On Liberty,
by John Stuart Mill

Chapter 1
INTRODUCTORY

...All that makes existence valuable to any one, depends on the enforcement of restraints upon the actions of other people. Some rules of conduct, therefore, must be imposed, by law in the first place, and by opinion on many things which are not fit subjects for the operation of law. What these rules should be, is the principal question in human affairs;...

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively in interfering with the liberty of action of any of their number, is self-protection. 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. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil, in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of any one, 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. It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage. The early difficulties in the way of spontaneous progress are so great, that there is seldom any choice of means for overcoming them; and a ruler full of the spirit of improvement is warranted in the use of any expedients that will attain an end, perhaps otherwise unattainable. Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any
state of things anterior to the time when mankind have become capable of being improved by free and equal discussion....

It is proper to state that I forego any advantage which could be derived to 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. Those interests, I contend, authorize the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a prima facie case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation. There are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as, to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow-creature’s life, or interposing to protect the defenceless against ill-usage, things which whenever it is obviously a man’s duty to do, he may rightfully be made responsible to society for not doing. A person may cause evil to others not only by his actions but by his inaction, and in neither case he is justly accountable to them for the injury. The latter case, it is true, requires a much more cautious exercise of compulsion than the former. To make any one answerable for doing evil to others, is the rule; to make him answerable for not preventing evil, is, comparatively speaking, the exception. Yet there are many cases clear enough and grave enough to justify that exception. In all things which regard the external relations of the individual, he is de jure amenable to those whose interests are concerned, and if need be, to society as their protector. There are often good reasons for not holding him to the responsibility; but these reasons must arise from the special expediencies of the case: either because it is a kind of case in which he is on the whole likely to act better, when left to his own discretion, than when controlled in any way in which society have it in their power to control him; or because the attempt to exercise control would produce other evils, greater than those which it would prevent. When such reasons as these preclude the enforcement of responsibility, the conscience of the agent himself should step into the vacant judgment-seat, and protect those interests of others which have no external protection; judging himself all the more rigidly, because the case does not admit of his being made accountable to the judgment of his fellow creatures.

But there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person’s life and conduct which affects only himself, or, if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance: for whatever affects himself, may affect others through
himself; and the objection which may be grounded on this contingency, will receive
consideration in the sequel. This, then, is the appropriate region of human liberty. It
comprises, first, the inward domain of consciousness; demanding liberty of conscience,
in the most comprehensive sense; liberty of thought and feeling; absolute freedom of
opinion and sentiment on all subjects, practical or speculative, scientific, moral, or
theological. The liberty of expressing and publishing opinions may seem to fall under a
different principle, since it belongs to that part of the conduct of an individual which
concerns other people; but, being almost of as much importance as the liberty of
thought itself, and resting in great part on the same reasons, is practically inseparable
from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the
plan of our life to suit our own character; of doing as we like, subject to such
consequences as may follow; without impediment from our fellow-creatures, so long as
what we do does not harm them even though they should think our conduct foolish,
perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty,
within the same limits, of combination among individuals; freedom to unite, for any
purpose not involving harm to others: the persons combining being supposed to be of
full age, and not forced or deceived.

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. The only freedom which deserves the name, is that of
pursuing our own good in our own way, so long as we do not attempt to deprive others
of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own
health, whether bodily, or mental or spiritual. 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.

Chapter II
OF THE LIBERTY OF THOUGHT AND DISCUSSION

THE time, it is to be hoped, is gone by when any defence would be necessary of the
"liberty of the press" as one of the securities against corrupt or tyrannical government.
No argument, we may suppose, can now be needed, against permitting a legislature or
an executive, not identified in interest with the people, to prescribe opinions to them,
and determine what doctrines or what arguments they shall be allowed to hear. This
aspect of the question, besides, has been so often and so triumphantly enforced by
preceding writers, that it needs not be specially insisted on in this place. Though the law
of England, on the subject of the press, is as servile to this day as it was in the time of the
Tudors, there is little danger of its being actually put in force against political discussion,
except during some temporary panic, when fear of insurrection drives ministers and
judges from their propriety; and, speaking generally, it is not, in constitutional
countries, to be apprehended that the government, whether completely responsible to the people or not, will often attempt to control the expression of opinion, except when in doing so it makes itself the organ of the general intolerance of the public. Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in opposition to it. If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But 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.…

We have now recognized the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion, on four distinct grounds; which we will now briefly recapitulate.

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.

Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any object is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience.
Chapter III
ON INDIVIDUALITY, AS ONE OF THE ELEMENTS OF WELLBEING

SUCH being the reasons which make it imperative that human beings should be free to form opinions, and to express their opinions without reserve; and such the baneful consequences to the intellectual, and through that to the moral nature of man, unless this liberty is either conceded, or asserted in spite of prohibition; let us next examine whether the same reasons do not require that men should be free to act upon their opinions — to carry these out in their lives, without hindrance, either physical or moral, from their fellow-men, so long as it is at their own risk and peril. This last proviso is of course indispensable. No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity, when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act. An opinion that corn-dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard. Acts of whatever kind, which, without justifiable cause, do harm to others, may be, and in the more important cases absolutely require to be, controlled by the unfavorable sentiments, and, when needful, by the active interference of mankind. The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people. But if he refrains from molesting others in what concerns them, and merely acts according to his own inclination and judgment in things which concern himself, the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost. That mankind are not infallible; that their truths, for the most part, 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, until mankind are much more capable than at present of recognizing all sides of the truth, are principles applicable to men's modes of action, not less than to their opinions. As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person’s own character, but the traditions of customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.

In maintaining this principle, the greatest difficulty to be encountered does not lie in the appreciation of means towards an acknowledged end, but in the indiffERENCE of persons
in general to the end itself. If it were felt that the free development of individuality is one of the leading essentials of well-being; that it is not only a coordinate element with all that is designated by the terms civilization, instruction, education, culture, but is itself a necessary part and condition of all those things; there would be no danger that liberty should be undervalued, and the adjustment of the boundaries between it and social control would present no extraordinary difficulty. But the evil is, that individual spontaneity is hardly recognized by the common modes of thinking as having any intrinsic worth, or deserving any regard on its own account. The majority, being satisfied with the ways of mankind as they now are (for it is they who make them what they are), cannot comprehend why those ways should not be good enough for everybody; and what is more, spontaneity forms no part of the ideal of the majority of moral and social reformers, but is rather looked on with jealousy, as a troublesome and perhaps rebellious obstruction to the general acceptance of what these reformers, in their own judgment, think would be best for mankind.

Few persons, out of Germany, even comprehend the meaning of the doctrine which Wilhelm von Humboldt, so eminent both as a savant and as a politician, made the text of a treatise — that "the end of man, or that which is prescribed by the eternal or immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole;" that, therefore, the object "towards which every human being must ceaselessly direct his efforts, and on which especially those who design to influence their fellow-men must ever keep their eyes, is the individuality of power and development;" that for this there are two requisites, "freedom, and a variety of situations;" and that from the union of these arise "individual vigor and manifold diversity," which combine themselves in "originality."

He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision. And these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feelings is a large one. It is possible that he might be guided in some good path, and kept out of harm's way, without any of these things. But what will be his comparative worth as a human being? It really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself. Supposing it were possible to get houses built, corn grown, battles fought, causes tried, and even churches erected and prayers said, by machinery — by automatons in human form — it would be a
considerable loss to exchange for these automatons even the men and women who at present inhabit the more civilized parts of the world, and who assuredly are but starved specimens of what nature can and will produce. Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing.

Chapter IV

OF THE LIMITS TO THE AUTHORITY OF SOCIETY OVER THE INDIVIDUAL

WHAT, then, is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?

Each will receive its proper share, if each has that which more particularly concerns it. To individuality should belong the part of life in which it is chiefly the individual that is interested; to society, the part which chiefly interests society.

Though society is not founded on a contract, and though no good purpose is answered by inventing a contract in order to deduce social obligations from it, every one who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct towards the rest. This conduct consists, first, in not injuring the interests of one another; or rather certain interests, which, either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly, in each person's bearing his share (to be fixed on some equitable principle) of the labors and sacrifices incurred for defending the society or its members from injury and molestation. These conditions society is justified in enforcing, at all costs to those who endeavor to withhold fulfilment. Nor is this all that society may do. The acts of an individual may be hurtful to others, or wanting in due consideration for their welfare, without going the length of violating any of their constituted rights. The offender may then be justly punished by opinion, though not by law. As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself, or needs not affect them unless they like (all the persons concerned being of full age, and the ordinary amount of understanding). In all such cases there should be perfect freedom, legal and social, to do the action and stand the consequences....
The distinction here pointed out between the part of a person's life which concerns only himself, and that which concerns others, many persons will refuse to admit. How (it may be asked) can any part of the conduct of a member of society be a matter of indifference to the other members? No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connections, and often far beyond them. If he injures his property, he does harm to those who directly or indirectly derived support from it, and usually diminishes, by a greater or less amount, the general resources of the community. If he deteriorates his bodily or mental faculties, he not only brings evil upon all who depended on him for any portion of their happiness, but disqualifies himself for rendering the services which he owes to his fellow-creatures generally; perhaps becomes a burden on their affection or benevolence; and if such conduct were very frequent, hardly any offence that is committed would detract more from the general sum of good. Finally, if by his vices or follies a person does no direct harm to others, he is nevertheless (it may be said) injurious by his example; and ought to be compelled to control himself, for the sake of those whom the sight or knowledge of his conduct might corrupt or mislead.

