



A test case for Mill: the Social Credit System

On Liberty's principles applied to the Chinese social credit system

Justin G.P. Lever (424999)

Erasmus School of Economics (ESE)
Erasmus School of Philosophy (ESPhil)

Supervisor: C. Binder
Advisor: F. A. Muller

Erasmus University Rotterdam

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Chapter 1: Introduction

One hundred and sixty years ago, John Stuart Mill predicted one of the vital questions of the future in his essay *On Liberty* in 1859. This problem, which *On Liberty* tackles, looks at “the nature and limits of the power which can be legitimately exercised by society over the individual.” (Mill, 1859/2001, p. 6) His strength lies in determining the intervention boundaries by society and expressing the importance of becoming a flourishing individual. Mill wrote *On Liberty* due to the technological and social developments in the United Kingdom in the 19th century. Today, a fascinating contemporary country that experiences a rapid change in society and the usage of technology is China.

The rise of new monitoring technologies make the question of the boundaries of society, and, thereby, the government, more relevant. There are more data sources available than ever before; from CCTV camera footage with facial recognition, online purchase and search history, to biometric data. Western media have accused the Chinese government of combining these data to create a normative score. These writers describe that this normative score will assess the ‘goodness’ of a citizen with self-learning algorithms. They conclude that this system is ‘an Orwellian tool of mass surveillance,’ (Munro, 2018) ‘leaving no dark corner’ in the Chinese society. (Carney, 2018) This surveillance tool is called the social credit system, and it will fully come into force in 2020.

These alarming articles evoked my interest to study the social credit system. The exact details of the future system are not known in 2019, but the contours of this system, or rather systems, turned out to be less dark as described by these articles. The social credit system is a new economic and social governance tool that consists of three main systems in the financial, social, and moral domain to enhance trustworthiness. (Lynch, 2018) Especially the moral part that promotes Chinese socialist values or behavior through digital media in an environment with limited contested views is interesting to investigate. This application seems to be the opposite of Mill’s ideal society that is characterized by freedom of speech and a limited role for the government. Furthermore, I want to stress that this thesis only looks at the social credit system and not to other programs in which the Chinese government influences or monitors its citizens.

This thesis will use Mill’s principles from *On Liberty* to look at the philosophical justification of the social credit system. More specifically, I will seek to what extent society should restrict freedom of speech and to what extent the government may promote a value such as trustworthiness. I will argue that Mill might be neutral regarding the credit reporting part and ambivalent to the social management part. The latter domain contains two contrasting principles: the failure to contribute to society and freedom of movement. Moreover, I will argue why Mill would be a fervent critic of the moral component. He argues for absolute freedom of speech because the truth will be found through discussion, and people can exercise their mental faculties in such a discussion. Lastly, I will argue that Mill believes that we should develop qualities that we deem crucial, instead of a government that determines which values, like trustworthiness, are desirable.

This outcome may not be a surprise because China endorses different values than the West. However, the academic significance of my essay lies in philosophically approaching the social credit score. The social credit system provides a compelling case for Mill’s principles. I use his vivid argumentation in favor of freedom of speech and the autonomy for the individual to show why he would reject parts of the system by his principles. This thesis is, therefore, different from contemporary research on the social credit system. Current research is focused on the legal framework that investigates what the different initiatives of the social credit system are and their development in the future. (Creemers, 2018; Daum, 2017) Other research focusses on the approv-

al rates of the system and the concerns of citizens that the system tries to solve. (Kostka, 2019) Normative research on the social credit system has not been conducted.

Outline

Chapter 2 contains a general introduction along with his utilitarianism work that forms the foundation of *On Liberty's* argumentation. A summary of *On Liberty* will be given in chapter 3 with the notes of philosophy professor Riley (2015), which will be followed by an introduction of the social credit system in section 4. Consequently, the social credit system will be assessed by Mill's principles in chapter 5. The main clash of the discussion on the moral system in chapter 5 will be on the allowance of freedom of speech and will be examined further in chapter 6. This examination also includes a discussion on the allowance of social media. Section 7 will describe if the social credit system has a justifiable purpose. This debate will review the case of a government that chooses a particular value, in this case, trustworthiness, and ask if the promotion is allowed. The findings on the social credit system and the arguments will be summarized in chapter 8. Lastly, I will refer to the book *On Liberty* (Mill, 1859/2001) as (p. x) in this thesis.

Chapter 2: John Stuart Mill and Utilitarianism

General Introduction

John Stuart Mill lived during the 19th century, which is also known as the Victorian era in England. During his lifetime, he encountered the readings of other established thinkers, such as Darwin, Marx, and Nietzsche. The first influence on his career was his father, James Mill, who was a renowned historian for his famous work *History of India* (1817), as well as an economist. John's education was different from regular students because his father arranged a unique program consisting of natural science and classical literature. A good friend of his father was Jeremy Bentham, who developed the basis of utilitarian theory, was also included in his readings. Hence, John was confronted with classical philosophy, economics, and utilitarianism from an early age. (Riley, 2015, pp. 3-5)

Utilitarianism

Before continuing with the summary of *On Liberty*, I believe it is crucial to understand Mill's utilitarianism as he described in his book *Utilitarianism*. The foundation of *On Liberty's* arguments is built upon his qualitative hedonism. Jeremy Bentham, the founder of quantitative hedonism, was a friend of his father and discussed these theories with John Stuart. Bentham's utilitarianism is an ethical theory that says that if a person has two different choices that exclude each other, one ought to choose the option that brings the most happiness. Happiness is measured by the pleasure and pain that follows after an action. In this case, there is no action intrinsically wrong, but only the worst outcome in terms of happiness is instrumentally wrong. (Driver, 2014) It is important to note that this doctrine is fundamentally different from Kantian ethics that establish a-priori principles with reason.

