

“Properly a Subject of Contempt”: The Role of Natural Penalties in Mill’s Liberal Thought

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John Stuart Mill has become an iconic figure of liberalism. Nevertheless, his credentials as a liberal have occasionally been doubted. For instance, in a recent study, Gregory Claeys claims: “We make Mill ‘liberal’ by rendering invisible his illiberal themes, in a manner not unlike the old Stalinist erasing of unpersons from pictures.”¹ Anti-liberal strands in Mill’s work have been alleged before.² Although I believe that these charges are based on faulty interpretations, there is a basis in Mill’s work for the doubts that some scholars express regarding his credentials as a liberal. In particular, Mill allows and even encourages certain interactions, which seem to be fairly similar to undue interference with individual autonomy, with other people’s self-regarding conduct. Among the important examples of this type of interpersonal engagement are what Mill calls “natural penalties,” upon which this article focuses. I argue that, far from being an aberration in Mill’s thinking, natural penalties play a vital role in his brand of liberalism: they serve to enable the interpersonal negotiation, within society, of the proper boundaries of the self-regarding sphere. Natural penalties express personal convictions regarding which conduct should be subject to social coercion. Because natural penalties can themselves be answered and rejected, they are part of an expressive dialogue within society about the normative status of types of behavior; whether they are acceptable or should be considered harmful to others.

In Section 1, I explain Mill’s understanding of natural penalties. In line with his thinking, I distinguish between natural penalties and coercive social punishment. I use the term *engagement* to include both coercive and noncoercive forms of interaction with the conduct of others. Natural penalties are direct, disapproving reactions toward the conduct of others. Importantly, some of that conduct may not justify punishment and, indeed, seems to be protected by Mill’s liberty principle. In other words, natural penalties even apply within an area that should be absolutely free from forms of social compulsion—the self-regarding sphere.

Since natural penalties are instruments to influence the future will-formation of other people, from a liberal perspective they require close scrutiny. It is true that natural penalties allow their targets to keep the same set of options, but they can nevertheless influence choices by making it harder to pursue the options which trigger natural penalties by others. We are social animals and we tend to consider the threat of disapproving reactions as possible reasons against certain

conduct. This suggests that natural penalties have the potential to become threats to individual liberty.

In Section 2, I introduce interpretations of the role of natural penalties within Mill's work, by Joseph Hamburger, Gregory Claeys, Jonathan Riley, and Jeremy Waldron. These philosophers discuss the relation between natural penalties and institutionalized modes of sanction, such as social compulsion and legal coercion. They see Mill's account of natural penalties as i) evidence of his somewhat concealed opposition to a wide range of individual freedoms (Hamburger, Claeys); ii) in no conflict whatsoever with Mill's defense of individual liberty (Riley), or iii) as indicating at least a tension in Mill's thinking (Waldron). I will call these three different accounts of the relation between natural penalties and social coercion the *inseparability interpretation* (Hamburger and, partly, Claeys), the *separability interpretation* (Riley) and the *antagonistic interpretation* (Waldron). I will eventually advocate a fourth reading, which I call the *harmonistic interpretation*. It defends the harmony, indeed, the inherent connection, between Mill's opposition to social coercion within the self-regarding sphere and his emphasis on natural penalties. I will argue that Mill's appeal to natural penalties enables him to account for the mutual interest that people have in each other, which includes the desire to exert interpersonal influence, and to debar coercive intrusion into the concerns of others. In short, Mill shows us a way to be liberal without being indifferent toward one another.

To pave the way for this conclusion, I will briefly explain, in Section 3, my understanding of the liberty principle, which to my mind does not allow us to always theoretically decide the question whether conduct is self-regarding or not, for instance by a philosophical analysis of the notion of harm to others. Section 4 then discusses the nature of natural penalties within the wider systematic framework of moral psychology, especially in relation to the "reactive attitudes," as introduced by Peter Strawson. My focus is on the expression of contempt. This is one of the main examples of natural penalties in Mill's discussion. Philosophers have recently become increasingly interested in contempt. I will argue that expressions of contempt are an example of a contribution to the social process of negotiating the proper boundaries of the self-regarding sphere and hence of the specific contours of individual liberty. Natural penalties, therefore, fulfill a valuable function within Mill's liberal framework. Section 5 discusses some potential risks of expressions of contempt. Section 6 concludes.

1. Might Natural Penalties Threaten Individual Liberty?

Mill draws an important conceptual distinction between coercive or authoritative interference with individual liberty and noncoercive or nonauthoritative interventions, such as giving advice or providing information.³ In *On Liberty* he also makes it clear that he is concerned mainly with the more forceful forms of intervention. Mill is unambiguous in his rejection of coercive social control within the self-regarding sphere. Nevertheless, he permits certain forms of engagement

with the self-regarding conduct of other people that are not easily distinguishable, especially in respect of their effects, from compulsion. Of course, whether this really poses a serious threat to Mill's liberal credentials remains to be seen. Suffice it to say, for now, that a purely conceptual distinction between coercion and noncoercive engagement with individual freedom is insufficient to settle the issue: we must probe deeper into the details of Mill's remarks about natural penalties. In *On Liberty*, Chapter 4, Mill writes:

I do not mean that the feelings with which a person is regarded by others, ought not to be in any way affected by his self-regarding qualities or deficiencies. This is neither possible nor desirable. If he is eminent in any of the qualities which conduce to his own good, he is, so far, a proper object of admiration. He is so much the nearer to the ideal perfection of human nature. If he is grossly deficient in those qualities, a sentiment the opposite of admiration will follow. There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or depravation of taste, which, though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt. (...) We have a right, also, in various ways, to act upon our unfavourable opinion of any one, not to the oppression of his individuality, but in the exercise of ours. We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance), for we have a right to choose the society most acceptable to us. (...) In these various modes a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself; but he suffers these penalties only in so far as they are the natural, and, as it were, the spontaneous consequences of the faults themselves, not because they are purposely inflicted on him for the sake of punishment. A person who shows rashness, obstinacy, self-conceit—who cannot live within moderate means—who cannot restrain himself from hurtful indulgences—who pursues animal pleasures at the expense of those of feeling and intellect—must expect to be lowered in the opinion of others, and to have a less share of their favourable sentiments.⁴

From what we learn here, natural penalties very likely have the power to change the future will-formation and hence the conduct of people subjected to them. Accordingly, they can be deemed engagements with individual liberty. Even though, strictly speaking, these penalties appear not always to be inflicted deliberately, they are probably often motivated by a desire to change the behaviour of others. We normally do not simply state our distaste about other people's conduct, or simply express our contempt toward them on account of it. Rather, when a person acts in a way that arouses our distaste or contempt, we want them, even if we do not say so, to cease acting in that way. Obviously, our reactions in such circumstances can have a considerable impact on the offender. Our reactions might cause embarrassment or shame and hence eventually a modification of conduct. Even if natural penalties are not coercive, there might still be good reasons, from a liberal point of view, to try to suppress these types of engagement, however strong the urge to inflict them might be, because they possibly manipulate the will-formation of people and reduce the scope of their individuality.

