sup>. Why does Mill

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<sup>4</sup> This group is part of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), a dissenting Mormon group which was excommunicated by the mainstream Mormon Church when members refused to stop the practice of polygamy, which is now outlawed by the mainstream Mormon Church ((the LDS).

<sup>5</sup> Will Kymlicka., *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995. In Kymlicka's classification scheme, societal cultures are distinct from and should be treated differently from ethnic or religious groups. The former are distinct national cultures, while the latter are not distinct but are part of the larger dominant societal cultures. Canada, for example, has three societal cultures or nations, namely, English, French, and Aborigines.

use the term “persecution”? He does so because in his time there were calls to send an expedition from Britain to Utah to force Mormons to end this practice.

My primary concern here is to examine Mill’s liberal arguments for whether and under what conditions female Mormons can correctly be seen as exercising autonomy when they participate in a polygamous marriage in which they are one of several wives. (It is never the case that one wife has several husbands). Mill says that this case is vexing for him. Indeed, it is positively head scratching. He characterizes the behaviour of women in polygamous marriages as “voluntary” while admitting that the institution “far from being in any way countenanced by the principle of liberty, it is a direct infraction of that principle, being a mere riveting of the chains of one-half of the community, and an emancipation of the other from reciprocity of obligation towards them”(CW 18: 290). Yet, Mill continues, this marital relationship is as voluntary as any other sort of institution of marriage. Since the group has taken the drastic step of moving away, Mill concludes that it would be tyranny to try to stop them from instituting and living by whatever laws they wish governing marriage within their community, as long as they do not attack other nations and they allow freedom of departure from the community, in other words, a right of exit for dissidents.

Mill gazes at the Mormon group from the outside and at a distance. The case is jarring in its setting because, according to Mill, the express purpose of liberty is to defend each and every individual’s right to autonomy and individuality within their social and cultural grouping. It is to defend the rights of rebels and eccentrics as well as those who are content to endorse, after reflection, the community’s traditional ways. Viewing things from this vantage point, Mill argues that diversity and pluralism of life plans and situations are the spontaneous and natural result of self-development and individuality and that therefore we should regard with deep suspicion any uniform and conformist outcomes. This is a major point of his argument for individuality in the second chapter of *On Liberty* (CW 18: 260-275). Yet he does not think it is odd that Mormon young women all seem to accept polygamy, a distinctly disquieting marriage option. Mill regards the group stereotypically, as all having more or less the same preferences and “voluntary” choices, namely, polygamy or exit from the community. He scourges his own society for inducing conformity, yet the conformist patterns of Mormon marriages, he thinks, should be protected from persecution by liberal outsiders. He adds the qualifier that this form of marriage is as voluntary as a general choice as any other. Even if this were true in the nineteenth century (and this is doubtful), it is quite clearly false in present times. So the lens he looks through yields the expectation that most members of this group have similar marital preferences, whereas he excoriates his own society for having the same expectation. From a vantage point internal to the Mormon community, things might look different, when each person can be seen as an individual. In exploring this case Mill exhibits an apparent failure of empathy and sympathetic imagination. However, as I will argue, his theory actually provides the remedy and corrective for this lapse.

### Autonomy, Liberalism and Communitarianism

Fast-forwarding in time to the present, we can utilize the framework of the contemporary dialogue on liberalism and communitarianism to reflect upon Mill's example. Will Kymlicka's arguments for the rights of minority cultures within larger dominant liberal cultures provide a useful backdrop for this examination. Kymlicka's arguments explore the cases for both the rights of full-fledged minority societal cultures as well as for rights of ethnic and religious groups that are not separate nations. Kymlicka's principles furnish useful touchstones for Mill's case of a controversial religious group.

There are strong resonances between Kymlicka's and Mill's liberal commitments. Kymlicka endorses Mill's liberal argument for the right to autonomy. Mill's case for the right to self-determination revolves around the rights of competent adults to assess the meaning and value of their experiences for themselves. As Kymlicka puts it, we want to lead good lives, and this makes us reflect seriously about what in life is worth pursuing. Rational agents recognize their fallibility. They realize that they could be wrong in their current views about the good life, and they also recognize their essential interests in living a good life. Liberals hold that these interests have two preconditions. "One is that we lead our life from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in the light of whatever information, examples, and arguments our culture can provide"<sup>6</sup>. We have an interest in forming and then examining and possibly revising our conception of the good. The societal culture thus provides the freedom and the resources for this reflection and questioning. It gives us the cultural materials needed to reach an awareness of different views of the good life, as well as the capacities required to reflect critically upon the presented options.