Mill was convinced that, as for Bentham, the utility is "the ultimate appeal on all ethical questions." (p. 14) However, Mill had a different conception of happiness than Bentham. (Mill, 1859/1992, p. xv) Mill's conception of happiness is that it exists in higher and lower forms. Not every human activity yields the same qualitative happiness. The enjoyment of a beautiful painting, piano play or poetry is of a higher form than the joy of eating a delicious meal. Furthermore, we should also include a factor of time in his utilitarianism because men should be seen as a progressive being. If a friend sees that you make a mistake and he cannot persuade you, you do not act immediately against this utilitarianism. Even if both parties seem unhappy in the short term, however, one may learn from a mistake and grow as a character. Besides humans, also other sentient beings should be taken into account. This broad utilitarianism should be seen as long term happiness that supports the broader progress of society. (Driver, 2014)

In *On Liberty*, Mill's arguments are based on this utilitarian thought. Many criticize *On Liberty* due to its incompatibility with utilitarianism. (Riley, 2015, p. 41) Sacrificing the life of newborn children to temper an ancient God or burning proclaimed witches in the middle ages are horrible examples in the history that may pose a threat between the combination of liberalism and utilitarianism. The higher utility of a whole village compared to the one person being sacrificed favors anti-liberal principles. (Riley, 2015, p. 229) In the case of China, we can ask the following question: does a stable country with a suppressed public opinion yield more utility than a chaotic country? We will come back to this topic in chapter 6.

There are alternative ethical theories on which Mill could base *On Liberty*. For example, contractualism by Scanlon describes that regulation principles are formed in a way that "no one could reasonably reject as a basis for informed, unforced, general agreement." (Ashford & Mulgan, 2018) Proving that no one would reasonably reject is easier than demonstrating that particular principles yield the most utility. However, I believe that Mill thought that his principles would lead in the end to the most desirable society, where everybody would

have the most joy. Even if one came with historical counter-examples that would lead to a temporary situation of less utility, the long run that follows Mill's principles would yield the best society. Therefore, I shall argue in this essay that the special Millian form of utilitarianism and liberalism are compatible. With Mill's utilitarianism in mind, we will summarize *On Liberty* in the next chapter.

Chapter 3: Summary of *On Liberty*

Chapter 1 of On Liberty

Historical analysis of social liberty

Mill starts his essay with a historical analysis with four stages of social liberty to show why a new doctrine on individual rights is needed. The first stage is a clash in Ancient-Greece between authority and individualism, where the people had to be protected from tyranny. The tyrant was self-interested and had different interests than the people. Over time, reigning democratic forms had emerged, and a struggle followed. Democratic parties had to beat other reigning forms, such as aristocracy or monarchy. (Riley, 2015, pp. 54-55) The third era came into existence after the democratic system had won the struggle, but it had appeared the interest of all the people did not fully coincide with the democratic leaders. For instance, the majority's opinion may have opposing views compared to minorities. If the majority's will is forced upon these minorities, a situation arises for these minorities as if there was a tyrant. Evidently, the minorities' view was suppressed.

In Mill's era, this tyranny of the majority is "among the evils against which society requires to be on its guard." (p. 8) Safeguards in the form of constitutional laws are necessary to prevent this suppression of minorities. Consequently, the fourth stage is related to the technological advancements in which the majority has extended its reach from the legal domain into the social realm. According to Mill, the individual should be protected from the prevailing opinion of the majority that has become more dominant in society. This social domain includes thoughts, expressions, and lawful behavior that deviates from the prevailing norm. These thoughts were, for example, "commercial in spirit" and focused too much on acquiring a particular brand. (Riley, 2015, p. 56) Mill argues that this social tyranny has a further reach than the political one because it interferes on a deeper level of life. (p. 9) Thus, *On Liberty* aims to limit the negative influences of both tyrannies on the individual by formulating one straight-forward universal principle of liberty.

Defining the Harm Principle

After introducing why both tyrannies should be fought against, Mill states his central thesis: the individual is sovereign. He writes:

"In the part [of his conduct] which merely concerns himself, his independence is, of right, absolute." (p. 13)

This individual sovereignty encompasses independence of conduct to a certain extent, which is formulated in the harm principle. That principle entails that a person has the moral right to perform *any* purely self-regarding action, as long as it does not hurt another person. (Riley, 2015, p. 35) Mill does not provide an exact definition of harm, which implies he refers to a common-sense notion. Riley defines harm as 'perceptible damage' to individuals or society, which includes 'body, finances, reputation, and contractual agreements.' (2015, p. 61) This definition excludes dislikes or disgust of action because otherwise, the term is too strong and becomes useless and empty. (Riley, 2015, p. 190) This terminology will further be discussed in chapter 4 of *On Liberty*.

Moreover, the principle applies to every civilized, capable of self-improvement-adult. This principle excludes children, barbarians, or mentally-retarded people because they cannot assess what is right and wrong. (Riley, 2015, p. 62) Mill thinks, thus, that other adults may know what is good for them in his broad utilitarian notion.

The Prophecy of Mill

At the end of the chapter, Mill stipulates the rise of despotism and disciplinarian societies in general. He expects that these forms will increase "unless a strong barrier of moral conviction can be raised against the

mischief.” (p. 17) We will see if this prophecy turns out to be true in relation to the social credit system in chapter 4 of this essay. To establish his thesis, Mill decides to examine the liberty of thought and discussion in chapter 2 before discussing the harm principle. The reasoning of defending the liberty of thought and discussion is similar to the harm principle, but this freedom is more evident than the harm principle.