What is more, the number of occasions for, and probably the appetite for engagement with, other people have very likely increased since Mill's time. For instance, quite a few types of online engagement with others amount to the

application of natural penalties within the self-regarding sphere. Some of these are normatively significant from a liberal point of view. Consider, for example, the case of Lindsey Stone, an American who occasionally took photographs she knew some people might find offensive. Her friend took a picture of Lindsey making an obscene gesture toward a sign that advised visitors to a military cemetery to behave respectfully. This photograph was posted to Facebook, and as a result, she was condemned for behaving disrespectfully toward veterans and the army more generally.⁵ Today, we call such consequences a “shitstorm,” and we probably all know of numerous examples of a similar kind. When disapproval is expressed in such public and vehement ways, it certainly amounts to what Mill would consider to be a natural penalty. It also comes close to being coercive social punishment in Mill’s sense, because of the impact it has on Lindsey’s expression of her individuality.⁶

Natural penalties can accordingly be deemed at least potentially undue interferences with individual autonomy. As mentioned, Mill explicitly allows natural penalties to penetrate the self-regarding sphere, which is supposedly absolutely protected from interference. As he famously put it at the beginning of *On Liberty*, for each person, “[i]n the part which merely concerns himself, his independence is, of right, absolute”.⁷ We should postpone our verdict on whether natural penalties actually amount to a problematic form of intervention into individual autonomy to a later stage in the argument. That said, Mill’s remarks about them provide a *prima facie* justification for the concern that he might not have been an advocate of, or at least not a consistent advocate of, a strong version of liberalism. Hamburger seems justified in maintaining that “it is difficult to know what Mill intended in the passages on distaste and contempt if he did not expect that men would be ‘pressed’ into a less depraved way of living.”⁸ Hamburger’s wording is certainly ambiguous and slightly extreme, but he seems to be making a valid point.

As mentioned, Mill draws an important conceptual distinction between coercive social control, through laws and punishment, and noncoercive forms of engagement that aims to influence others, through natural penalties (and perhaps other modes of interaction, such as incentives). In addition, Mill’s understanding of the self-regarding sphere is not, as it were, solipsistic: he explicitly rejects the notion of individuals as unconnected, isolated beings.⁹ Mill is certainly not a liberal who ignores social ties and duties. For him, people ought not to be indifferent to the interests of others. Antisocial conduct or a lack of due concern for others might well lead to justified social control. Hence within Mill’s framework, there is, indeed, ample space for social control: “Whoever fails in the consideration generally due to the interests and feelings of others (...) is a subject of moral disapprobation for that failure (...).”¹⁰ Given the scope of justifiable social control, it seems unnecessary—and unwanted from a liberal point of view—to allow and to even encourage interpersonal engagement via natural penalties within the self-regarding sphere as well.

Mill supports the moral ideal of a society in which people are socially minded. There are numerous occasions for social control, if people do not conform to this ideal. The reason, though, for the harsher forms of control, such as punishment, has to be the breach of a social tie, in the form of a moral duty or of the requirements of reciprocity, not the fact that the conduct is merely disliked.¹¹ Purely self-regarding conduct should not be punished. Yet, Mill approves of a power that society has in addition to the compulsive power of moral and legal punishment. Society is “[a]ided by the *natural* penalties which cannot be prevented from falling on those who incur the distaste or the contempt of those who know them.”¹² *Punishment* is the sanction of social control, whereas *penalties* are not elements of public jurisdiction.¹³ Indeed, there is a terminological distinction between coercive intervention and noncoercive engagement with the conduct of others. Nevertheless, we might wonder whether this distinction can really ease philosophical concerns about Mill’s credentials as a liberal.¹⁴ In the next section, I will aim to elucidate the distinction with the help of those few philosophers who have explicitly discussed Mill’s account of natural penalties.¹⁵

2. Philosophical Interpretations of Natural Penalties

In his book *John Stuart Mill on Liberty and Control*, Joseph Hamburger aims to show the “full extent of the censoriousness unleashed by Mill.”¹⁶ Although Hamburger is aware of the distinction between coercion by deliberate punishment, either through legal sanctions or social compulsion, and other forms of pressure, he stresses their continuity. According to this *inseparability interpretation*, natural penalties are normatively inseparable from coercion and do not differ categorically from other forms of social control. It would not help to see natural penalties and social compulsion as located on different levels of a continuous scale of interferences with the liberty of others.¹⁷ This is because, even if we might be able to introduce thresholds, which would then allow us to draw a conceptual distinction between natural penalties and coercion, for Hamburger all these forms of interpersonal engagement are examples of social pressure that are equally experienced as intimidating and potentially humiliating.¹⁸ For natural penalties, “the coercive dimension of shaming and expressions of distaste and contempt cannot be easily discounted.”¹⁹

Hamburger makes explicit the apparent discrepancy between, on the one hand, Mill’s strong defense of the self-regarding sphere as a realm to develop individuality and hence a sphere free from compulsion and social control and, on the other hand, his endorsement of interpersonal engagement within the self-regarding sphere. This undermines the seemingly fiercely policed boundary between the self-regarding sphere and the social sphere in Mill’s thinking.²⁰ In consequence, Hamburger’s reading undermines Mill’s credentials as a champion of individual liberty and of the political philosophy of liberalism.²¹

Similarly, Gregory Claeys suggests that in practice there are fine lines between, on the one hand, remonstrating and entreating (which are examples of

noncoercive engagement) and, on the other hand, visiting with evil (which coercion involves).²² As he clearly states, “between them lies much of the everyday nonlegal regulation of behavior in the public sphere in particular.”²³ In his book-length treatment of Mill and paternalism, Claeys maintains: “[D]epending upon one’s sensitivity to others’ criticisms (we may recall Mill’s own acute anxieties here), even mild forms of reproachful disapproval might themselves constitute substantial ‘harm’.”²⁴ Because popular opinion in societies might go in any direction, there is a risk in allowing engagement with self-regarding conduct via natural penalties; the risk of restricting liberty for the wrong reasons and, in the worst-case scenario, the risk of “moral totalitarianism.”²⁵

In contrast to the inseparability interpretation, there are important normative differences between social sanctions (such as legal punishment) and natural penalties (such as expressions of contempt). One important feature of natural penalties, which will be emphasized in Section 4, is the possibility to interact with the person who expresses them and to reject their appropriateness. In contrast, coercive interferences are usually simply experienced. Once we see the different functions of natural penalties, as opposed to social sanctions, within liberal societies and also emphasize the role of the person on the receiving end of natural penalties, it will become clear that natural penalties are not coercive, after all. Although it might be granted that natural penalties are on a scale, and even on the same scale as coercive interferences, there are nevertheless important normative discontinuities between natural penalties and coercive instances of social control. What is more, natural penalties serve important functions that social coercion cannot fulfill. In sum, I think the inseparability interpretation fails.