Any attempt to enforce from outside a particular conception of the good life undermines these essential liberal interests. Mill and Kymlicka also share the liberal view of the self as autonomous. On this view "individuals are considered free to question their participation in existing social practices, and opt out of them, should those practices no longer seem worth pursuing" (Kymlicka 2002, 221). Liberals maintain that individuals therefore are not defined by any particular relationship, because they have autonomy and can question, endorse, or revise and reject particular attachments. While those relationships and attachments that we have committed ourselves to with awareness will tend to be enduring, still, it will be healthy for us to carry on this questioning, of asking whether our life course is still worth pursuing and deserves our continuing commitment. The Buddhist principle of the impermanence of all things is a good companion precept for understanding this liberal perspective. If we try to hang onto pursuits, practices, relationships and even self-perceptions after they have ceased to be worthy of our commitment, then they become sources of suffering rather than promoting good.

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<sup>6</sup> Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, Second edition, Oxford: Oxford University Press, 2002, 216.

Mill's argument agrees with the spirit of Kymlicka's insistence that liberalism appreciates the necessity of a social context of choice to underwrite people's pursuit of a life in accord with their individuality. Mill is also always careful to balance the virtues of individuality and sociality, and to grant both their place in his conception of human excellence. Mill says in *Utilitarianism* and other writings that sociality, fellow feeling, the ability to cooperate and recognize the value of social enterprises are human excellences on par with the other human virtues, including individuality. He frequently expounds upon the need for feelings of social unity and public spirit. Mill's individualism certainly does not lead him to discount the value and necessity of the social and cooperative capacities of human nature.

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...They are also familiar with the fact of co-operating with others, and proposing to themselves a collective, not an individual interest, as the aim...of their actions...The good of others becomes to him a thing naturally and necessarily to be attended to (CW 10:231-32).

Mill also puts great stock in liberal forms of cultural belonging. He says that social stability requires a sense of cohesion among members of political society, but he emphatically rules out nationality "in the vulgar sense" (CW 8: 923). He clarifies that "we mean a principle of sympathy, not of hostility; of union, not of separation" (CW 8: 923). Mill says that we have duties to cooperate with others in joint civic projects and to reciprocate legitimate expectations of love, affection and friendship.

Mill and Kymlicka thus share some of liberalism's core concerns. They differ, I argue, in how they conceive of the social and cultural context that provides the support for individuality and the pursuit of identity. Kymlicka, perhaps unintentionally, turns the societal context into a framework that threatens to harden into a barrier, limiting the horizon of choice to one's own societal culture, the culture into which one is born. Mill's preferred context of choice is without such clear lines and limits and fully supports those eccentrics and true originals who entirely reject the range of choices that happen to be currently on offer in their society. That is why his assessment of the Mormon community is so out of character.

Kymlicka is adamant about the requirement of a social context of a particular kind for a liberal good life. It cannot be just any social or cultural context, but rather it must be our own birth culture. Remove the context of our own birth culture, he says, and people are denied a Rawlsian primary good<sup>7</sup>. Kymlicka, as a liberal, does not agree with communitarian claims of the "politics of the common good"<sup>8</sup>. He surely intends the societal culture to be an enabler for self-determination and freedom. He argues that this is liberalism's commitment.

<sup>7</sup> A Rawlsian primary good is "a good which people need, regardless of their particular way of life" (Kymlicka, *Multicultural Citizenship*, n. 11, p. 214).

<sup>8</sup> Will Kymlicka, *Contemporary Political Philosophy*, 220.

But the result of his argument may not be what he intends, but rather may produce unintended consequences which throw into question his chain of argument, and reveal its weaknesses<sup>9</sup>. Individualism and freedom, autonomy and individuality are bound up with and dependent upon membership in a societal culture, says Kymlicka, one with a shared history, language, values, norms and practices. The society furnishes the information, models, education and conditions needed to formulate a judgment and perspective about different options and plans for the good life. The society arrays the range of options as live ones, as real prospects. The result is that active participation in a cultural context is necessary since it is this context that furnishes meaningful and vivid options and choices for viable life plans and paths.