Chapter 2 of On Liberty

Freedom of Speech on popular opinions

The liberty of thought and discussion, in contemporary discourse, is also known as freedom of speech and is of utmost importance for Mill. The goal of this chapter was to defend the already existing freedom of expression in certain areas and extend this liberty in matters where it was not fully endorsed, such as religious issues. He argues that governments are not allowed to coerce any opinion by any means, because it is illegitimate. He illustrates this with a strong statement:

“If all mankind minus one were of one opinion, and only one person was 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.” (p. 18)

Silencing possible true opinions

The first argument of his support of freedom of speech is based on the infallibility of humans. The case is straightforward and effective: it is evident that humans make mistakes. If people are forced in believing ‘certain’ statements, for example, an untrue fact, they would be robbed of having the opportunity to believe something else, potentially a true fact. The “undertaking to decide [...] for others” may be applied to a wrong idea, which consequently means that a possible true opinion is suppressed. (p. 24) He describes three striking examples to show that humans were fallible in the past. Case one and two refer to the death sentence of Socrates and Jesus, where a further explanation of their worldwide well-doing is not needed. Mill reflected that their death penalty due to their ideas was, to put it lightly, foolish in hindsight. Another example is the persecution of Christians during the reign of wise Marcus Aurelius. The emperor did not recognize the additional value of Christianity for society but merely saw a threat to his reign. Mill argued, besides this mistake, that he was one of the most reasonable and enlightened men that lived during his age. (pp. 26-28) Hence, the conclusion is that the dissenting opinion is not always the right one, even if this is linked to religious matters.

Silencing false opinions

The second argument explains why even a wrong opinion should not be censored. Mill epistemologically states that the way to fully understand ideas is to participate actively in a debate, where the only exception can be found in mathematics. For instance, most people know the Pythagorean theorem, . This formula contains the truth even if one does not know each step to prove this rule. However, complex issues such as philosophy or religion are constituted of theories that rarely possess the whole truth. The truth might be somewhere in the middle of two sides. (p. 35) Mill takes the famous rhetoric Cicero as an illustration, who studied his opponent’s arguments better than his arguments. Truth-seekers should do the same because counter-arguments may supply another part of the truth.

An objection to this line of reasoning is that not everybody needs to know these counter-arguments. As a thought experiment, society can decide that only politicians and philosophers may decide on complex topics. In China, for example, the party and scholars are the ones who actively debate issues. Mill would say that the existence of an elite upper-class and an ignorant public is from a broad utilitarian point of view challenging to argue. The people, or the proletariat, cannot develop its active faculties emerges after exercising one’s judgment. This argument will be more explored in chapter 7 of this thesis.

Furthermore, he would answer ordinary people cannot grasp the truth without discussion. A free discussion should be seen as a *mental exercise*. (Riley, 2015, p. 82) Without this active discussion, people will not believe intrinsically in those principles and do not act accordingly. Mill refers in this case to self-named Christians, who do not act the way they should according to the Bible. He argues that the original teachings and moral values are replaced by newer ones, fake ones, due to a lack of debates. For example, can a 'real' Christian be rich, live in a big mansion, and only wear expensive designer brands? The combination of living a luxurious lifestyle and Christianity may not be the original intention of the Bible, although these two may be accepted in one's community. The implication is that real Christians should study the Bible and carefully study the arguments from both sides. The active faculties can then judge if they do not hold false beliefs. (Riley, 2015, p. 85)

I believe that there are similarities between the Christian church in the 19th century and the Chinese communist party if we abstract from both situations. Both institutions teach a meta-narrative that have particular values. There is limited room for ordinary citizens to discuss the given principles in public. In general, only the communist party members and scholars, the equivalent to church board members and clergymen have to power to discuss and change the discourse. This argument will apply to the moral domain of the social credit system in chapter 5 of my essay.

Silencing partly true opinions

Mill's perception of the truth is crucial to justify the allowance of partly true opinions philosophically; in other words, the opinions that exist most commonly. He says that the most compelling argument, the one containing the truth, will gradually prevail in a debate. However, the suppression of these opinions may result in a long time waiting before the right idea will replace it. An excellent example can be found in the heliocentric discussion. The church may have suppressed this world-view for decades; the ultimate truth eventually won due to the persistence of Copernicus, Galileo, Kepler, and others.

Mill recognizes that this process of gaining knowledge is not linear. We approach the truth from one side in one discourse, whereas the next theory highlights another part of the truth. He describes the process of switching frameworks as follows:

“Even progress, which ought to superadd, for the most part, only substitutes, one partial and incomplete truth for another; improvement consisting chiefly in this, that the new fragment of truth is more wanted, more adapted to the needs of the time, than that which it displaces.” (p. 44)

Summary

Mill writes that our current opinions are not necessarily wrong, but the possibility of being untrue shows that contemporary opinions are worth debating. Even if our judgments are correct, false ideas in the form of counter-arguments help to understand one's opinions vitally and should not be censored as well. The logical consequence is that the government should not coercively or legally interfere in public discussions. Mill wants to take his argumentation one step further by arguing for the freedom of acting. In *On Liberty's* chapter 3, his rhetoric to prove why people are allowed to act according to their beliefs is similarly structured as chapter 2.