Whereas for Hamburger “distaste and contempt constitute coercive pressure,”²⁶ Riley’s *separability interpretation* insists that we need to distinguish conceptually and normatively between natural penalties and coercion.²⁷ They are separate forms of interaction that are built on different normative foundations.

Riley’s interpretation is partly a reply to Hamburger’s reading of Mill. As previously explained, for Hamburger the distinction between the self-regarding sphere and the social sphere loses normative bite, once engagement with self-regarding conduct through natural penalties becomes a justified option. In contrast, Riley insists that the normative reason for coercion is to prevent harm to others, whereas natural penalties are justified by the individual liberty of the person applying them. According to this reading, natural penalties are expressions of valuable individuality. Hence, natural penalties are themselves types of self-regarding conduct.

Riley explains that natural penalties might involve harm to the person who applies them. For instance, when someone avoids a friend because she dislikes his behavior, she may suffer because of the loss of her friend’s affection and the like.²⁸ Accordingly, there might seem to be a source of inconsistency in Mill’s theory, though a different source than on Hamburger’s interpretation. Conduct that others dislike can trigger the application of natural penalties. Thus, it can cause harm to those who are applying the natural penalties. This

might undermine the categorization of such disliked conduct as self-regarding. According to Riley, however, the agent applying the penalty has actually tacitly consented to the potential harm suffered in virtue of showing contempt and the like. The aforementioned inconsistency does not arise, because, for Mill, conduct that causes harm to which the harmed party has consented falls flatly into the self-regarding sphere.

Riley maintains, further, that although natural penalties clearly seem to involve harm to those who are subjected to them, this harm is also implicitly consented to. This is evidenced when the person who is subjected to natural penalties, and is aware of these, does not stop behaving in the way that triggers the application of those penalties. Indeed, despite the natural penalties, their subject is allowed to continue with the disliked self-regarding behavior. Therefore, according to Riley, and contrary to Hamburger, to be subjected to natural penalties is not thereby to be coerced, even though the subject of the penalties might perceive them as applying undue pressure.²⁹

For Riley, all agents “should be perfectly free to avoid anyone who does not accept their advice. Their freedom does not imply any deliberate intention to punish the person. Rather, the natural penalties are incidental by-products of their equal rights to avoid what they dislike in their self-regarding concerns.”³⁰

Riley rightly emphasizes that the subject of natural penalties usually still has a viable and reasonable choice to make, unlike someone who is being coerced. The subject can either abandon the disliked conduct or persist in it. It is true, of course, that resistance to the natural penalties might be psychologically difficult to achieve, especially when the subject feels sympathy for those who are applying the natural penalties.³¹ Still, resistance to such interpersonal engagement and defense of one’s own way of living seems a common response. To be able to persist in one’s conduct at relatively low costs undermines the inseparability interpretation and speaks in favor of the separability interpretation.

However, there is another problem, which I believe Riley underestimates. Although the expressed disapprobation through the use of natural penalties seems occasionally unavoidable and indeed natural, the individual proneness to such engagement clearly appears to be in the control of agents—natural penalties are not always “incidental by-products” of individuality. We usually have some level of control over our emotions and we know of strategies for general emotion regulation.³² If natural penalties do not themselves serve a function, then we might rather want to suppress our tendency to apply them. In a word, natural penalties, especially contemptuous attitudes, are themselves to be assessed from a moral point of view, and they are not straightforwardly justified.³³ While Riley’s interpretation makes the elements of Mill’s account coherent, it does not address the remaining worry that it might not be possible to justify natural penalties within a liberal framework, even if they are not coercive.

Mill himself appears to have been ambivalent about natural penalties. He claims, on the one hand, that they are often properly applied, and that it is not desirable to abandon those reactions. Yet, on the other hand, he also says that it

would be desirable if people would warn each other of possible natural penalties, so that their application can be prevented:

Though doing no wrong to any one, a person may so act as to compel us to judge him, and feel to him, as a fool, or as a being of an inferior order: and since this judgment and feeling are a fact which he would prefer to avoid, it is doing him a service to warn him of it beforehand, as of any other disagreeable consequence to which he exposes himself. It would be well, indeed, if this good office were much more freely rendered than the common notions of politeness at present permit, and if one person could honestly point out to another that he thinks him in fault, without being considered unmannerly or presuming.³⁴

So it seems that Mill would like to see fewer occasions for natural penalties actually being applied, although he is also in favor of stating one's disagreement with the problematic conduct of others. This is in line with his general commitment to utilitarianism and with the fact that any penalty has a detrimental effect in terms of happiness. Yet, it is hard to shake the feeling that the warnings that Mill recommends still look problematic from a liberal point of view, because self-regarding conduct is usually nobody else's business. It is not enough to warn someone of such a detrimental consequence, if the disapproving reaction is itself unjustified. The normative assessment of natural penalties is accordingly an important issue to which we will return in the fourth section.

Waldron's *antagonistic interpretation* of Mill enables us to explain such ambivalence toward natural penalties. His interpretation can be dubbed "antagonistic," because according to him natural penalties and social control have opposing purposes. Waldron highlights the fact that the unfavorable engagement of numerous people, which might individually be an expression of their freedom, might well lead to social pressure on minority views and people's expressions of individuality. In this, he seems to agree with the inseparability interpretation.

People may have a right—or it may for other reasons be desirable for them to have the freedom—to do the things which, at least when taken *en masse*, constitute the social coercion which Mill is attempting to stop. Coercion by society consists, presumably, of a mass of actions, a_1, a_2, \dots, a_n (where n is quite large), directed, say, at ostracizing some small circle of ethical or religious deviants. But any one of these actions, a_i , may be something which a person has a right to perform.³⁵

Waldron argues that there is a related inherent tension between different people's pursuit of their individuality. On the one hand, to restrict the expression of natural penalties, in order to protect self-regarding conduct from potential social pressure, is to restrict the individual liberty of some. On the other hand, to allow natural penalties may restrict the individual advancement of those people who wish to pursue disliked conduct. There is hence a conflict between the protection of individual expressions of liberty in the form of natural penalties and the safeguarding of individuality via restrictions on natural penalties. "It seems then that liberty is at risk on both sides of Mill's equation. It is at risk, he argues, from social pressure. But it is at risk, too, if we try to limit or eliminate social pressure."³⁶

Waldron proceeds to argue that Mill needs to sort out the tension by distinguishing between the normatively problematic forms of social coercion and the valuable exchange of opinions about ways to live. In the final analysis, Waldron is sceptical that Mill can come up with a satisfactory account of the distinction as such.³⁷

Whether the tension that Waldron sees in Mill's work is real and, whether, if it is, it, indeed, poses a threat to Mill's liberal credentials are questions that cannot yet, based on our discussion so far, be decided. Much depends on the nature of natural penalties, and we have yet to learn enough about them to enable us to judge. It is true, of course, that such natural penalties as contempt and distaste often have an inhibitive force on those who are subjected to them. There is no straightforward entailment from this observation, however, to the conclusion that these natural penalties really threaten liberty, and the growth of individuality, in the manner claimed by Waldron. I will argue that—what I will call—the combative element of natural penalties actually serves an important function in Mill's theory. Natural penalties are means of negotiating the proper boundaries of individual liberty and hence of the self-regarding sphere.

