

Free expression of individuality in modern society



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Although many aspects of commonly revered political theories can still be identified in the foundations of today's government structures and practices, the various ways in which the world has changed since their conceptions often obfuscates their potential for modern applicability. Some of the popular theoretical works of John Locke, Jean-Jacques Rousseau, and John Stuart Mill are useful as frameworks to help individuals determine the limitations of their government's authority over the private spheres of its citizens, while still maintaining public order. If these thinkers' ideas were to be applied to our current political landscape, Mill's minimization of government constraints on citizens' individuality would yield the most negative liberty between the three of them.

Rousseau's conception of liberty is rooted in his interpretation of life in the state of nature before establishing society. In this state, man is a savage animal, driven by pity and self-preservation, and only distinguishable from other beasts through his faculty for improvement and natural liberty to resist instinct (*Discourses* , First Part). Forming increasingly complex collectives fuels men's desires to compare themselves and seek domination over others, eventually giving birth to private property and a division of the labor needed for survival, which in turn allows property owners and non-laborers to exploit the poor. To avoid the poor waging war in response to this, the rich deceive them into joining a morally unequal political society under the false promise of equality. Avoiding such societal inequalities forms the foundation of the idealized state espoused in *The Social Contract* , where he outlines a compact based on a relationship between society and its members aimed at remaining as close to the state of nature as possible. Equality

among citizens here is achieved by everyone's universal submission of selfish personal wills as inferior to the general will of the collective, which is determined through majority voting and legitimized through all citizens' giving themselves and their rights to the whole community as its sovereign (pg. 6-9). Conformity to the general will is also supported through the sovereign body forcing obedience from any who refuse to comply with its mandates:

...this is the condition which, by giving each citizen to his country, secures him against all personal dependence, i. e. secures him against being taken by anyone or anything else. This is the key to the working of the political machine; it alone legitimizes civil commitments which would otherwise be absurd, tyrannical, and liable to frightful abuses. (pg. 9)

This creates a two-way commitment between the sovereign and its individuals, aligning their wills under common interests, and thus affording members civil (and moral) liberty and legitimate ownership of its shared property (8). Through this, society's natural inequalities are counterbalanced with moral and legitimate equalities, justifying the general will's power to replenish the liberty given up in entering the social contract (11).

Locke considers liberty to be one of a few inalienable natural rights (being life, liberty, and property), which are discerned through applying our God-given faculty of reason to the state of nature. Although he describes it a state of unrestrained liberty over oneself and one's possessions, we don't have liberty to destroy ourselves, or interfere with another's similar rights

unless for self-preservation through executing retributive or preventative justice (sect. 6). The most important aspect of his theory deals with earning our right to property, since Earth was given to men by God to be cultivated through applying labor to any part of nature to gain ownership (27). The introduction of trading excess goods for imperishables led to using currency with an agreed upon value as a means for bartering, giving incentive to enlarge one's stock, even at the expense of others' ability to do the same (46-51). New competition over stockpiling common resources, combined with a lack of a neutral judge for executions of law, led people to enter into civil society with others under certain conditions:

The inconveniences that they are therein exposed to...make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. (sect. 127)

Locke indicates that the core function of both the commonwealth's legislative and executive powers is the preservation of property, for which men give up their right to punish others. Additionally, he justifies this right to punish as still being indirectly regulated by its original executors, in the community's will being represented through the rules for its usage, as determined by either itself or representatives. This notion is reinforced by the claim that collectively consenting to create one body politic under a government creates an obligation for all such members to submit to the majority's will, otherwise invalidating their original social contract (97).

Thus, Locke's form of liberty is derived from our God-given faculties for reason and amassing private property, and justified by the government's prioritization of property rights, in conjunction with its submission to the majority's will.

Mill contextualizes liberty in its relation to how both society and the state should respond to the individuality expressed through one's actions (or inactions) and their attitudes. His doctrine on liberty, which regards the maximization of his principle of utility as its ultimate end, champions individuality's social benefits as being paramount to human development:

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 and 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. (*On Liberty* , pg. 13)

This outlines a few crucial points of Mill's arguments, and reflect his relatively limited justifications on both government and societal intervention on individual expressions of liberty. The first point broadly conveys his theory's "harm principle", the second dictates one's sovereignty over areas of liberty solely concerning themselves, and the third infers the social benefits of exposure to a diversity of opinions and lifestyles. In demonstrating how the diversity of opinions is an inherent social good, he advocates for the minority's liberty of opinion as a counter to social "tyrannies of the majority" aimed at stifling intellectualism and homogenizing

opinions (pg. 6-8). Regardless if they're wrong or not, he claims that refuting such minority opinions improves one's understanding of their own opinions, both in forcing the articulation of their concrete reasons, as well as developing one's faculty to obtain truth by synthesizing conflicting opinions (6-9). Mill notes that one's actions shouldn't be as unrestricted as their opinions, so society retains jurisdiction over any aspect of human behavior that "affects prejudicially the interests of others" (86). However, he also states that any society's restricting of actions would require a utilitarian cost-benefit analysis of individuality's social value, with primacy often given to individuality, so as to severely limit its ability to punish actions (76-77). This, in conjunction with Mill's encouraging of humanity to fully exercise their faculties, reinforces one's capacity for further expressions of individuality (71).