Chapter 3 of On Liberty

Remarks

Before continuing his plea in favor of acting as you desire to a certain limit, Mill nuances his liberty of expression. There is *absolute* freedom for 'self-regarding expressions'; in other words, one can always express thoughts that concern oneself. One can also express thoughts that concern others if they do not cause perceptible damage. However, there are two limitations possible in 'others-regarding expressions.' Firstly, Mill would likely be

against blackmail or false advertisements, as these are not in part of his definition of a fair discussion. (Riley, 2015, p. 93) Secondly, this power of suppression may be used if the content of the speech causes violence or other non-consensual harm. (Riley, 2015, p. 95) In practice, these circumstances may seldom lead to suppression, which is the reason why Riley emphasizes the liberty of expression is *absolute*. (Riley, 2015, pp. 68-70)

Before defending his freedom of conduct, Mill needs to distinguish between the freedom of discussion and conducts, because the latter should be more restricted than the former. Obviously, not every action can be performed. For example, conduct that disrespects the harm principle, which was discussed in his first chapter, is not allowed. He states, again, according to the harm principle, that a man can act as long as he is not “a nuisance to other people.” (p. 52) In this chapter of *On Liberty*, he will argue that all the other behavior that passes the harm principle, should be allowed because this freedom of conduct is beneficial to develop one’s character. Furthermore, society develops the fastest by having a multitude of characters.

The benefits of acting as you want

Afterward, the plea for developing one’s character is given, and he emphasizes that there should be different “experiments of living.” (p. 53) The value of individuality is often recognized in education and culture; however, not always in other aspects of society. It may be challenging to understand the necessity of ‘individual spontaneity,’ especially if it seems rebels or counter-productive from the mainstream view. (p. 54) However, being spontaneous is also part of human nature. Human nature, in terms of a mode of existence, can be compared to a growing tree that does not have one particular way to flourish but may grow in many different directions. Consequently, various plants require different atmospheres to grow, just as various humans need different environments. (p. 63) The goal of character growth, taking place in multifold conditions, is to develop a noble moral character. (Riley, 2015, pp. 102-103)

The opposite of this theory is Calvinism, which demands that its followers solely obey God’s will, not using any human faculties to think for themselves. For example, Calvinism does not challenge its followers to think of what is morally right because the church has this authority. This restriction in thinking leads to limited character development. Hence, Mill states that restraining characters “develops nothing valuable.” On the contrary, letting people choose their lifepath enables them to be their best possible self. Therefore, neither (the reasons in the name of) God nor men should restrain humanity. (pp. 58-59)

He exemplifies this remark with a genius; a person with extraordinary ideas that break with current society. Such a contrivance person can only exist in a place that is tolerant of new ideas. Otherwise, he might not be able to develop them. After developing a new theory or a new framework, society, including other critical thinkers, may decide if such a new doctrine is valuable. This progress in society may stop if individuality is restricted.

He supports his argument by naming China, emphasizing it has been ahead of the West for centuries. China had wisdom, advanced technology, and an excellent apparatus. (p. 67) However, to become a high-ranked government official, they had to take a state’s exam on Chinese customs and philosophy. This mandatory test created rule-abiding citizens. The desire to be like-minded averts the process of learning from others. The lack of innovative thinking made China stationery. The Chinese should have implemented more freedom and variety of situations to prevent this stagnation. (Idem)

Summary

Mill acknowledges that individuality promotes well-being and that one has the liberty to act according to one’s principles with self-regarding actions. Furthermore, society should not try to unify different cultures, but embrace the several modes of existence. After establishing the freedom of self-regarding actions of the individual, the next chapter will examine how far the other-regarding actions of the individual goes and where the (legal) authority starts.

Of the Limits to the Authority of Society over the Individual

Mill continues with the relation of society's authority and the individual. He states that this authority is not derived from a social contract. Instead, a person receives benefits from the state, for example, protection and from these benefits, two obligations follow. Firstly, one should not mingle with the interests of others. Secondly, one should contribute to the state based on equitable principles for the protection one gets from the state. In return, the state and society should let the individual be free unless he acts more than frictional to society. The reason why the government should not use legal coercion on non-constructive injury is based on the tyranny of the majority. The likelihood of misapplication of enforcing unlikable behavior is too big. First of all, society does not have, and should not have, an explicit unitary opinion on such behavior that can be applied to an individual case. Even if we pretend that society has a unified opinion, the majorities' opinion, the right believes may not be amongst them, bearing in mind that people are infallible. (pp. 75-76) Mill proposes that social stigma should be used for people that did not conduct a severe violation of the law. If another person holds displeasing thoughts, and one wants to persuade him of believing otherwise, he should be free to convince him. (pp. 69-71) Others may learn virtues from contradictory opinions, just as a partial truth needs opposing voices to come closer to the truth. In the end, every individual is sovereign because he is "the most interested in his own well-being." (p. 70)

Mill suggests that there is a distinction between two different actions: a self-regarding action and an other-regarding action. Men should be utterly free regarding the first action. This principle can be illustrated by taking a man who watches television the whole day. Mill would argue that this is a self-regarding action if the man has a free day. It is his choice, and he knows what is best for him, which is taking some time to relax. Therefore, society should not bother. (p. 74) However, if he does not show up at work and forgets to pick up his children from daycare, the same act of watching television becomes an action affecting society. That means that this act is wrong.