And even (it will be added) if the consequences of misconduct could be confined to the vicious or thoughtless individual, ought society to abandon to their own guidance those who are manifestly unfit for it? If protection against themselves is confessedly due to children and persons under age, is not society equally bound to afford it to persons of mature years who are equally incapable of self-government? If gambling, or drunkenness, or incontinence, or idleness, or uncleanness, are as injurious to happiness, and as great a hindrance to improvement, as many or most of the acts prohibited by law, why (it may be asked) should not law, so far as is consistent with practicability and social convenience, endeavor to repress these also? And as a supplement to the unavoidable imperfections of law, ought not opinion at least to organize a powerful police against these vices, and visit rigidly with social penalties those who are known to practise them? There is no question here (it may be said) about restricting individuality, or impeding the trial of new and original experiments in living. The only things it is sought to prevent are things which have been tried and condemned from the beginning of the world until now; things which experience has shown not to be useful or suitable to any person's individuality. There must be some length of time and amount of experience, after which a moral or prudential truth may be regarded as established, and it is merely desired to prevent generation after generation from falling over the same precipice which has been fatal to their predecessors.

I fully admit that the mischief which a person does to himself, may seriously affect, both through their sympathies and their interests, those nearly connected with him, and in a minor degree, society at large. When, by conduct of this sort, a person is led to violate a
distinct and assignable obligation to any other person or persons, the case is taken out of
the self-regarding class, and becomes amenable to moral disapprobation in the proper
sense of the term. If, for example, a man, through intemperance or extravagance,
becomes unable to pay his debts, or, having undertaken the moral responsibility of a
family, becomes from the same cause incapable of supporting or educating them, he is
deservedly reprobated, and might be justly punished; but it is for the breach of duty to
his family or creditors, not for the extravagance. If the resources which ought to have
been devoted to them, had been diverted from them for the most prudent investment,
the moral culpability would have been the same. ... In like manner, when a person
disables himself, by conduct purely self-regarding, from the performance of some
definite duty incumbent on him to the public, he is guilty of a social offence. No person
ought to be punished simply for being drunk; but a soldier or a policeman should be
punished for being drunk on duty. Whenever, in short, there is a definite damage, or a
definite risk of damage, either to an individual or to the public, the case is taken out of
the province of liberty, and placed in that of morality or law....

But the strongest of all the arguments against the interference of the public with purely
personal conduct, is that when it does interfere, the odds are that it interferes wrongly,
and in the wrong place. On questions of social morality, of duty to others, the opinion of
the public, that is, of an overruling majority, though often wrong, is likely to be still
oftener right; because on such questions they are only required to judge of their own
interests; of the manner in which some mode of conduct, if allowed to be practised,
would affect themselves. But the opinion of a similar majority, imposed as a law on the
minority, on questions of self-regarding conduct, is quite as likely to be wrong as right;
for in these cases public opinion means, at the best, some people's opinion of what is
good or bad for other people; while very often it does not even mean that; the public,
with the most perfect indifference, passing over the pleasure or convenience of those
whose conduct they censure, and considering only their own preference. There are many
who consider as an injury to themselves any conduct which they have a distaste for, and
resent it as an outrage to their feelings; as a religious bigot, when charged with
disregarding the religious feelings of others, has been known to retort that they
disregard his feelings, by persisting in their abominable worship or creed. But there is
no parity between the feeling of a person for his own opinion, and the feeling of another
who is offended at his holding it; no more than between the desire of a thief to take a
purse, and the desire of the right owner to keep it. And a person’s taste is as much his
own peculiar concern as his opinion or his purse. It is easy for any one to imagine an
ideal public, which leaves the freedom and choice of individuals in all uncertain matters
undisturbed, and only requires them to abstain from modes of conduct which universal
experience has condemned. But where has there been seen a public which set any such
limit to its censorship? or when does the public trouble itself about universal experience.
In its interferences with personal conduct it is seldom thinking of anything but the
enormity of acting or feeling differently from itself; and this standard of judgment, thinly disguised, is held up to mankind as the dictate of religion and philosophy, by nine tenths of all moralists and speculative writers. These teach that things are right because they are right; because we feel them to be so. They tell us to search in our own minds and hearts for laws of conduct binding on ourselves and on all others. What can the poor public do but apply these instructions, and make their own personal feelings of good and evil, if they are tolerably unanimous in them, obligatory on all the world?