3. Indeterminate Boundaries of the Self-Regarding Sphere

Why should there be a need to *negotiate* the boundaries of the self-regarding sphere? After all, Mill famously put forward a liberty principle that only allows social control in cases where there is harm to others.³⁸ If the liberty principle as such would offer criteria that determine which kinds of conduct fall into the self-regarding sphere, then natural penalties do not seem to play a role in drawing the proper boundaries of that sphere.

On the face of it, the liberty principle proscribes coercive interference with another person's self-regarding conduct and allows social jurisdiction in cases that harm others. But as we know it is notoriously difficult to determine the contours of the self-regarding sphere. For instance, are offenses, which seem to fall short of harm, such as the aforementioned obscene gestures by Lindsey Stone, protected by the liberty principle?³⁹ Why does Mill believe that some conduct, which should be allowed without interference when performed privately, might justify social control when done publicly?⁴⁰ The answer is, to my mind, that Mill does not want the liberty principle itself to settle all these cases. What is regarded as harmful to others and what is seen as falling into the self-regarding sphere, is occasionally to be determined by reasoning and interpersonal engagement.

Mill demarcates self-regarding conduct by introducing the contrasting criterion of "definite damage, or a definite risk of damage" to others. He also says that "with regard to the merely contingent, or, as it may be called, constructive injury, which a person causes to society, by conduct which neither violates any specific duty to the public, nor occasions perceptible hurt to any assignable individual except himself; the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom."⁴¹

It seems to me that the last part of this quotation, highlighting that society can afford to bear some inconveniences for the sake of the greater good of human freedom, is evidence of Mill's account of the negotiable boundary between the self-regarding sphere and harm to others. Society is supposed to balance individual freedom and social control. Therefore, it needs to determine which conduct constitutes more than an inconvenience that can be borne for the sake of freedom. This task is not a matter of conceptual analysis, for instance about the proper interpretation of the notion of harm. It is rather concerned with the most convincing case for the protection of individual liberty. Mill counts on members of society either being intrinsically interested in freedom or at least acknowledging the instrumental value of granting liberty for social development.⁴² It is then a matter of normative argument and engagement where exactly to draw the line of legitimate social control.

According to my reading, the liberty principle has two functions. In terms of its being a moral maxim, it proscribes interference with conduct that clearly falls into the self-regarding sphere, for instance, the choice of what clothes people may wear in their home. In addition, it is also a deliberative principle guiding normative considerations over and above the clear-cut cases. It says how society should think about possible interventions into individual conduct. This is made more obvious when Mill states that the principle should *govern* "the dealings of society with the individual," and also that it determines the purposes or reasons for which social intervention may be considered.⁴³ It is hence a principle directing our normative considerations in society.

I believe this aspect of the liberty principle—offering deliberative guidance—should be emphasized because occasionally Mill's principle was criticized for not being sufficiently determinate to tell us what we may do, or for leading to possible conflicts with his utilitarian creed.⁴⁴ It seems apparent to me from what Mill has to say in *On Liberty*, especially in his final chapter on "Applications," that the principle calls for a considerable amount of practical reasoning, because not every single case straightforwardly falls into the sphere of the self-regarding, where there should be no social control, or the sphere of the social, where harm to others may legitimately be prevented. His principle, therefore, cannot, or cannot always, directly lead to conclusions about whether to intervene.⁴⁵ Nevertheless, it can guide society regarding how to think properly about when to use social compulsion:

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.⁴⁶

Natural penalties are part and parcel of the deliberative process regarding the proper boundaries of the self-regarding sphere; a process that is supposed to be guided—but not fully determined—by the doctrine of liberty.

4. The Functions of Natural Penalties

Can natural penalties be justified, especially from a liberal point of view? It appears that natural penalties cannot always be prevented, because as social beings we show reactions toward the conduct of others. Still, they are often purposeful expressions of disapproval and so we should think about their justification. If we disapprove of other's conduct, we might show our distaste or even contempt. We often do so even though the conduct we reject does not warrant social punishment, and even when we ourselves agree that coercive forms of interference would not be legitimate.

A means of reconciling natural penalties with liberalism is offered by linking Mill's discussion with more recent debates in moral psychology. When Mill discusses natural penalties, he refers to certain kinds of engagement that are similar to expressions of what Peter Strawson called "reactive attitudes"⁴⁷ and to the manifestation of what contemporary philosophers call "retributive emotions."⁴⁸ To be sure, Mill's notion of natural penalties includes more varieties than reactive attitudes in the usual understanding of the term; for instance, he mentions avoiding others as a case in point. Natural penalties also explicitly exclude resentment, which is restricted to social punishment in Mill's theory⁴⁹ but which is, according to Strawson, the main type of reactive attitude. In addition, it should be made explicit that Mill does not see natural penalties as reactions only to *moral* wrongs. Moral wrongs deserve social punishment, whereas natural penalties can apply within the self-regarding sphere. Hence the kinds of reactions that are natural penalties are only some specimens of expressions of what has been discussed under the label of reactive attitudes. For these reasons, the notion of reactive attitudes might be deemed unhelpful. However, this worry does not matter much for my systematic point here. I am using the terminology of reactive attitudes because it has been discussed in the philosophical literature as a natural phenomenon and also as something that cannot be fully controlled by the person who shows such reactions. It is also a helpful analogy because reactive attitudes, like natural penalties, are based on a concern for others and an appreciation of their responsibility for their own conduct. This is precisely the kind of social concern that Mill identified as a motivational basis for natural penalties. My aim is to use the terminology and context of the debate on reactive attitudes to illuminate Mill's account of natural penalties.

The expression of contempt is probably the most suitable test case to enable assessment of the detrimental effects of natural penalties on individual liberty, because contempt is among the harshest manifestation of the reactive attitudes. If even the expression of contempt serves a legitimate social function within a liberal framework, then less severe forms of natural penalties should be justifiable as well.