The pitfalls of this line of thought are obvious. Firstly, why limit this to our birth culture? Secondly, any currently available range of options of life paths has limits, and Mill, contra Kymlicka, seeks to remove horizons set by birth cultures on imaginative possibilities for good lives—that is one main intention of his argument for individuality and originality in *Liberty*. Even a few decades ago, the supposed options for a young woman in a Western democracy were to marry a doctor or a lawyer rather than to become one herself. As a graduate student in Philosophy at a Canadian university in the 1970s, I was aware that one of my professors, an eminent scholar, held the view that women were not suited to study philosophy. And until quite recently, anti-Semitism produced quotas limiting Jewish admissions to medical and law schools in Canada and the United States. The question then is, what is to stop this range of options from transforming into a horizon-limiting obstacle, setting certain options firmly in stone, discouraging struggles to overcome racist and sexist barriers, and becoming Mill's feared scenario of the "hurtful compression" of "the small number of moulds which society provides in order to save its members the trouble of forming their own character"(CW 18:267-8)?

Even though Mill and Kymlicka disagree about the nature of the social context of choice to support autonomy, neither of their liberal senses of community and belonging are carried to the lengths that communitarian thinkers take them. For one thing, Mill would dispute that we have an obligation to belong, in Charles Taylor's communitarian language<sup>10</sup>. Mill would have sharp words for Taylor's claim that in certain liberal societies with collective goals, such as Quebec, "political society is not neutral between those who value remaining true to the culture of our ancestors and those who might want to cut loose in the name of some individual goal of self-development"<sup>11</sup>. Mill's sharp words would say that we do not have a duty to live according to others' expectations of preserving a culture of a particular form (and Taylor believes Quebecois have

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<sup>9</sup> I pursue this claim in more depth in "Is Cultural Membership a Good? Kymlicka and Ignatieff on the Virtues and Perils of Belonging", in *Philosophy and Its Public Role: Essays in Ethics, Politics, Society and Culture*, ed. William Aiken and John Haldane, Exeter: Imprint Academic, 2004, 84-101.

<sup>10</sup> Charles Taylor, "Atomism", in *Communitarianism and Individualism*, ed. Shlomo Avineri and Avner de-Shalit Oxford: Oxford University Press, 1992, 29-50.

<sup>11</sup> Charles Taylor, "The Politics of Recognition", in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann, Princeton: Princeton University Press, 1994, 58.

such a duty<sup>12</sup>) particularly when those expectations amount to coercion to live out our lives according to the desires and wants of others.

The hazards of insufficient attention to the proper balance between individuality and attachment to traditional community are apparent. Even for a communitarian like Taylor, who carves out a space for autonomy within a society with collective goals, the balance can tip dangerously against those who want to “cut loose” for the sake of their self-development. This becomes acutely painful in cases of parental or community expectations about young adults’ choices in marriage or work. And it is not to be underestimated just how frequently young adults’ choices to fall in love and marry outside of their community of birth are viewed as betrayals, with painful repercussions. The coercion to marry within the community is often served up as a means of preserving traditional ways or cultural practices that bond. A prominent pattern is to perceive a need for the youthful generation of the community to follow the traditional norms and practices, and to curb their individual desires and preferences and allow parents or community to decide their destiny, to control major life decisions such as whom they marry. It is a recipe for a volatile encounter between tradition and autonomy and individuality. The current practice of arranged marriage among some cultural and religious communities is less extreme, although more common, than the practice of polygamy. The practice of arranged marriage can perhaps serve as a more realistic example to test the limits of liberalism, for those who view polygamy as too far outside the pale to merit serious consideration. This brings to the foreground some compelling questions in contemporary ethics and politics. We can ask whether the traditional way of life of the community functions as an empowering context for its members or whether it circumscribes and restricts, channelling their plans in directions amenable to the community but insensitive to the harms of quelling their individuality.

Amartya Sen sounds the warning about faulty reasoning that can “tie people up in knots of their own making”. He is talking about coercion that can underwrite group pressure to comply with tradition. Sen says that “the importance of cultural freedom, central to the dignity of all people, must be distinguished from the celebration and championing of every form of cultural inheritance, irrespective of whether the people involved would choose those particular practices given the opportunity of critical scrutiny, and given an adequate knowledge of other options and of the choices that actually exist in the society in which they live. The demands of cultural freedom, include, among other priorities, the task of resisting the automatic endorsement of past traditions, when people see reason for changing their ways of living”<sup>13</sup>.

The argument comes face to face with the tension between people’s commitment to a group or community and their desire or need to acquire and pursue an identity of their own, within or without that community. Ties of belonging fuel some of the most powerful human emotions, but they can easily turn into a sense of alienation or even of suffocation. If people feel like aliens

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<sup>12</sup> *Ibid.*, 58-60.