Evidently, a problem arises with his thin and vague distinction between self-regarding and other-regarding actions. Self-regarding actions affect relationships between a person and his friends and also, to a lesser extent, the whole society. Mill draws the line if there is 'definite damage, or a definite risk of damage, either to an individual or to the public.' (p. 75) He recognizes that there is discomforting behavior that is not harmful, but there is, for example, conduct that is unconstructive or dumb. Allowing this behavior by not using coercion is necessary for the 'greater good.' (pp. 75-77) This argument is that we have much better measures than coercion. The natural penalties of taking dull actions in combination with societal power can alter the behavior of a capable of self-improvement man. (Riley, 2015, pp. 130-131)

He continues his argument with an example of married clergymen, a topic still debated in the Netherlands. Catholic clergymen are not allowed to marry or have any sexual relationship. On the other hand, Protestant clergymen can marry. A Catholic clergyman may feel uncomfortable that the Protestant one misunderstood the Bible and practices the opposite of what he preaches. However, this marriage does not harm them in a common-sense notion of perceptible damage. This debate on marriage illustrates an area where Catholic clergymen feel discomfort if a Protestant Clergymen marries. However, this marriage falls under the category of self-regarding action, and the Protestants are allowed to act according to their beliefs.

Summary

This acting according to their beliefs is precisely what Mill would like. Society should be able to give its opinion to start discussions on opposing views, but there should be no legal prosecution on discomforting actions or controversial values for two reasons. Men can be brought to reason, and society would interfere erroneously

with the wrong ideas in an individual situation. In the next chapter, he will continue to explain why society may interfere in some occasions and goes into further detail to explain his doctrine.

Chapter 5 of On Liberty

Applications

Mill starts with reinstating his first principle. People are sovereign in actions that only concern themselves, and society may not use coercion on such action. This illegal use of coercion does not mean that society should do nothing, on the contrary! Everybody should be free to give counsel. (pp. 86-87) As we have seen in previous chapters, the exchange of opinions is vital to find the truth. The situation becomes complicated if someone profits from saying a particular opinion. According to Mill, we are placed on a boundary of different principles. Society may limit his speaking power because these opinions may be against the general interest of men. Money may lure people into encouraging inappropriate behavior. (p. 90-92)

Mill turns to an example with a man that wants to cross an unstable bridge to show how society should protect its people. Society should warn this man that desires cross this bridge because he needs to be aware of the dangers. However, if the man is conscious of the risks, he should be able to decide if he wants to cross the bridge. (p. 88) Mill summarizes as follows: “the liberty consists in doing what one desires.” (idem)

The second principle entails that society is responsible to react socially or legally to harmful, or “prejudicial”, actions that concern others. (p. 86) This definition creates room for sadness and disappointment that arise from the normal everyday competition. If one’s company loses a tender or a student gets into another’s preferred major with limited spots, frustration for the other party is the logical consequence. This competition seems intuitive because it would be impossible to let nobody down. As Mill would argue, competitive society is in “the general interest of mankind.” (p. 87)

Consequently, he gives more examples to clarify his positions. Mill suggests that the purpose of tax should not be to persuade people to buy or do something. An additional tax on smoking should not be allowed if it aims to decrease the amount of smoking people. (p. 92) In this case, poor people have less chance to choose than rich people. If the government wants to stop people smoking, it shall do so through discussion and recommendations.

Ultimately, he asks how far liberty may go. Can a person sell oneself to slavery? In that case, Mill says that it should lawfully not be possible to sell oneself. Two different liberties are opposing each other. The freedom to self-determination and one’s body may allow a person to sell oneself and give away all its freedom. However, if one is sold as a slave, one has no freedom anymore. The first freedom, of moving and thinking, is more important, an end in itself. Therefore, a person cannot sell oneself as a slave. (pp. 94-95)

Summary

The two principles in the fifth chapter of *On Liberty* clarify his final positions. The first principle tells that we may try to influence others but not coerce because otherwise, the liberty of the individual is at stake. The individual may choose at all times, which is a crucial insight that will be used throughout this thesis. His second principle explains that we can act according to our beliefs, even if it disappoints other people. Finally, we see that the boundaries of liberties can collude. In this case, society should take a stance and determine which freedom is more crucial. We will see that this is necessary for the social management system in chapter 5 of my essay.

Chapter 4: Introduction of the Social Credit System

The social credit system (*shehui xinyong tixi* - SCS) has, as mentioned before, a mystical touch because the exact outline of the system is not yet known. (Creemers, 2018, pp. 1-2) Instead, the social credit system is not one system, but the SCS is “a whole ecology of fragmented initiatives” that will come fully into force in 2020. (Idem, p. 25) The SCS will be a system that assesses the “trustworthiness” of individuals, businesses, social organizations, and government agencies. (Kostka, 2019, p. 2) Credit in the SCS should be interpreted according to the dual meaning in the Chinese language, that both means financial credit, like loans, and desirable social skills, such as honesty and integrity. The SCS will promote trustworthiness by providing benefits and disciplining sanctions. The system will be a collaboration between the government and businesses. From my personal experience in China in the spring semester of 2019, I have almost noticed no effects, besides a few business applications and video clips. (Cheng, 2019)

Goal: Trustworthiness

There are three goals of the system: creating a culture of integrity, tackling economic issues, and improving governance. These three goals have one major purpose: promoting trustworthiness. (Kostka, 2019, p. 2) There have been scandals in the past in China, a country that has transited from a planned economy to a market economy. One famous scandal was the Chinese milk scandal in 2009. Hundred thousands of babies became sick, and six babies died after drinking intoxicated baby milk. The milk was chemically adjusted with poisonous protein powder to pass the test with a poor-quality product. After the milk accident, Chinese parents had trouble to believe that the dairy industry was honest and upheld the standard. (Branigan, 2009)

Along with other contributing factors, these scandals have resulted that 76% of the respondents in a study felt that there was mutual distrust between citizens. (Kostka, 2019, p. 22) The promise of this system to steer the behavior, and thereby enhance honesty, is the principal reason why the approval rate by Chinese citizens is high. (Idem)