The evil here pointed out is not one which exists only in theory; and it may perhaps be expected that I should specify the instances in which the public of this age and country improperly invests its own preferences with the character of moral laws. I am not writing an essay on the aberrations of existing moral feeling. That is too weighty a subject to be discussed parenthetically, and by way of illustration. Yet examples are necessary, to show that the principle I maintain is of serious and practical moment, and that I am not endeavoring to erect a barrier against imaginary evils. And it is not difficult to show, by abundant instances, that to extend the bounds of what may be called moral police, until it encroaches on the most unquestionably legitimate liberty of the individual, is one of the most universal of all human propensities.

As a first instance, consider the antipathies which men cherish on no better grounds than that persons whose religious opinions are different from theirs, do not practise their religious observances, especially their religious abstinences. To cite a rather trivial example, nothing in the creed or practice of Christians does more to envenom the hatred of Mahomedans against them, than the fact of their eating pork. There are few acts which Christians and Europeans regard with more unaffected disgust, than Mussulmans regard this particular mode of satisfying hunger. It is, in the first place, an offence against their religion; but this circumstance by no means explains either the degree or the kind of their repugnance; for wine also is forbidden by their religion, and to partake of it is by all Mussulmans accounted wrong, but not disgusting. Their aversion to the flesh of the "unclean beast" is, on the contrary, of that peculiar character, resembling an instinctive antipathy, which the idea of uncleanness, when once it thoroughly sinks into the feelings, seems always to excite even in those whose personal habits are anything but scrupulously cleanly and of which the sentiment of religious impurity, so intense in the Hindoos, is a remarkable example. Suppose now that in a people, of whom the majority were Mussulmans, that majority should insist upon not permitting pork to be eaten within the limits of the country. This would be nothing new in Mahomedan countries. Would it be a legitimate exercise of the moral authority of public opinion? and if not, why not? The practice is really revolting to such a public. They also sincerely think that it is forbidden and abhorred by the Deity. Neither could the prohibition be censured as religious persecution. It might be religious in its origin, but it would not be persecution for religion, since nobody's religion makes it a duty to eat pork. The only
tenable ground of condemnation would be, that with the personal tastes and self-regarding concerns of individuals the public has no business to interfere....

...The next example, however, shall be taken from an interference with liberty which we have by no means passed all danger of. Wherever the Puritans have been sufficiently powerful, as in New England, and in Great Britain at the time of the Commonwealth, they have endeavored, with considerable success, to put down all public, and nearly all private, amusements: especially music, dancing, public games, or other assemblages for purposes of diversion, and the theatre....

But, without dwelling upon supposititious cases, there are, in our own day, gross usurpations upon the liberty of private life actually practised, and still greater ones threatened with some expectation of success, and opinions proposed which assert an unlimited right in the public not only to prohibit by law everything which it thinks wrong, but in order to get at what it thinks wrong, to prohibit any number of things which it admits to be innocent.

Under the name of preventing intemperance the people of one English colony, and of nearly half the United States, have been interdicted by law from making any use whatever of fermented drinks, except for medical purposes: for prohibition of their sale is in fact, as it is intended to be, prohibition of their use. And though the impracticability of executing the law has caused its repeal in several of the States which had adopted it, including the one from which it derives its name, an attempt has notwithstanding been commenced, and is prosecuted with considerable zeal by many of the professed philanthropists, to agitate for a similar law in this country....

Chapter V
APPLICATIONS
THE principles asserted in these pages must be more generally admitted as the basis for discussion of details, before a consistent application of them to all the various departments of government and morals can be attempted with any prospect of advantage. The few observations I propose to make on questions of detail, are designed to illustrate the principles, rather than to follow them out to their consequences. I offer, not so much applications, as specimens of application; which may serve to bring into greater clearness the meaning and limits of the two maxims which together form the entire doctrine of this Essay and to assist the judgment in holding the balance between them, in the cases where it appears doubtful which of them is applicable to the case. The maxims are, first, that the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. Advice, instruction, persuasion, and avoidance by other people, if thought necessary by them for their own good, are the only measures by which society can justifiably express its dislike or
disapprobation of his conduct. Secondly, that for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishments, if society is of opinion that the one or the other is requisite for its protection.