<sup>13</sup> Amartya Sen, “Two Confusions, and Counting”, *The Globe and Mail*, August 23, 2006.



within a birth community or family, they may seek their kin and kindred spirits outside these confines. The drive for authenticity can and often does propel people beyond their initial community. They relocate from their community of origin to a found community of choice, in Marilyn Friedman's terminology<sup>14</sup>.

### Mill's Response

Mill's reflections on the example of polygamy, I argue, do not reveal a weakness of his theory. Rather, this example illustrates the importance of distinguishing his carefully constructed theoretical structure from the examples he offers of its application. The examples may well be outdated, and it is manifestly uncharitable to judge the theory by reading back from outdated examples. A more current and less extreme example than polygamy, and one that is very much in the center of discussion about multiculturalism and the limits of toleration, is the practice of arranged marriage within several ethnic and religious communities in Western democracies. Secondly, Mill's example, I argue, even allowing for its datedness, reveals weakness in his application of his theory, a failure of his sympathetic and empathic imagination in adopting the stance of viewing an entire group stereotypically rather than as a group of distinct individuals.

The contentious example is from *On Liberty*, and the same essay presents the corrective response of Mill's theory to the example. In effect, he answers himself and corrects his own error. He paints a clear portrait of the rejoinder to excessive ties or bonds of community. He responds to his own example when he attacks excessive parental control over children as requiring the protection of the rights of children, if necessary, by state intervention to guard their autonomy and individuality from parental and (by extension) community tyranny.

In *The Subjection of Women*, Mill wisely distinguishes between liberty of individuality and autonomy, on the one hand, and power over others or the power of the tyrant to dominate others. The latter is a source only of degradation and corruption of the despot, in Mill's eyes. This distinction between liberty and power runs as a clear line throughout his philosophical system, allowing him to promote the liberal freedoms while condemning oppressive power over others. In *On Liberty* he invokes this same distinction between liberty and despotic power to attack marital tyranny, as a kind of example where "liberty is often granted where it should be withheld" (CW 18:301). The State must respect the liberty of each person in self-regarding matters, and equally must "maintain a vigilant control over his exercise of any power which it allows him to possess over others" (CW 18:301). The family ought to be a prime sphere for watchful vigilance, but sadly this is not the case, and instead of friendship and equal rights of spouses, the reality is despotism of husbands over wives. The State fails even more to fulfill its duties to protect the rights of children. Children suffer under patriarchal control of fathers just as wives do. Foremost in Mill's mind is children's right to an education, which, according to his philosophy of education, must include the right to be educated in the capacities required for the exercise of autonomy and

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<sup>14</sup> See Marilyn Friedman, "Feminism and Modern Friendship: Dislocating the Community", in Avineri and de-Shalit, 101-119.

individuality. “Is it not almost a self-evident axiom, that the State should require and compel the education, up to a certain standard, of every human being who is born its citizen” (CW 18:301)? Parents owe it to children to secure their education. It is a “moral crime” to fail to provide an education along with other basic essentials of well-being. Mill has no hesitation in saying that the State should step in to force compliance if parents fail in their duties, since the State also has a clear duty to ensure education for all its members. Mill was far ahead of his time in advocating and campaigning for the right to universal education. He is more out of step with the contemporary climate in arguing that parents should fully control the form of the education. Mill believed that State education would work against diversity in education, and so he argued that State education should be but one experiment among many. Mill could have heeded the results of his own home schooling by his father, since he observed its flawed results through keen self-scrutiny, and wrote about it in his Autobiography (CW 1: 137-191). He was trained to be the lineage holder of Benthamite utilitarianism and suffered severe depression in the aftermath of his education, fully controlled by his father who exhibited limited understanding of the importance of “internal culture” or cultivation of the feelings (CW 1: 147).