The Oxford English Dictionary describes contempt as a "feeling of dislike or hostility towards a person or thing one regards as inferior, worthless, or despicable" and as "an attitude expressive of such a feeling."⁵⁰ Macalester Bell, who has

published a philosophical study of contempt, states that it is “a way of negatively and comparatively regarding or attending to someone who is presented as falling below the contemnor’s personal baseline. This form of regard constitutes a withdrawal from the target and may motivate further withdrawal.”⁵¹

The expression of contempt poses a particular threat to individual liberty. The mere passive phenomenon of harboring a feeling of contempt without actively pursuing it, does not initially lead to the same liberal concern, though it should be remembered that disengagement and avoidance can be a sign of active contempt.⁵² Interestingly, later we will see that purely passive contempt might be the more problematic form because it might show an unwanted (from a Millian point of view) level of indifference toward others. Contempt should be combative in order to fulfill its functions, that is, it should confront the other with one’s discontent.

Contempt can address moral wrongs, for instance when we react toward a defendant’s callous reaction during a trial. More importantly for our purposes, we can also be contemptuous toward conduct we would not call immoral, but which could be deemed ethically relevant.⁵³ An example is contempt expressed toward an immodest person. Immodesty, even arrogance, does not normally violate social moral norms, but it is an aspect of character and of an experiment in living that has normative significance. Strawson expressed that idea well, albeit in a different context than his treatment of reactive attitudes: “The region of the ethical, then, is a region of diverse, certainly incompatible and possibly practically conflicting ideal images or pictures of a human life, or of human life (...).”⁵⁴

So within Mill’s analysis, expressed contempt can have the function of expressing or accompanying social punishment, applied in response to conduct that is within the social sphere, but it can also, more interestingly for current purposes, work within the self-regarding sphere. Let us focus on examples of expressed contempt for conduct that is not clearly immoral, but which is ethically relevant, such as in the aforementioned case of Lindsey Stone.

Being contemptuous involves seeing something or someone in a negative light. It is usually a specific form of criticism that involves disvaluing the conduct or attitudes of another person. In the following section, we will discuss whether this particular aspect of “looking down” raises legitimate moral concerns, but for now I want to focus on the valuing function of contempt. As Bell has explained in her detailed study of its moral characteristics, contempt can be a form of protest.⁵⁵ Contempt of the protesting type can be merely personal, in the following sense: It is possible to be contemptuous toward someone whose conduct (or attitudes) the contemptuous person disvalues without seeing others as obliged to disvalue that conduct (or those attitudes) too; think, for instance, of contempt toward a person who shows unpolished table manners. Nevertheless, contempt can also express a social demand, in the sense that a contemptuous person can believe that others should meet that conduct (or those attitudes) with similar contempt. Importantly for the purposes of my discussion, this will normally involve a desire of the contemptuous person that the conduct (or attitudes) protested against should be

socially punished. In more Millian terms, contempt can imply a statement that the alleged self-regarding conduct should actually be deemed to be of social concern, properly meriting social or legal punishment—that is, to be regarded as a moral issue in Mill’s sense.

Now, the person who is the subject of another’s expressed contempt can, in turn, react to that and defend her case. She can even be contemptuous toward the contempt of the other person. The subject of contempt might say: “How dare you criticise me; it’s none of your business, you nosy git!” In Millian terms, this would be a defense of the person’s conduct (or attitudes) as belonging to the self-regarding sphere, after all, and a claim regarding an obligation of the other person to acknowledge this. An expression of contempt can accordingly be a means of defending one’s own integrity.⁵⁶

What we see at work here is the communicative and especially the combative function of expressed contempt.⁵⁷ Importantly, expressions of contempt can, like conversations, be interactive or dialogical. Coercion, in contrast, is a one-sided affair, involving an inequality of coercer and coerced in terms of their power and standing. Society should only apply coercion where it is certain that the relevant conduct should be prevented or punished. The combative function of contempt allows people to negotiate the contours of the self-regarding sphere, or—in other words—the contours of individual freedom. This is a substantial service within a Millian society, where these contours are in need of being constantly discussed, negotiated and shifted in order to enable individual and social progress.

It might be helpful to make explicit that in my reading of the functions of natural penalties, and specifically contempt, there is a possible aspect of nonvicious circularity. Since natural penalties jeopardize individual liberty, it seems there should be a global requirement only to apply them when the target’s conduct justifies their application.⁵⁸ On my account, however, such a global requirement would be pointless, because there are situations in which there is, prior to social negotiation, no fact of the matter about whether the requirement has been met. If we could always know, in advance of social negotiation, which conduct is no-one else’s business and which is apt for legitimate social control, then we would, thereby, always be able to have a clear grasp of the contours of the self-regarding sphere. If that were so, we would, however, be back at the starting point of this paper, wondering why Mill was so keen on natural penalties. In such a scenario, natural penalties would not serve any obvious function within the self-regarding sphere; rather they would merely engage with conduct that we would know should be left free for people to pursue—hardly beneficial from a liberal point of view.

In reality, however, we often disagree on, or are unsure about, which sorts of conduct and attitudes are morally wrong. Lots of conduct calls for interpersonal negotiation to determine its status. Natural penalties are contributions to such social processes of settling the normative status of contested conduct. In other words, natural penalties can be evidence or symptoms of the presence of socially contested conduct that does not have a settled normative status. The mentioned possible circularity stems from the fact that the adequacy of natural penalties is

itself not fully independent of the current boundaries of the self-regarding sphere within a specific society. Disapprobation often transcends the socially accepted boundaries of individual freedom. In this way, natural penalties can be expressions of individual desires for moral reform within society.⁵⁹

There is little doubt that Mill saw a kind of reformist function in natural penalties. His overall project was the improvement of mankind.⁶⁰ The self-regarding sphere should be a free haven for “experiments in living,” but it should not be free from all social interest. It should not be a sphere of indifference. People make mistakes, after all, they are often misguided in their decision making, or influenced by their circumstances. It appears then that in an ideal Millian society, everyone would have a clear sense of what conduct is socially acceptable for good reasons and what conduct would be the proper object of punishment. We would then all have justified beliefs regarding the boundary between social, or moral, concerns and self-regarding aspects of people’s lives, and we would be motivated to act accordingly. In other words, in a Millian ideal society, there does not seem to be a proper role for natural penalties within the self-regarding sphere. But, of course, there is no Millian ideal society, and there probably will never be any. Hence natural penalties are required. Their role is to help determine the very boundary between the self-regarding and the social sphere. Natural penalties, therefore, contribute to the adaptation of ethical viewpoints over time, in other words to social reform. Accordingly, it is even questionable whether the allegedly Millian ideal society really was Mill’s ideal. After all, it would be an ethically static society, something Mill clearly did not want.