In the first place, it must by no means be supposed, because damage, or probability of damage, to the interests of others, can alone justify the interference of society, that therefore it always does justify such interference. In many cases, an individual, in pursuing a legitimate object, necessarily and therefore legitimately causes pain or loss to others, or intercepts a good which they had a reasonable hope of obtaining. Such oppositions of interest between individuals often arise from bad social institutions, but are unavoidable while those institutions last; and some would be unavoidable under any institutions. Whoever succeeds in an overcrowded profession, or in a competitive examination; whoever is preferred to another in any contest for an object which both desire, reaps benefit from the loss of others, from their wasted exertion and their disappointment. But it is, by common admission, better for the general interest of mankind, that persons should pursue their objects undeterred by this sort of consequences. In other words, society admits no right, either legal or moral, in the disappointed competitors, to immunity from this kind of suffering; and feels called on to interfere, only when means of success have been employed which it is contrary to the general interest to permit — namely, fraud or treachery, and force....

One of these examples, that of the sale of poisons, opens a new question; the proper limits of what may be called the functions of police; how far liberty may legitimately be invaded for the prevention of crime, or of accident. It is one of the undisputed functions of government to take precautions against crime before it has been committed, as well as to detect and punish it afterwards. The preventive function of government, however, is far more liable to be abused, to the prejudice of liberty, than the punitory function; for there is hardly any part of the legitimate freedom of action of a human being which would not admit of being represented, and fairly too, as increasing the facilities for some form or other of delinquency. Nevertheless, if a public authority, or even a private person, sees any one evidently preparing to commit a crime, they are not bound to look on inactive until the crime is committed, but may interfere to prevent it. If poisons were never bought or used for any purpose except the commission of murder, it would be right to prohibit their manufacture and sale. They may, however, be wanted not only for innocent but for useful purposes, and restrictions cannot be imposed in the one case without operating in the other. Again, it is a proper office of public authority to guard against accidents. If either a public officer or any one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back without any real infringement of his liberty; for liberty consists in doing what one desires, and he does
not desire to fall into the river. Nevertheless, when there is not a certainty, but only a
danger of mischief, no one but the person himself can judge of the sufficiency of the
motive which may prompt him to incur the risk: in this case, therefore, (unless he is a
child, or delirious, or in some state of excitement or absorption incompatible with the
full use of the reflecting faculty,) he ought, I conceive, to be only warned of the danger;
not forcibly prevented from exposing himself to it. Similar considerations, applied to
such a question as the sale of poisons, may enable us to decide which among the
possible modes of regulation are or are not contrary to principle. Such a precaution, for
example, as that of labelling the drug with some word expressive of its dangerous
character, may be enforced without violation of liberty: the buyer cannot wish not to
know that the thing he possesses has poisonous qualities. But to require in all cases the
certificate of a medical practitioner, would make it sometimes impossible, always
expensive, to obtain the article for legitimate uses. ... Precautions of a similar nature
might be enforced in the sale of articles adapted to be instruments of crime. The seller,
for example, might be required to enter in a register the exact time of the transaction,
the name and address of the buyer, the precise quality and quantity sold; to ask the
purpose for which it was wanted, and record the answer he received. When there was no
medical prescription, the presence of some third person might be required, to bring
home the fact to the purchaser, in case there should afterwards be reason to believe that
the article had been applied to criminal purposes. Such regulations would in general be
no material impediment to obtaining the article, but a very considerable one to making
an improper use of it without detection.

The right inherent in society, to ward off crimes against itself by antecedent precautions,
suggests the obvious limitations to the maxim, that purely self-regarding misconduct
cannot properly be meddled with in the way of prevention or punishment.