Mill’s proposals for diversity of forms of education are underwritten by his device of ensuring educational standards of excellence through uniform public examinations at all levels. This would make “a certain minimum of general knowledge virtually compulsory” (CW 18:303). Mill is anxious about circumstances of undue influence of the state over opinions. To counter this, under his program the exams would only test factual knowledge. He says that “the examinations on religion, politics, or other disputed topics, should not turn on the truth or falsehood of opinions, but on the matter of fact that such and such an opinion is held, on such grounds, by such authors, or schools, or churches” (CW 18: 303). The concerns Mill expresses here are unbalanced, for he is more worried about excessive state power and not sufficiently about parental neglect. According to his professed principles, his concern should extend equally to any who attempt to gain power over others. Society may manifest the tyranny of the majority and exert coercion to conform, but the family can also function as a school for training in the patriarchal vices. In *The Subjection of Women*, for example, Mill devotes considerable attention to the capacity of the family to function as a school for training boys to be despots. His aim, of course, is to establish that it should not and does not have to be so. The family has the equal potential to be a training ground for emancipation, if children are educated to appreciate that “the true virtue of human beings is fitness to live together as equals” (CW 21: 294).

In Mill’s system, children not only have a right to an education, but they have a right to an education of a certain kind. If they are to be well placed to function autonomously as adults, and to lead authentic lives of their own, children must be nurtured in childhood education to have the capacities necessary for exercising autonomy as adults. The upshot is that children have a right-in-trust to be autonomous when they reach adulthood, or, in other words, they have a right

to an open future, as Joel Feinberg puts it<sup>15</sup>. Their rights are violated if their childhood education and socialization is constricted so that certain options are effectively closed off as live options in adulthood. In matters of religion, politics, and ethics, it is clear that Mill's philosophy does not grant parents the right to arrange things so as to determine their children's future plans, even though they have legitimate hopes that their children will freely choose to carry on their traditions in adulthood. The entire weight of Mill's argument in the chapters on freedom of expression and individuality in *On Liberty* can be brought to bear to establish this as the logical outcome of his argument that people have rights to individuality and autonomy in adulthood. From the vantage point of these arguments, people's rights are violated if their childhood education cuts them off from living contact with alternative visions of life, and thwarts their individuality as adults. This is equally the case whether the children are part of the larger dominant culture or part of a smaller ethnic or religious group within the society. Mill's theory does not allow for any differentiation in rights to autonomy on such grounds.

Kymlicka presents the danger arising from the fears of traditionalists that their group will be weakened by mass exits of members.

They fear that if their members are informed about other ways of life, and are given the cognitive and emotional capacities to understand and evaluate them, many will choose to reject their inherited way of life, and thereby undermine the group. To prevent this, fundamentalist or isolationist groups often wish to raise and educate their children in such a way as to minimize the opportunities for children to develop or exercise the capacity for rational revisability... Their goal is to ensure that their members are indeed 'embedded' in the group, unable to conceive of leaving it or to succeed outside of it<sup>16</sup>.

This is what frequently happens in closed religious or ethnic communities such as the breakaway Mormon group. Mill's core commitments face a blunt showdown with parents and communities who wish to close off their children's rights to open futures. In Mill's system, rights correlate with duties and are effectively guaranteed by society. When children reach adulthood and are capable of self-determination, they will be well placed to reflect critically and with a degree of critical awareness of and detachment from the norms and customs of their society, in order to choose and endorse forms of life plans that are an

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<sup>15</sup> Joel Feinberg succinctly expresses the core of this. "When sophisticated autonomy rights are attributed to children who are clearly not yet capable of exercising them, their names refer to rights that are to be saved for the child until he is an adult, but which can be violated in advance, so to speak, before the child is even in a position to exercise them. Violations guarantee now that when the child is an autonomous adult, certain key options will already be closed to him. While he is still a child, he has the right to have these future options kept open until he is a fully formed self-determining agent capable of deciding among them". Joel Feinberg, "The Child's Right to an Open Future" in *Ethical Principles for Social Policy*, ed. J. Howie, Carbondale: Southern Illinois University Press, 1983, 98.

<sup>16</sup> Will Kymlicka, *Contemporary Political Philosophy*, 228.

authentic expression of their own individuality, identity and character—not of those around them.