5. The Risks of Expressed Contempt

I have defended expressions of even an extreme version of natural penalties, contempt, because it can serve an important normative function. Yet, there is a problem with contempt, specifically. Contempt seems to involve a condescending attitude, perhaps even a form of moral disrespect, toward another person. Partly this is due to the apparent assessment of another person as a whole person, not in terms of her specific characteristics. According to some philosophers, contempt is, indeed, holistic. In Stephen Darwall’s terms, contempt can lead to reducing other people to characters or kinds and to ignoring them as individuals.⁶¹

First, unfocused contempt is a characterizing attitude: though its object is an individual, it views its object as exemplifying (contemptible) characteristics rather than as the particular individual he is. In effect, it reduces his worth to these contemptible features. Second, contempt sees its object as other and, crucially, as differing from the contemner in respect of the contemned’s contemptible features. And third, unfocused contempt characterizes its object, as from above as having lesser worth; it sees these characteristics as making him inferior through and through.⁶²

Indeed, the close proximity between contempt and coercion, which we have highlighted earlier, makes contempt a “risky form of moral address.”⁶³ The main

problems, however, that contempt can be “unfocused”⁶⁴ and disrespectful, actually do not apply in relation to natural penalties. It appears that contempt rather focuses on particular characteristics of a person, such as a lack of concern for others or an obnoxious stance on the value of religious symbols.⁶⁵ Even where contempt is aimed at general dispositions or character traits of others, this does not mean that it reduces other people in their individuality or status. Contempt, indeed, often involves the assessment of global traits; but it does not imply an assessment of the whole person. It is about certain characteristics she has, not what type of person she is altogether. Similarly, from a virtue theoretical point of view, we could say that contempt focuses on vices, not on bad persons.

The other complaint regarding contempt is that it is disrespectful. Contemners seem to hold that they are better persons, morally speaking, than the contemned. Now, it is true, of course, that a person expressing contempt usually believes that the other person is worse in a specific aspect than an alternative person who does not have that trait.⁶⁶ That is one important reason why contempt is normally a form of criticism or protest. But contempt does not usually involve disrespect in any morally relevant sense. Michelle Mason and others have pointed out that contempt concerns a different form of respect than the basic moral respect we owe to every person. We may disrespect someone in the “appraisal” sense, but still, morally respect them in the “recognition” sense of the term.⁶⁷ When, in expressing contempt toward the contemned person, the contemner engages with the contemned person, thereby sending a message to, and protesting against, the contemned person, the contemner shows a sign of respecting the contemned as someone who can be held responsible and is not “beneath contempt.” This, of course, is a point already made by Strawson: reactive attitudes are inclusive in that they are applied only to those beings that we deem to be members of our moral community.⁶⁸

For Mill as well, natural penalties are means of social inclusion, not exclusion, because they are evidence of civic interest in others. They are meant to oppose the repressive tolerance that we find in indifference toward others.⁶⁹ To suppress any reaction, indeed, to take an objective attitude toward others, as Strawson famously called it, is to deny their status as agents capable of bearing responsibility for their deeds. This is why passive contempt, which is purely evasive and does not really engage with the other, is problematic. Contempt is hence doubly risky from a moral point of view. On the one hand, it can become dangerously close to being coercive. On the other hand, it can turn into an objective attitude, where there is no scorn, merely indifference toward the contemned person as a member of society, combined with a rejection of their conduct.⁷⁰

Given the permissibility of natural penalties, and their function, a Millian type of society requires strong characters, who can stand up for their way of life and are not easily pushed over by the opinions of their fellow citizens. Mill’s ideal society enables individuality. To achieve this ideal sets a demanding task for individuals. It also asks of societies to achieve social conditions so that individual liberty can prevail. The acknowledgment and appreciation of the normative

difference between coercive social control and the expression of reactive attitudes emerge not merely from philosophical argument but also from lived experience.

6. Conclusion

In the past, natural penalties have typically been seen as undermining the liberal character of Mill's theory, or as at least introducing tension in his thinking. In contrast, I have argued that natural penalties, even though they are applicable within the self-regarding sphere, are in harmony with Mill's defense of individual liberty. This is mainly because, unlike coercion, natural penalties allow for interactive negotiation and they regularly apply to socially contested conduct of uncertain moral value. Indeed, natural penalties, especially expressions of contempt, play a vital role in determining the very boundaries of the self-regarding sphere within real societies. Nevertheless, expressions of contempt and the like are, from a liberal point of view, risky forms of interpersonal engagement. Yet, if my argument has been successful, the role of natural penalties within Mill's thought, and liberalism more generally, has been vindicated.⁷¹

Notes

¹G. Claeys, *Mill and Paternalism* (Cambridge, Cambridge University Press, 2013), 177.

²See M. J. Cowling, *Mill and Liberalism* (Cambridge, Cambridge University Press, 1963); G. Himmelstam, *On Liberty and Liberalism: The Case of J. S. Mill* (London, Routledge and Kegan Paul, 1974); J. Hamburger, *John Stuart Mill on Liberty and Control* (Princeton, Princeton University Press, 1999). These works have been heavily criticised; see, for instance, C. L. Ten, *Mill on Liberty* (Oxford, Clarendon Press, 1980); J. C. Rees, *John Stuart Mill's On Liberty* (Oxford, Clarendon Press, 1985); D. Miller, *J.S. Mill: Moral, Social and Political Thought* (Cambridge, Polity Press, 2010); J. Riley, *Routledge Philosophy Guidebook to Mill On Liberty*, Second Edition (London, Routledge, 2015).

³J. S. Mill, *Principles of Political Economy*, Collected Works of John Stuart Mill, Vol. III, gen. ed. J. M. Robson (Toronto, University of Toronto Press, 1965), 936–9.

⁴J. S. Mill, *On Liberty*, in: *Essays on Politics and Society*, Collected Works, Vol. XVIII, gen. ed. J. M. Robson (Toronto, University of Toronto Press, 1977), 213–310, at 277–8.

⁵D. Cocking and J. van den Hoven, *Evil Online* (Oxford, Oxford University Press, 2018), 23.

⁶Given what Mill says in the quoted section above about avoiding the “parading” of one’s disagreement, the specific case of Lindsey Stone might be seen in a slightly different light from a Millian point of view, namely as illegitimate interference. This complication does not undermine my general argument though.

⁷Mill, *On Liberty*, 224.

⁸Hamburger, *Mill on Liberty and Control*, 183.

⁹Mill, *On Liberty*, 280f. The objection was nevertheless made, despite Mill’s precaution, by James Fitzjames Stephen and it had some impact (J. F. Stephen, *Liberty, Equality, Fraternity* [1873]. Edited and with an Introduction by R. J. White (Cambridge, Cambridge University Press, 1967), 139f.).