Three systems

As mentioned before, the SCS consists of multiple evolving systems. However, we can divide the system into three parts, according to Yale Law School Professor Jeremy Daum. These three parts are the financial part, the social part, and the moral part. (Lynch, 2018)

Financial credit system

The financial system should be seen as a personal credit report system of Chinese citizens. They have little digital payment information, and separate information of companies is not sufficient to establish a score. The Chinese government will combine several data sources to establish accurate personal financial information. This combination of several data sources includes everyday transaction providers as Wechat and Alipay, international banks as People's Bank of China, and global e-commerce platforms as Alibaba. These sources will provide data on credit history, buy history, personal assets, and personal information that results in a three-digit score. For example, The People's Bank of China gives a credit report to determine the eligibility for loans. (Idem) In the function of credit reporting, the program is similar to the American FICO or the Dutch financial registration office (BKR).

The difference from the Dutch BKR is that score system should be seen as a loyalty program. (Creemers, 2018, p. 22) For example, if users have a rating higher than 650 by Alibaba, they can sit in exclusive train station lounges or avoid paying a deposit at bike or car rentals.

Social Management system

The Social Management system originates from the joint punishment system, a system where China maintains a blacklist created by legal institutions. This system may restrict people from traveling by airplane or fast train, or consuming luxury goods after being put on the blacklist. These luxury goods include reserving 5-star hotel rooms or buying online products. There are two ways how one can come on the list. The first reason how one may get a fly ban is if one gravely misbehaves in an airplane. For example, one may smuggle a bomb or act aggressively against staff orders. The second reason is that one is untrustworthy in other areas with the credo: if one loses trust in one area, one may face restrictions everywhere. (Daum, 2018) Multiple ministries can assign one to the blacklist. The most prominent blacklist is the Supreme People's Court's Judgement Defaulter List, where convicted criminals are put on that performed excessive criminal behavior. Other examples include tax avoiders, financial fraud, failure to pay fines or to contribute to social benefits. (Idem) This list is binary. One is either on or off the list, and there is *no* score involved. (Kostka, 2019, p. 2) This idea can be compared to a parent couple that forbids television for its child that does not eat his vegetables. The Chinese state links separate areas to each other to punish its' citizens wrong behavior.

Moral Reward System

The third system is the moral reward system that can be explained with the online application Xi Jinping Thought.¹ The application is named after the general secretary of the communist party and president of China: Xi Jinping. Studying Xi's, and thus, the party's doctrine, gives the user 'Xi study points.' (Koetse, 2019) The application contains political ideology, ideological books such as the little red book of Chairman Mao, and classic political movies. If one reads the reports, one gets a higher three-digit score, which helps in the procedure to become a party member. Furthermore, one receives a reduction in shopping online. A low score or not reading these articles does not affect one's daily life. (Idem) We should see this application in light of the environment where there is no absolute freedom of speech. The censorship in China can be considered to be "harsh." (Ringgen, 2016, p. 75)

The Misunderstood System

Many alarming activist articles refuse to acknowledge the nuances and the differences between the three systems. We can conclude that the financial system generates a score for financial credit assessment. The social management system creates a binary blacklist that prohibits travel and luxury goods after failure to act according to Chinese law. The moral system, characterized by the Xi Jinping application, creates a three-digit moral score that is based on one's understanding of party ideology. Articles, like the one from the introduction (Munro, 2018), that suggest that China produces a three-digit rating that links a financial score or a moral score to travel bans, is incorrect. What this final system will look like is uncertain. This development will depend on the reaction of citizens, the availability of data, the party's ideology, and a bit of trial and error.

1 Also available on www.xuexi.cn

Chapter 5: Assessment of the Social Credit System

We looked at the argumentations of *On Liberty* in chapter 3 and the SCS in chapter 4. In this chapter, we will use the social credit system as a test case for *On Liberty*.

Assessment of Financial Credit system

A discussion on the establishment of an independent financial credit system that aims to improve financial information is not in the scope of *On Liberty*. There was no digital financial market in Mill's time. Besides the point that he deems that banks should not be owned by the government, *On Liberty* is an unsuitable guideline for establishing a rightful debt system. (p. 101)

Assessment of Social Management System

The social management system can create a discussion on the appropriate sentence of a convicted criminal. Before going into detail on the case, we will first look at the general principle. First of all, people should behave in a way "which neither violates any specific duty to the public nor occasions perceptible hurt to any assignable individual except himself." (p. 76) If a person commits a crime that is harmful to others, both to individuals or society at large, the government receives jurisdiction over it, and the interference in this matter becomes 'open to discussion.' (p. 67) The same argumentation holds if the act did not cause direct harm to society, but a repeatedly performed action causes damage. For example, one person walking through a protected landscape with extraordinary wildlife will not harm the scene. If many people visit, the grass will be damaged by the footsteps, and the likelihood of rubbish will increase. In that case, the broad utilitarian will maintain that non-consensual harm should be punished. (Riley, 2015, p. 194) In this case, we saw a ban on luxury goods and limitations on traveling. I would argue that John Stuart Mill would be favorable to a certain extent on these punishments if citizens fail to redeem their contribution to society.