Vulnerable minority groups may, as Kymlicka argues<sup>17</sup>, have grounds for special protection against persecution and discrimination, but this must proceed, in Mill's framework, on the clear understanding that the hierarchy is that rights of individuals are foundational. Kymlicka's distinction between internal restrictions and external protections is very helpful at this juncture in asking how we can separate out the legitimate from the illegitimate. Kymlicka notes many liberals' mistrust of demands of special protection for the traditional practices of minority cultures, noting that this can provide a venue for trampling on individual rights of some members. Kymlicka argues that this line of argument conflates two distinct kinds of collective rights. He claims that liberals should support external protections of minority ethnic and cultural groups. These are claims of the group as a whole against the larger culture, in which the group "may seek to protect its distinct existence and identity by limiting the impact of the decisions of the larger society"<sup>18</sup>. This is designed to protect the group as a whole from external destabilizing forces, including discrimination. This is what Mill primarily has in mind when he seeks to prevent persecution of Mormons by external groups. Kymlicka separates this out from internal restrictions, which he notes do undoubtedly clash with fundamental liberal principles. The internal kind "is intended to protect the group from the destabilizing impact of internal dissent (e.g. the decision of individual members not to follow traditional practices or customs)" (35). This kind of right seeks to employ the notion of solidarity or group integrity to restrict the liberty of internal dissenters and rebels. It is what critics argue is involved in traditional cultural and religious groups whose practices are patriarchal and involve the oppression of women and their restrictions in sexist gender roles. Kymlicka concludes that external protections are legitimate to support group identity, but liberals "should reject internal restrictions which limit the right of group members to question and revise traditional authorities and practices" (37).

This distinction is indeed helpful, but it is not strong enough to do the work Kymlicka asks of it. Kymlicka's analysis suggests that it is possible to separate out clearly the external protection of the community from persecution from the protection of the internal rights of community members to dissent. If this were so, then Mill's aim of shielding Mormon marriage from discrimination or persecution would gain more legitimacy. However, the worry is that critics may be right in thinking that external protections of collective rights may simply serve to prop up the power of the dominant group within the traditional community to oppress dissidents. In such a case, it can be argued that "persecution" of the community can be interpreted as others invoking reasonable sanctions to protect the vulnerable who prefer marriage to one husband over either polygamy or exit. Viewing the community as homogeneous also distorts the view. The community is composed of individuals, but at the same time it is composed of groups differentiated along power lines. There is no clear line between these internal and

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<sup>17</sup> Will Kymlicka, *Multicultural Citizenship*, 34-48.

<sup>18</sup> *Ibid*, 36.

external rights and protections. In the absence of a clear line, the protection of internal rights of members must take precedence for a liberal theorist like Mill.

Mill's stance does not commit him to overlooking the dialogical elements of identity construction, or ignoring the importance of advice, counsel, desires, preferences, and influences of significant others, and the social conventions that may reflect the accumulated wisdom, rather than the biases, of experience. However, it does require the trained capacity to prevent the influences from turning into determinants of choices. Mill's mantra is "persuasion, not coercion". Autonomous people are influenced but not determined by significant others, whose views they take seriously. Communitarian Charles Taylor argues that "we define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us. Even after we outgrow some of these others—our parents for instance---and they disappear from our lives, the conversation with them continues within us as long as we live"<sup>19</sup>. This statement contains a portion of the truth, in Millian many-sidedness terms, but it does not have the biting upshot that Taylor intends. Liberalism can agree with this. What distinguishes autonomous, self-developed people from conformists is what they do with this process of interaction and dialogue. Do they accept the stories about them and their fate that these interlocutors tell, or do they set up their own narratives about their lives after reflection and scrutiny of the stories and roles these significant others present? Deferentially accepting others' stories and family dramas is an invitation to oppression and inauthenticity. Susan Moller Okin sharply critiques the communitarian penchant for telling other people about the range and limits of their life tales, when she interrogates Alasdair MacIntyre's presentation of storylines in her feminist critique, "Whose Traditions? Which Understandings?". Okin has little sympathy for what she regards as the communitarian yearning for patriarchal traditional privilege. MacIntyre argues that children's education must proceed by immersion in the narratives and myths of their cultural traditions, so that they can discover the plot of their own life narrative. MacIntyre describes these as stories "about wicked stepmothers, lost children, good but misguided kings, wolves that suckle twin boys, youngest sons who receive no inheritance but must make their own way in the world"<sup>20</sup>. He argues that in the absence of such stories that educate children in "the cast of characters...in the drama into which they have been born and what the ways of the world are", children will be reduced to being "unscripted, anxious stutterers"(MacIntyre, 201). Okin replies that MacIntyre's stories are thoroughly sexist and "permeated by the patriarchal power structure within which they evolved"<sup>21</sup>. More authentic women's stories would have a rather different focus. This is very true. But the more fundamental Millian point surely is that other people's stories are other people's stories, and likely involve their own projections and fantasies. Autonomous adults put other people's stories on the bookshelf and, while respecting the hopes and reasonable expectations of significant others, immerse themselves in their own tales, or perhaps even reach

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<sup>19</sup> Charles Taylor, "The Politics of Recognition", 32-33.