Drunkennesses, for example, in ordinary cases, is not a fit subject for legislative
interference; but I should deem it perfectly legitimate that a person, who had once been
convicted of any act of violence to others under the influence of drink, should be placed
under a special legal restriction, personal to himself; that if he were afterwards found
drunk, he should be liable to a penalty, and that if when in that state he committed
another offence, the punishment to which he would be liable for that other offence
should be increased in severity. The making himself drunk, in a person whom
drunkenness excites to do harm to others, is a crime against others. So, again, idleness,
except in a person receiving support from the public, or except when it constitutes a
breach of contract, cannot without tyranny be made a subject of legal punishment; but if
either from idleness or from any other avoidable cause, a man fails to perform his legal
duties to others, as for instance to support his children, it is no tyranny to force him to
fulfil that obligation, by compulsory labor, if no other means are available....
There is another question to which an answer must be found, consistent with the principles which have been laid down. In cases of personal conduct supposed to be blameable, but which respect for liberty precludes society from preventing or punishing, because the evil directly resulting falls wholly on the agent; what the agent is free to do, ought other persons to be equally free to counsel or instigate? This question is not free from difficulty. The case of a person who solicits another to do an act, is not strictly a case of self-regarding conduct. To give advice or offer inducements to any one, is a social act, and may therefore, like actions in general which affect others, be supposed amenable to social control. But a little reflection corrects the first impression, by showing that if the case is not strictly within the definition of individual liberty, yet the reasons on which the principle of individual liberty is grounded, are applicable to it. If people must be allowed, in whatever concerns only themselves, to act as seems best to themselves at their own peril, they must equally be free to consult with one another about what is fit to be so done; to exchange opinions, and give and receive suggestions. Whatever it is permitted to do, it must be permitted to advise to do. The question is doubtful, only when the instigator derives a personal benefit from his advice; when he makes it his occupation, for subsistence, or pecuniary gain, to promote what society and the State consider to be an evil. Then, indeed, a new element of complication is introduced; namely, the existence of classes of persons with an interest opposed to what is considered as the public weal, and whose mode of living is grounded on the counteraction of it. Ought this to be interfered with, or not? Fornication, for example, must be tolerated, and so must gambling; but should a person be free to be a pimp, or to keep a gambling-house? The case is one of those which lie on the exact boundary line between two principles, and it is not at once apparent to which of the two it properly belongs. There are arguments on both sides. On the side of toleration it may be said, that the fact of following anything as an occupation, and living or profiting by the practice of it, cannot make that criminal which would otherwise be admissible; that the act should either be consistently permitted or consistently prohibited; that if the principles which we have hitherto defended are true, society has no business, as society, to decide anything to be wrong which concerns only the individual; that it cannot go beyond dissuasion, and that one person should be as free to persuade, as another to dissuade. In opposition to this it may be contended, that although the public, or the State, are not warranted in authoritatively deciding, for purposes of repression or punishment, that such or such conduct affecting only the interests of the individual is good or bad, they are fully justified in assuming, if they regard it as bad, that its being so or not is at least a disputable question: That, this being supposed, they cannot be acting wrongly in endeavoring to exclude the influence of solicitations which are not disinterested, of instigators who cannot possibly be impartial — who have a direct personal interest on one side, and that side the one which the State believes to be wrong, and who confessedly promote it for personal objects only. There can surely, it may be urged, be nothing lost, no sacrifice of good, by so ordering matters that persons shall
make their election, either wisely or foolishly, on their own prompting, as free as possible from the arts of persons who stimulate their inclinations for interested purposes of their own. Thus (it may be said) though the statutes respecting unlawful games are utterly indefensible — though all persons should be free to gamble in their own or each other's houses, or in any place of meeting established by their own subscriptions, and open only to the members and their visitors — yet public gambling-houses should not be permitted. It is true that the prohibition is never effectual, and that whatever amount of tyrannical power is given to the police, gambling-houses can always be maintained under other pretences; but they may be compelled to conduct their operations with a certain degree of secrecy and mystery, so that nobody knows anything about them but those who seek them; and more than this society ought not to aim at.

There is considerable force in these arguments. I will not venture to decide whether they are sufficient to justify the moral anomaly of punishing the accessory, when the principal is (and must be) allowed to go free; of fining or imprisoning the procurer, but not the fornicator, the gambling-house keeper, but not the gambler. Still less ought the common operations of buying and selling to be interfered with on analogous grounds. Almost every article which is bought and sold may be used in excess, and the sellers have a pecuniary interest in encouraging that excess; but no argument can be founded on this, in favor, for instance, of the Maine Law; because the class of dealers in strong drinks, though interested in their abuse, are indispensably required for the sake of their legitimate use. The interest, however, of these dealers in promoting intemperance is a real evil, and justifies the State in imposing restrictions and requiring guarantees, which but for that justification would be infringements of legitimate liberty.

A further question is, whether the State while it permits, should nevertheless indirectly discourage conduct which it deems contrary to the best interests of the agent; whether, for example, it should take measures to render the means of drunkenness more costly, or add to the difficulty of procuring them, by limiting the number of the places of sale. On this as on most other practical questions, many distinctions require to be made. To tax stimulants for the sole purpose of making them more difficult to be obtained, is a measure differing only in degree from their entire prohibition; and would be justifiable only if that were justifiable. Every increase of cost is a prohibition, to those whose means do not come up to the augmented price; and to those who do, it is a penalty laid on them for gratifying a particular taste. Their choice of pleasures, and their mode of expending their income, after satisfying their legal and moral obligations to the State and to individuals, are their own concern, and must rest with their own judgment. These considerations may seem at first sight to condemn the selection of stimulants as special subjects of taxation for purposes of revenue. But it must be remembered that taxation for fiscal purposes is absolutely inevitable; that in most countries it is necessary that a considerable part of that taxation should be indirect; that the State, therefore, cannot help imposing penalties, which to some persons may be prohibitory, on the use of some
articles of consumption. It is hence the duty of the State to consider, in the imposition of
taxes, what commodities the consumers can best spare; and a fortiori, to select in
preference those of which it deems the use, beyond a very moderate quantity, to be
positively injurious. Taxation, therefore, of stimulants, up to the point which produces
the largest amount of revenue (supposing that the State needs all the revenue which it
yields) is not only admissible, but to be approved of.