¹⁰Mill, *On Liberty*, 281.

¹¹See Mill, *On Liberty*, 276. See also R. F. Khan, “J. S. Mill: Ethics and Politics,” in *Routledge History of Philosophy Vol. VII: The Nineteenth Century*, ed. C. L. Ten (London, Routledge, 1994), 51–80, at 57.

- ¹²Mill, *On Liberty*, 282 (emphasis in original).
- ¹³See R. J. Halliday, *John Stuart Mill* (London, Allen and Unwin, 1976), 114; C. L. Ten, “Was Mill a Liberal?” *Politics, Philosophy, Economics* 1 (2002): 355–70, at 358–9. Khan, *J. S. Mill*, 61; J. Riley, “Is Mill an Illiberal Utilitarian?,” *Ethics* 125 (2015): 781–96, at 793.
- ¹⁴The distinction between punishment and penalty is notoriously elusive: see, for instance, Joel Feinberg, “The Expressive Function of Punishment,” *The Monist* 49, 1965, 397–423, and R. J. Spjut, “Criminal Law, Punishment, and Penalties,” *Oxford Journal of Legal Studies* 5, 1985, 33–46.
- ¹⁵Undoubtedly my overview of scholarly literature on Mill’s natural penalties is far from being complete. One important addition is, for instance, Sujith Shashi Kumar, *Reassessing J. S. Mill’s Liberalism: The influence of Auguste Comte, Jeremy Bentham, and Wilhelm von Humboldt*, PhD thesis, London School of Economics, 2006, 135ff., and his *Mill: A Guide for the Perplexed*, London etc.: Bloomsbury, 2013, 99ff. Kumar claims that Mill’s natural penalties influence second-order volitions (in Harry Frankfurt’s sense of the term, i.e. volitions regarding motivating desires), whereas social punishment restricts freedom of action. This interpretation does not add relevantly to my concern in this paper, regarding the justification of natural penalties, because influences on second-order volitions might still be problematic from a liberal point of view, as Kumar himself acknowledges (Kumar, *Mill*, 103).
- ¹⁶Hamburger, *Mill on Liberty and Control*, 16.
- ¹⁷*Ibid.*, 188f.
- ¹⁸*Ibid.*, 171f.
- ¹⁹*Ibid.*, 188.
- ²⁰Mill does not have a distinctive label for the sphere that contrasts with the self-regarding class. Many scholars call the opposing sphere “other-regarding,” which is linguistically neat, but not a term that Mill uses. Also, it might lead to confusion because there are, for instance, acts that regard others (in a descriptive sense), such as entering a competitive market with a new business, but are self-regarding (in the Millian normative sense), because the acts are (tacitly) consented to (see A. Ryan, “Mr. McCloskey on Mill’s Liberalism,” *Philosophical Quarterly* 14 (56), 1964: 253–60; at 256). I therefore use the notion “social sphere,” following Riley on this account (Riley, *Routledge Guidebook*, 202).
- ²¹Hamburger (*Mill on Liberty and Control*, 177f.) at one point himself explains away the apparent incoherence between Mill’s “one very simple principle” and his willingness to allow natural penalties. Here he claims that the liberty principle does not apply to interpersonal engagement but only to the dealings of society with the individual. So as long as natural penalties were applied, as it were, personally and not on behalf of society, there would still be a place for a separate liberty principle. Yet, as might be obvious from what has been said so far, the normative significance of the self-regarding sphere would nevertheless be seriously damaged, as “the realm of choice” would be “made smaller” (*ibid.*, 179).
- ²²These examples of forms of interpersonal engagement of course draw from Mill’s description of his famous “one very simple principle” (Mill, *On Liberty*, 223f.).
- ²³G. Claeys, “Mill, Moral Suasion, and Coercion,” in: *Ethical Citizenship: British Idealism and the Politics of Recognition*, ed. T. Brooks (New York, 2014), 79–102, at 82.
- ²⁴Claeys, *Mill and Paternalism*, 190.
- ²⁵Claeys, *Mill, Moral Suasion, and Coercion*, 87. In fairness, Claeys goes on to develop a typology of grades of “moral suasion,” so he tries to alleviate the spectre of moral totalitarianism within a Millian framework. He also explicitly mentions the possibility to “chastise without coercing” (*ibid.*, 98), which—at this point—takes him away from the inseparability thesis.
- ²⁶Hamburger, *Mill on Liberty and Control*, 183.
- ²⁷Alan Ryan holds a very similar position in his *John Stuart Mill* (New York, Pantheon Books, 1970), 236ff.
- ²⁸Riley, *Routledge Guidebook*, 121ff. According to Riley’s interpretation, Mill understands harm as “perceptible damage” (*ibid.*, 125ff.).
- ²⁹*Ibid.*, 243f.