Rousseau's model presents a case where the private sphere can't be distinguished from its public counterpart, as a result of its community members' required conformity to the general will. For example, the general will maintains priority over an individual's rights to their own estate, given that its members are always subordinate to the community's right over everyone's commonly held estates (*Social Contract* , 8). The commonly held nature of everything between individuals and the general will also eliminates one's first occupancy right to seize land, since in doing so he unjustly takes from the commonly held living space and subsistence that belonging to the majority body politic (10). Rousseau also limits the private sphere through his conception of a populace that assimilates their will with that of the general will, to the point where any notion of a private daily life is replaced

with that of a constant government employee. To this end, he claims that his country would be absent of all money, and supported by his view that forced labor is more closely aligned with liberty than taxes are (49).

Given that the authority of the civil state in Locke's model is fundamentally derived from the power conditionally vested in it by its citizens, most of the boundaries between public and private sphere jurisdictions relate to natural rights. Locke claims that slaves, having forfeited their lives, liberties, estates, and capability of owning property, can't be considered as belonging to any part of a civil society where the preservation of property is the chief end (85). The protection of natural rights to life, liberty, and property, as upheld by a government for the common good of its people, are the limitations on the extent of a body's interference with the private sphere (sect. 131). The evaluation and extent of legitimate power afforded to such governance is subject to the will of the majority and their involvement in the process, either through elections or affirmations that the legislative body represents their interests (132-133). Supreme or legislative powers, with their ends being the preservation of property, also can't appropriate or regulate its citizens' private property among its subjects, without prior consent first (139-140). Lastly, the legislative power can neither raise taxes on the people's property without consent, nor can it transfer its power of making laws to anywhere but wherever was designated by its people (142). If any of these protections to natural rights are violated, or if the will of the majority determines that the executive or legislative powers are abusing their powers without adherence to the public good, the majority are permitted to revolt, overthrow, and replace either unjust governing body.

Mill's private sphere is only minimally restricted in scope, and is done so primarily through its adherence to his "harm principle". This holds that the state or society can intervene against one's will, by force of law or public censure, only if he causes harm or threatens the risk of it to someone else from the public (10). A few expansions on this clarify its vagueness, such as the possibility to inflict it through inaction (violating an obligation), directly, through such actions that can create bad examples, hurting one's loved ones indirectly through self-harm, or diminishing community resources (12, 91). He suggests that the strongest arguments against public interference over solely personal conduct (as a majority-imposed law on a minority) are that it usually does through some unjustified extension of the bounds or moral police (95-96). State interference on child-related issues, such as restriction of marriage to those capable of supporting a family or state-mandated compulsory child education, are supported on the grounds of over-population, the duty to give children a chance at normal life, and that an uneducated child is a crime against society (119-122).

Contemporary politics creates issues that limit the negative liberty provided by theories from either Locke or Rousseau. Rousseau's model would produce the least amount of negative liberty here, due to its incompatibility with the time on a few levels. To begin with, I think that the model wouldn't remain as sound today, given the much larger, more diverse, and internet-centric population in the present. This would surely create problems in trying to unify a body politic under a general will, and the potential use of majority rule or even elected representation couldn't possibly capture this. Many people don't participate in politics, and those that do rarely do so

directly or frequently, meaning a 51% threshold could hardly represent a majority. Overall, I also think that the general will being a model the public strives for rather than a truly cohesive body isn't conducive to maximized negative liberty. Locke's theory holds more merit, but some of its archaic notions remain incompatible as well. Being based primarily around the goal of acquiring private property, both through outdated means and limited natural resources, makes it hard to fit into modern contexts. Encouraging endless pursuit of property results in everyone's frequent, competitive impeding on one another's actions given our immense population, further exacerbating the difficult survival of the poor and those without property (both excluded from civil society's protection). Governing by majority in such a massive society also restricts minority desired actions. Lastly, the assumption of us having inherent morality and justice systems would also impede freedom from external influences.

Mill's emphasized individuality provides the least limitations on action from both government and society. The freedom of expression would be widely accepted, given the high tolerance of unique appearances today. Due to the infallibility of society, actions would also be largely unimpeded, since their social benefits would often outweigh the costs. This only leaves societal penalties; however widespread individuality would more than likely diminish most members' interest in pursuing them. The maximum amount of liberty from government and society in both attitudes and actions, combined with liberty's high social value would create the most negative liberty.

Works Cited

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