We may take a convicted person, Deniz, for a heavy crime such as tax fraud. He is first unsuccessful in following society's rules while failing to contribute his share to society. Deniz is in that case prohibited from renting expensive hotel rooms and using trans, and flights because "society is justified in enforcing, at all costs to those who endeavor to withhold fulfillment." (p. 69) However, the case would be more intricate if we look at a light crime, such as an unpaid fine. Deniz fails, again, to contribute to society, which is the same argument as the last time. However, I would say that the degree to which his freedom is limited is too severe. There are also other tools that society may use to enforce the payment of such a fine. For example, the Chinese government may publish their names online, which may cause social stigma. This stigma, in turn, may move people to pay a fine to prevent reputation loss. All in all, this reasoning might become tricky because of the undefined line between contribution to society and liberty.

For Mill, society should discuss and eventually decide which liberty is more important. In the case of the social management system, I am not aware of any discussion or controversy on this topic. Mill would regret that such a debate never took place because this discussion would pick an adequate solution to this problem.

Assessment of Moral Score

In this assessment, I will look at two perspectives proposed by Mill. The first will look at the individual, and the second will investigate the government perspective.

Firstly, Mill would encourage citizens to inform themselves of governmental policies. This information should be based on both sides: arguments in favor and against, resulting in a discussion through which citizens can better understand the policies. The judgment of several arguments trains the mental faculties. Thus, this

discussion should be seen as *a mental exercise*. In the first place, the judgment of the quality of arguments helps to cultivate the mind. In the second place, if these beliefs still stand after a discussion, then one gets a vivid conception of ideas rather than the shell without an essence. (p. 38) For example, a discussion including anti-socialist values may result in new insights in potential short-comings of the current socialism with Chinese characteristics. In the unlikely event that there are no arguments in a philosophy that superadds the truth, then one has revitalized the arguments and can believe in those arguments more convincingly than before.

Secondly, these moral scores pretend that the government knows the whole, unbiased truth. Mill shows that ideas of governments may be infallible, and this possibility is enough to stop promoting the study as complete truth. The current philosophy, socialism with Chinese characteristics, is that of Xi Jinping that deviate from previous philosophies. Far before this policy, China was in a communist-era under Chairman Mao. Even before this policy, it was ruled by dynasties. History shows that there were different political ideas, goals, and systems in the past. Why would a different competent policy in the distant future not be likely that is not discussed in the current paradigm? A vivid discussion would be a just tool to contest government policy to see if the party's opinion, exemplified by Study Xi application, is competent. (Riley, 2015, pp. 82-83) How can one assure competence if no arguments against can be heard?

All in all, John Stuart Mill would reject the Moral Score program in combination with Chinese censorship to the fullest extent due to two reasons. The first reason concerned the cultivation of the mind and the revitalization of arguments. The second reason is related to the infallibility of the government.

Chapter 6: Debate on Freedom of Speech

The coming two chapters will extend the discussion on the moral score to abstract the debates to two central debates. The first conflict is an extension of Mill's judgment on the moral credit system that now will be focused on the freedom of speech and the role of social media. The second topic will discuss the goal of the Chinese government to promote trustworthiness. For the first conflict, Mill argues for absolute freedom of speech. On the other hand, the Chinese government desires to limit freedom of speech. For example, one may not try to divide the country. In the next paragraph, we examine potential flaws in Mill's argumentation that may justify restricted freedom of speech and look at Mill's counter-argumentation based on responsibility.

Critique: Mill's fair environment

In his argumentation, Mill refers to three situations. He distinguishes between true, false, and partially true opinions that can be heard in an orderly discussion. He presumes that these debates will go orderly; after all, the participants are sufficiently rational with their faculties. Mill only briefly examines the case if the debate is unfair. (Riley, 2015, p. 82) In reality, I believe that opponents of Mill think that he overestimates the possibility of a stable environment with intelligent debaters. If a debate takes place, people with hostile intentions can exaggerate the differences and divide the country more. They may demand the change of government, for example, a democratic government, which may result in a violent environment in which a fair discussion is not possible. Instead, official administrative departments may discuss what is right in terms of government policy. The truth, or in this case, adequate plans, can be discussed without risking the chaos the country has been through. Restricted freedom of speech may yield, in such a case, more utility than one would be in a civil war or grave political instability. Interestingly, this argument may show the concern the concerns that Mill's critics have as showed in chapter 2 of this thesis. Mill subscribes both to liberty of thought and discussion and to utilitarianism, which seems not compatible in this example.

This argument may be applied to China, considering its fragile history. To convince one of the chaos the country has been through, an example can be given on a bloody rebellion during the same time that Mill wrote *On Liberty*. The Taiping rebellion took place (1850-63) with the leader, Hong Xiuquan, believing to be the brother of Jesus Christ. (Ringgen, 2016, p. 60) A clear example of a dispute that was not solved in an orderly manner with entirely rational faculties, if it only were for the theoretical fact that Jesus did not have siblings. Only after 1949, the country was reunited under the communist party but suffered from famine shortly after during the cultural revolution. The main take away is that the country was far from the desired harmony. Nowadays, this stability is not taken for granted.

Mill's answer: Intellectual elite is not desirable

As mentioned in the summary of chapter 2 of *On Liberty*, the political situation of China with restricted freedom of speech is similar to a thought experiment. Mill refers to a situation where only theologians and philosophers may debate on the truth of specific arguments. Whereas Mill investigates the Catholic Church, an analogy can be made to the Communist Party in China. Both have an elite institution that may access thought-provoking materials. He summarizes this argument superbly:

“That it is not needful for common men to be able to expose all the misstatements or fallacies of an ingenious opponent. That it is enough if there is always somebody capable of answering them so that nothing likely to mislead uninstructed persons remains unrefuted. That simple minds, having been taught the obvious grounds of the truths inculcated on them, may trust to authority or the rest, and being aware that they have neither knowledge nor talent to resolve every difficulty which can be rai-

sed, may repose in the assurance that all those which have been raised have been or can be answered, by those who are specially trained to the task.”
(pp. 36-37)

However, the question arises: how do the people know that the answers are satisfactory? Indeed, specially trained officials answer the question. The opposers have no chance to show it is not right. The truth should be contested to see how strong it is. Mill continues that, for the sake of argument, one may want to restrict the access to these arguments to the general unknowledgeable public, because they cannot add valuable comments. (Idem) However, one should open the discussion for experts, including scholars or journalists. They can wisely contest the opinion in order to find better ideas. In this situation, one may keep the order and profit from the contestation of ideas.