The question of making the sale of these commodities a more or less exclusive privilege,
must be answered differently, according to the purposes to which the restriction is
intended to be subservient. All places of public resort require the restraint of a police,
and places of this kind peculiarly, because offences against society are especially apt to
originate there. It is, therefore, fit to confine the power of selling these commodities (at
least for consumption on the spot) to persons of known or vouched-for respectability of
conduct; to make such regulations respecting hours of opening and closing as may be
requisite for public surveillance, and to withdraw the license if breaches of the peace
repeatedly take place through the connivance or incapacity of the keeper of the house, or
if it becomes a rendezvous for concocting and preparing offences against the law. Any
further restriction I do not conceive to be, in principle, justifiable....

It was pointed out in an early part of this Essay, that the liberty of the individual, in
things wherein the individual is alone concerned, implies a corresponding liberty in any
number of individuals to regulate by mutual agreement such things as regard them
jointly, and regard no persons but themselves. This question presents no difficulty, so
long as the will of all the persons implicated remains unaltered; but since that will may
change, it is often necessary, even in things in which they alone are concerned, that they
should enter into engagements with one another; and when they do, it is fit, as a general
rule, that those engagements should be kept. Yet in the laws probably, of every country,
this general rule has some exceptions. Not only persons are not held to engagements
which violate the rights of third parties, but it is sometimes considered a sufficient
reason for releasing them from an engagement, that it is injurious to themselves. In this
and most other civilized countries, for example, an engagement by which a person
should sell himself, or allow himself to be sold, as a slave, would be null and void;
neither enforced by law nor by opinion. The ground for thus limiting his power of
voluntarily disposing of his own lot in life, is apparent, and is very clearly seen in this
extreme case. The reason for not interfering, unless for the sake of others, with a
person's voluntary acts, is consideration for his liberty. His voluntary choice is evidence
that what he so chooses is desirable, or at the least endurable, to him, and his good is on
the whole best provided for by allowing him to take his own means of pursuing it. But by
selling himself for a slave, he abdicates his liberty; he foregoes any future use of it,
beyond that single act. He therefore defeats, in his own case, the very purpose which is
the justification of allowing him to dispose of himself. He is no longer free; but is
thenceforth in a position which has no longer the presumption in its favor, that would be afforded by his voluntarily remaining in it. The principle of freedom cannot require that he should be free not to be free. It is not freedom, to be allowed to alienate his freedom. These reasons, the force of which is so conspicuous in this peculiar case, are evidently of far wider application; yet a limit is everywhere set to them by the necessities of life, which continually require, not indeed that we should resign our freedom, but that we should consent to this and the other limitation of it. The principle, however, which demands uncontrolled freedom of action in all that concerns only the agents themselves, requires that those who have become bound to one another, in things which concern no third party, should be able to release one another from the engagement: and even without such voluntary release, there are perhaps no contracts or engagements, except those that relate to money or money's worth, of which one can venture to say that there ought to be no liberty whatever of retractation. Baron Wilhelm von Humboldt, in the excellent Essay from which I have already quoted, states it as his conviction, that engagements which involve personal relations or services, should never be legally binding beyond a limited duration of time; and that the most important of these engagements, marriage, having the peculiarity that its objects are frustrated unless the feelings of both the parties are in harmony with it, should require nothing more than the declared will of either party to dissolve it. This subject is too important, and too complicated, to be discussed in a parenthesis, and I touch on it only so far as is necessary for purposes of illustration. If the conciseness and generality of Baron Humboldt's dissertation had not obliged him in this instance to content himself with enunciating his conclusion without discussing the premises, he would doubtless have recognized that the question cannot be decided on grounds so simple as those to which he confines himself. When a person, either by express promise or by conduct, has encouraged another to rely upon his continuing to act in a certain way — to build expectations and calculations, and stake any part of his plan of life upon that supposition, a new series of moral obligations arises on his part towards that person, which may possibly be overruled, but can not be ignored ...