<sup>20</sup> Alasdair MacIntyre, *After Virtue*, Notre Dame: The University of Notre Dame Press, 1981, 201.

<sup>21</sup> Susan Moller Okin, *Justice, Gender, and the Family*, Basic Books, 1989, 58.

an awakened awareness that their own life authentically lived moment to moment is better than any storyline.

If it is asked who would choose polygamy when all of the proper conditions and safeguards are in place, including vivid awareness of the range of family and partnership options available to autonomous, equal and self-respecting women, the answer may be--- precious few. This is not an option likely to thrive when children are educated for freedom and polygamy relies for its survival on control and oppression, and even abuse and violence against young women and girls of the community. Mill's framework has little space for artificially propping up traditional cultural practices that do not survive the critical scrutiny of its own members—that is, the vulnerable members as well as the dominant members of the group. On the other hand, many practices that hold together traditional communities seem automatically suspect to members of the larger dominant liberal culture. So Mill's concerns about persecuting minority groups can be regarded as supplying a caution against general refusal to accept that women may ever legitimately and authentically engage in traditional practices such as arranged marriage. Mill's built in conditions for proper education in autonomy could also go awry if the outcomes are all the same in the opposite direction. Expected or predictable patterns of outcomes or results of choices of any sort, given the multifarious array of human creativity in life paths should be suspect<sup>22</sup>.

Mill's awareness of human epistemic fallibility serves as a caution against thinking we can predict the predilections of even those whom we feel we know well. Their destiny may surprise and amaze in completely unanticipated ways. Mill's paean to eccentricity signals his astute comprehension of the mysterious ways that lives unfold. He probably did not anticipate that he would fall in love with a married woman, and so he was catapulted into the frame of mind of one who is forced to improvise and deviate from what was expected of him in his marital life. Choices of life paths that seem to be restrictive or bizarre to others, such as the choice to enter a monastic life, Christian or Buddhist, can indeed be

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<sup>22</sup> The debate about the politics of recognition is another stage on which these practices play out. Anthony Appiah considers Mill to be a friend and theoretical companion, and shares Mill's worries about the demands of communities to conform to shared values. Appiah's canvas is the debate about individual identity and collective identity that occupies a central place in the liberalism-communitarianism dialogues. Appiah's worries zero in on the host of collective identities—Quebecois, Mormon, Hindu, Jewish, black, gay—that struggle for recognition and against discrimination in liberal national cultures. This includes the demand for recognition of these collective identities. “It is because someone is authentically Jewish or gay that we deny them something in requiring them to hide this fact, to pass for something that they are not”(149). In this context, requiring individual Mormons or Hindus to forego the marriage practices that bind the group together in shared practices and a sense of their common good and shared destiny amounts to asking them to pass for what they are not. These groups are already struggling against demeaning images of themselves in the dominant culture, and this amounts to the persecution that Mill points out. But Appiah also points to the double-edged sword, the razor's edge, which group demands for solidarity in the face of discrimination can become. “There will be proper ways of being black and gay, there will be expectations to be met, demands will be made. It is at this point that someone who takes autonomy seriously will ask whether we have not replaced one kind of tyranny with another” (162-63). See K. Anthony Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction”, in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann, Princeton: Princeton University Press, 1994.

authenticated as legitimately autonomous if the conditions of education for freedom and rational, critical reflection and endorsement or ratification are met. It is not beyond the pale to anticipate that some women may endorse a marriage arranged by their parents, for reasons of religious faith or loyalty, among others. To expect none at all will do so is to fall prey to the same error of failure of imagination. Mill's core point is that we should be wary of thinking we are prescient and that we can anticipate the legitimate authentic dreams of others. Even when we think we know people well as intimates, we can be startled by where they end up, and how their lives unfold in sometimes extraordinarily unexpected ways. This can be tragic, as in the case of a beloved sibling who becomes a homeless street person or drug dealer. Or it can be inspiring as in the case of a trailblazer like Elizabeth Kubler-Ross. Kubler-Ross, born a triplet in Switzerland, became a pioneer researcher on death and dying (and later near-death and afterlife experiences). She dreamed from early childhood of becoming a physician. Her father dictated that she would work for him as his secretary until she became a nice housewife<sup>23</sup>. She rebelled and rejected her father's demands, persisting at great personal cost until she achieved a life of her own design. She describes her eccentric life.