- ³⁰Ibid., 122.
- ³¹“If the agent expects that people with whom she sympathizes will react with anger, disgust, scorn, or contempt if she does whatever she is considering doing, then her sympathy will cause her to feel a measure of these emotions toward herself as she imagines herself doing it (...)” (D. E. Miller, “Sympathy Versus Spontaneity: A Tension in J. S. Mill’s Conception of Human Perfection,” *International Journal of Politics and Ethics*, 3 (2): 173–88, at 181).
- ³²See M. Bell, *Hard Feelings: The Moral Psychology of Contempt* (Oxford, Oxford University Press, 2013), 21, 191ff.; I. J. Roseman, “Rejecting the Unworthy: The Causes, Components, and Consequences of Contempt,” in: *The Moral Psychology of Contempt*, ed. M. Mason (London, Rowman & Littlefield, 2018), 107–30, at 122f.
- ³³See M. R. Holmgren, “A Moral Assessment of Strawson’s Retributive Reactive Attitudes,” in: *Oxford Studies in Agency and Responsibility*, Volume 2: “Freedom and Resentment” at 50, eds. D. Shoemaker and N. Tognazzini (Oxford, Clarendon Press, 2014), 165–86, at 168.
- ³⁴Mill, *On Liberty*, 278.
- ³⁵J. Waldron, “Mill as a Critic of Culture and Society,” in: *John Stuart Mill, On Liberty*, eds. D. Bromwich & G. Kateb (New Haven, CT: Yale University, 2003), 224–45, at 231.
- ³⁶Waldron, *Mill as a Critic*, 231.
- ³⁷Ibid., 237ff.
- ³⁸Mill’s “one very simple” principle is sometimes called the “harm principle,” sometimes the “liberty principle”. When scholars refer to the harm principle, they are concerned with the justified occasions for coercive intervention. This is, as it were, a focus on the positive case for intervention. The liberty principle states where coercive power should find its limits. This is a negative case against intervention. Mill also talks about two “maxims” in this connection (Mill, *On Liberty*, 292).
- ³⁹Joel Feinberg, *Offense to Others* (The Moral Limits of the Criminal Law, Vol. 2), Oxford: Oxford University Press, famously introduced an additional “offense principle” to supplement Mill’s harm principle.
- ⁴⁰Jonathan Wolff, “Mill, Indecency and the Liberty Principle,” *Utilitas*, 10, 1998: 1–16. For a recent attempt to explain what Mill meant by “harm,” see Piers Norris Turner, “‘Harm’ and Mill’s Harm Principle,” *Ethics*, 124, 2014, 299–326.
- ⁴¹Mill, *On Liberty*, 282.
- ⁴²See, particularly, Mill, *On Liberty*, ch.3, esp., 267.
- ⁴³Mill, *On Liberty*, 223f.
- ⁴⁴See, for instance, Himmelfarb, *On Liberty and Liberalism*.
- ⁴⁵See also G. L. Williams, “Mill’s Principle of Liberty,” *Political Studies* XXIV (1976), 132–40, at 135–36.
- ⁴⁶Mill, *On Liberty*, 292.
- ⁴⁷P. Strawson, “Freedom and Resentment,” *Proceedings of the British Academy* 48 (1962): 1–25.
- ⁴⁸C. Bennett, “The Varieties of Retributive Experiences,” *Philosophical Quarterly* 52 (2002): 145–63; J. Holroyd, “The Retributive Emotions: Passions and Pains of Punishment,” *Philosophical Papers* 39 (2010): 343–71.
- ⁴⁹Mill, *On Liberty*, 280.
- ⁵⁰Contempt is an elusive concept and there is no received definition in philosophy (cf. B. F. Malle, J. Voiklis & B. Kim, “Understanding Contempt against the Background of Blame, in: *The Moral Psychology of Contempt*, ed. M. Mason (London, 2018), 79–105.; Bell, *Hard Feelings*, 25ff.).
- ⁵¹Bell, *Hard Feelings*, 46.
- ⁵²See also Bell, *Hard Feelings*, 49ff., 145, on the distinction between active and passive contempt.
- ⁵³See also K. Abramson, “A Sentimentalist’s Defense of Contempt, Shame, and Disdain,” in: *The Oxford Handbook of Philosophy of Emotion*, ed. P. Goldie (Oxford, 2010), 189–213; at 197; M. Mason, “Contempt as a Moral Attitude,” *Ethics* 113 (Jan 2013), 234–72, at 248; M. Miceli and C. Castelfranchi, “Contempt and Disgust: The Emotions of Disrespect,” *Journal for the Theory of Social Behaviour* 48, 2018, 205–29, at 206f.

- ⁵⁴P. Strawson, "Social Morality and Political Ideal," *Philosophy*, XXXVI, No. 136, 1961, 1–17, at 4.
- ⁵⁵Bell, *Hard Feelings*, 153ff.
- ⁵⁶David Sussman links confident expressions of contempt to "appropriate self-love" (D. Sussman, David, "Above and Beneath Contempt," in *The Moral Psychology of Contempt*, ed. M. Mason (London, Rowman & Littlefield, 2018), 153–171, at 168). See also M. Mason, "Contempt: At the Limits of Reactivity," in: *The Moral Psychology of Contempt*, ed. M. Mason (London, Rowman & Littlefield, 2018), 173–92, at 176.
- ⁵⁷Michael McKenna discusses the communicative nature of reactive attitudes in his study *Conversation and Responsibility* (Oxford, 2012). The combative element of interpersonal contempt—the "attack" aspect of contempt—is mentioned in Malle et al., *Understanding Contempt*, 94f.
- ⁵⁸See, for instance, L. Radzik, "Moral Rebukes and Social Avoidance," *The Journal of Value Inquiry*, 48, 2014, 643–61. Bell (*Hard Feelings*) similarly only allows for "apt" contempt to have moral value. According to her analysis, this criterion is fulfilled if contempt targets the vice of superiority; in her words, when it is used against "superbia".
- ⁵⁹Eugenio F. Biagini, "Liberalism and direct democracy: John Stuart Mill and the model of ancient Athens," in: E. Biagini (ed.), *Citizenship and Community: Liberals, Radicals and Collective Identities in the British Isles, 1865–1931*, Cambridge: Cambridge University Press, 1996, 21–44, at 36, also stresses the historical relativity of the boundaries of the self-regarding sphere. See also Kumar, *Reassessing Mill's Liberalism*, 121.
- ⁶⁰J. M. Robson, *The Improvement of Mankind: The Social and Political Thought of John Stuart Mill* (Toronto, University of Toronto Press, 1968), 117ff.
- ⁶¹S. Darwall, "Contempt as an Other-Characterizing, 'Hierarchizing' Attitude," in: *The Moral Psychology of Contempt*, ed. M. Mason (London, Rowman & Littlefield, 2018), 193–215, at 193.
- ⁶²Darwall, *Contempt*, 206.
- ⁶³See Bell, *Hard Feelings*, 187f.; see also Holmgren, *A Moral Assessment*, 178f.
- ⁶⁴Darwall, *Contempt*, 203f. The point is also discussed by Abramson, *A Sentimentalist's Defense*; and Miceli et al., *Contempt and Disgust*, 211.
- ⁶⁵To be sure, contempt can of course be based on false evidence or driven by stereotypes and biases. But these problems are not specific to contempt.
- ⁶⁶Note that the contemner does not necessarily need to believe that she is better than the contemned in this respect. She might well be ashamed of her own contemptible character trait.
- ⁶⁷The distinction goes back to S. Darwall, "Two Kinds of Respect," *Ethics* 88 (1), 1977, 36–49.
- ⁶⁸Jonathan Bennett helpfully describes reactive attitudes as "expressions of one's caring about the attitudes of other people" (J. Bennett, "Accountability," in *Philosophical Subjects: Essays presented to P.F. Strawson*, ed. Zak van Straaten (Oxford, Oxford University Press, 1980), 14–47; at 22).
- ⁶⁹H. Marcuse, "Repressive Tolerance," *Critique of Pure Tolerance*, eds. R. P. Wolff, B. Moore, Jr. and H. Marcuse (Boston, MA, Beacon Press, 1969), 95–137.
- ⁷⁰See Malle et al., *Understanding Contempt*, 84; Mason, *At the Limits of Reactivity*, 174.
- ⁷¹I would like to thank numerous students and colleagues, who have commented on earlier versions of this paper. I am particularly grateful to Simon Hailwood, Christopher Macleod, Stephen McLeod, Dale Miller, Jonathan Riley and David Weinstein. Two anonymous reviewers for this journal provided invaluable suggestions for improvements. A research fellowship of the Volkswagenstiftung enabled me to complete the initial draft.