Consider, for example, the case of education. 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? Yet who is there that is not afraid to recognize and assert this truth? Hardly any one indeed will deny that it is one of the most sacred duties of the parents (or, as law and usage now stand, the father), after summoning a human being into the world, to give to that being an education fitting him to perform his part well in life towards others and towards himself. But while this is unanimously declared to be the father's duty, scarcely anybody, in this country, will bear to hear of obliging him to perform it. Instead of his being required to make any exertion or sacrifice for securing education to the child, it is left to his choice to accept it or not when it is provided gratis! It still remains unrecognized, that to bring a child into existence
without a fair prospect of being able, not only to provide food for its body, but
instruction and training for its mind, is a moral crime, both against the unfortunate
offspring and against society; and that if the parent does not fulfil this obligation, the
State ought to see it fulfilled, at the charge, as far as possible, of the parent.
Were the duty of enforcing universal education once admitted, there would be an end to
the difficulties about what the State should teach, and how it should teach, which now
convert the subject into a mere battle-field for sects and parties, causing the time and
labor which should have been spent in educating, to be wasted in quarrelling about
education. If the government would make up its mind to require for every child a good
education, it might save itself the trouble of providing one. It might leave to parents to
obtain the education where and how they pleased, and content itself with helping to pay
the school fees of the poorer classes of children, and defraying the entire school
expenses of those who have no one else to pay for them. The objections which are urged
with reason against State education, do not apply to the enforcement of education by the
State, but to the State's taking upon itself to direct that education: which is a totally
different thing. That the whole or any large part of the education of the people should be
in State hands, I go as far as any one in deprecating. All that has been said of the
importance of individuality of character, and diversity in opinions and modes of
conduct, involves, as of the same unspeakable importance, diversity of education. A
general State education is a mere contrivance for moulding people to be exactly like one
another: and as the mould in which it casts them is that which pleases the predominant
power in the government, whether this be a monarch, a priesthood, an aristocracy, or
the majority of the existing generation, in proportion as it is efficient and successful, it
establishes a despotism over the mind, leading by natural tendency to one over the
body. An education established and controlled by the State, should only exist, if it exist
at all, as one among many competing experiments, carried on for the purpose of
example and stimulus, to keep the others up to a certain standard of excellence.

It is not in the matter of education only that misplaced notions of liberty prevent moral
obligations on the part of parents from being recognized, and legal obligations from
being imposed, where there are the strongest grounds for the former always, and in
many cases for the latter also. The fact itself, of causing the existence of a human being,
is one of the most responsible actions in the range of human life. To undertake this
responsibility — to bestow a life which may be either a curse or a blessing — unless the
being on whom it is to be bestowed will have at least the ordinary chances of a desirable
existence, is a crime against that being. And in a country either over-peopled or
threatened with being so, to produce children, beyond a very small number, with the
effect of reducing the reward of labor by their competition, is a serious offence against
all who live by the remuneration of their labor. The laws which, in many countries on
the Continent, forbid marriage unless the parties can show that they have the means of
supporting a family, do not exceed the legitimate powers of the State: and whether such
laws be expedient or not (a question mainly dependent on local circumstances and feelings), they are not objectionable as violations of liberty. Such laws are interferences of the State to prohibit a mischievous act — an act injurious to others, which ought to be a subject of reprobation, and social stigma, even when it is not deemed expedient to superadd legal punishment. Yet the current ideas of liberty, which bend so easily to real infringements of the freedom of the individual, in things which concern only himself, would repel the attempt to put any restraint upon his inclinations when the consequence of their indulgence is a life, or lives, of wretchedness and depravity to the offspring, with manifold evils to those sufficiently within reach to be in any way affected by their actions. When we compare the strange respect of mankind for liberty, with their strange want of respect for it, we might imagine that a man had an indispensable right to do harm to others, and no right at all to please himself without giving pain to any one.

I have reserved for the last place a large class of questions respecting the limits of government interference, which, though closely connected with the subject of this Essay, do not, in strictness, belong to it. These are cases in which the reasons against interference do not turn upon the principle of liberty: the question is not about restraining the actions of individuals, but about helping them: it is asked whether the government should do, or cause to be done, something for their benefit, instead of leaving it to be done by themselves, individually, or in voluntary combination. The objections to government interference, when it is not such as to involve infringement of liberty, may be of three kinds.

The first is, when the thing to be done is likely to be better done by individuals than by the government. Speaking generally, there is no one so fit to conduct any business, or to determine how or by whom it shall be conducted, as those who are personally interested in it. This principle condemns the interferences, once so common, of the legislature, or the officers of government, with the ordinary processes of industry....

The second objection is more nearly allied to our subject. In many cases, though individuals may not do the particular thing so well, on the average, as the officers of government, it is nevertheless desirable that it should be done by them, rather than by the government, as a means to their own mental education — a mode of strengthening their active faculties, exercising their judgment, and giving them a familiar knowledge of the subjects with which they are thus left to deal. This is a principal, though not the sole, recommendation of jury trial (in cases not political); of free and popular local and municipal institutions; of the conduct of industrial and philanthropic enterprises by voluntary associations.

The third, and most cogent reason for restricting the interference of government, is the great evil of adding unnecessarily to its power.