I could never, not in my wildest dreams—and they were pretty wild—have predicted one day winding up the world-famous author of *On Death and Dying*, a book whose exploration of life's final passage threw me into the center of a medical and theological controversy. Nor could I have imagined that afterward I would spend the rest of my life explaining that death does not exist (15).

Whatever one thinks about the near-death and afterlife research to which she devoted the latter part of her life, (and despite Mill's own scorn for transcendental metaphysics), she is indisputably a true original. And it is also very evident that the fruits of her courageous pioneer work on the dying process have had immeasurable benefits and cracked open the death-denying cultural attitudes that caused such suffering by routinely preventing terminally ill people from even talking about their impending death. She provides a blue-chip example of Mill's claim that encouraging individuality allows for the opportunity of cultural innovation and progress. Kubler-Ross's research and activism helped to create the hospice movement and the revolution in treatment of dying people, so that now it is virtually unheard of to deny dying patients the dignity of communicating with others about their approaching death. Kubler-Ross is the exemplar of whom Mill speaks, opening new cultural pathways and breaking down outdated moulds.

Mill's guidelines for evaluating the traditional ways of a society follow the same pattern of argument. He draws the general distinction between relying upon the wisdom of accumulated human experience, which he lauds, and habitually and uncritically conforming to custom that is stultifying and impedes cultural improvement, which he condemns. In Utilitarianism, for example, he heaps scorn upon critics of utilitarianism who put the objection that the theory

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<sup>23</sup> Elisabeth Kubler-Ross, *The Wheel of Life: A Memoir of Living and Dying*, (New York: Scribner, 1997), 22.

requires agents to calculate afresh the tendencies of actions each time they make a moral decision. This objection is rebuffed and Mill states as obvious that agents rely upon the accumulated wisdom of experience that “murder and theft are injurious to human happiness” (CW 10: 224). But moral rules, like any other precepts of practical art, or particular conceptions of the good, “admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on” (CW 10: 224). His argument in *On Liberty* follows the pattern also. In this essay he says that it is absurd to proceed in life as though previous human experience had taught us nothing about whether one form of action or living is preferable to another. And so children should be educated to know about the accumulated wisdom of their culture, and to have a proper degree of deference to this. And yet, “it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way” (CW 18:262). Moreover, even those cultural practices which merit continuation need to be reflected upon and ratified and endorsed, if they are to be held as living convictions rather than as dead dogmas. As well, nonconformist individuals, such as Kubler-Ross, are needed to experiment with new practices in order to see which ones are worthy of acceptance as customs. In this way, the momentum of social progress is maintained and new and better customs worthy of general acceptance are discovered, thanks to highly original innovators. The debt owed to innovators is large, for progress depends upon their unwillingness to accept the customary. Mill says that

the despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement...The progressive principle...is antagonistic to the sway of Custom, involving at least emancipation from that yoke; and the contest between the two constitutes the chief interest of the history of mankind (CW 18: 272).

Book VI of *A System of Logic* is an extensive study of the moral arts and sciences, and a central question of this study asks what are the driving forces of social progress and improvement. Mill holds to methodological individualism in his philosophy of social science. He looks to uncover the one element that is the primary driver for social progress and improvement. He argues there that the predominant cause of social progress and improvement is “the state of the speculative faculties of mankind” and that “speculation, intellectual activity, the pursuit of truth” are the engines that propel improvement in social affairs” (CW 8: 926). If traditions are wise, then they are part of this movement.

Moreover, Mill rejects the claim of cultural traditionalists and conservatives that once an excellent set of traditions and cultural practices are discovered, human well-being is best promoted by conserving them without further scrutiny and experimentation. He compares the state of progress of Europe and China and finds the condition of the latter lamentable. His Eurocentrism is on display, yet his discussion lucidly illustrates his framework. The historical example of



China, he says, is a cautionary tale of the effects of cultural stagnation. China had the good fortune historically to have rulers who were sages and philosophers, and who designed excellent practices and customs. But there it stopped, and the culture has been stationary ever since. Chinese society since has been successfully impeding further human progress and has managed to eliminate individuality and produce uniformity of thought and conduct. European society has avoided the stationary character and has progressed because of its extremely diversity and pluralism of character and culture. The lesson is clear, in Mill's mind. Cultural practices and traditions that encourage respect for freedom and dignity, that propel human well being and progress, and that are freely accepted by members of the society are worthy of protection. Conformity to custom and tradition just as custom impedes human progress and well being and deserves opposition, not support, from liberals.

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