Critique: Social media as a disrupter

The digital media play an enormous role in our lives. In the Western world, media like Facebook and Instagram influence public opinion. Wechat and Weibo play a similar role in the Chinese debate, subsequently. These social media offer every user a platform to share any information on the web. However, there are some influencers with ulterior motives that steer the debate. Instead of participating in an open online discussion, bots are created to spread thousands or millions of fake messages into the digital ether. People cannot differentiate a thousand fake messages written by one deceiver and a thousand human-written messages.

Mill's answer: Fair discussion

This debate is concentrated on the issue if coercion is permitted if it concerns indecent or inappropriate behavior in internet spheres. (Riley, 2012, p. 93) Unfortunately, Mill did not respond to these issues because internet issues did, evidently, not play a role in his time. Therefore, I will argue what I think he would have written.

I would argue that Mill desires a *fair discussion*, although he does not offer an exact definition. He writes that both sides should be tolerant of other opinions. Both opinions should be heard in an equal way after which the strongest argument will prevail. (p. 24) Evidently, bots, trolls, and fake messages do not contribute to *fair* debate. The purpose is to disrupt the debate in favor of one stance, usually related to an untrue fact. The discussion that Mill aims for is an organized and structured debate, where both sides raise their opinions and concerns. Through this perspective, he understands if companies, like Facebook or Weibo, tolerate a ban on these accounts or find another way to limit such unfairness in a debate. He also understands if society chooses to suspend the opinion of influencers which enrich themselves due to a particular opinion.

However, these difficulties do not imply that then the internet should be restricted. I would argue that internet content, including social media, pornography, and violence, may be compared to the dangerous bridge example that Mill refers to in chapter 5 of *On Liberty*. Society may warn an individual to access the dangerous bridge (or the perilous internet in this case), but people should be free to choose to cross the bridge (or surf the web) after they have been made aware of the risks. For example, people have the chance of reading wrong opinions fabricated on purpose. However, people can judge for themselves if they are informed about these risks.

Summary

The dispute from the restricted Chinese freedom of speech and Mill's absolute freedom of speech is concentrated on utilitarianism. Opponents would say that safety and stability cannot be guaranteed with absolute freedom of expression and, thereby, this liberty will decrease overall utility. Mill assumes that an orderly debate is possible. He argues that the debate enhances policies, and helps individuals to understand its principles actively. Without counter-arguments, society cannot judge the adequacy of judgments. Other opponents would

argue that the internet may be restricted because it can be people with ulterior motives. Mill would warn those individuals for the potential risks, but the responsibility lies in the user his hands. In the next chapter, we will look also look at responsibility in terms of the goal of the social credit system. Whose responsibility is it to promote values, such as trustworthiness?

Chapter 7: Debate on the Individual

As one may imagine, even without extensive knowledge about China, the concept of the individual and its traits is entirely different from that of Mill. The Chinese government's goal of the SCS is the cultivation of trustworthiness. The question arises; is it the task of a government to cultivate particular values? In this chapter, we will look at Mill's critique on the idea that the government should develop certain character traits. Consequently, we look at the Chinese defense by considering the relation of the individual to its environment. Lastly, Mill will advocate that his doctrine does not lead to moral selfishness.

Mill's Critique: The Individual Attributes and Nature

The individual is the center of the essay of *On Liberty* because of Mill's pleas for freedom in terms of opinion and conduct. It is an unpleasant finding that there is no proper definition of the individual given. The reason is, presumably, that the concept of the individual is self-evident. We can help fill in the blanks to describe this self-evident individual by looking at the attributes and obligations of the individual. Mill would argue that an individual is an autonomous person; the person is you and me. The individual is overall a rational being (p. 21), sometimes spontaneous (p. 53), and can choose whatever is best for him or her, because he can make "full use of the reflecting ability." (p. 88) We should say that this reflecting citizen can follow discussions and deconstruct weak rhetoric. This choice is related to different sorts of life aspects: from deciding on one's lunch, to one's career, to one's spouse, to developing character traits. It is the individual that should choose to develop skills or character traits, not the government that forces such values through programs.

Chinese defense: Relatedness of the Individual

The Chinese society is inspired by other philosophical movements, such as Confucianism and Taoism, and later by Marxism and Socialism. All of these views offer a holistic narrative and emphasize different values. None of these philosophies regard the individual as a concept defined by Mill's terminology and, therefore, this discussion is not likely to exist in China. As a result, the Chinese word "individualism" does not exist without the connotation of "selfishness." (Nisbett, 2003, p. 51)

Chinese is a relational language that tends to name objects after their relation. This relationship with other objects requires, inherently to the language, the non-existing pure "individual" to have more responsibility than only himself. Instead, a person has a relation to his family, history, culture, and state. For examples, the individual works for the family and not solely for self-benefit in the Confucian philosophy. (Nisbett, 2003, p. 15) Moreover, the individual also has a responsibility to support the country. In this perspective, the goal of the government to promote trustworthiness is not strange but necessary. The individual is responsible for acquiring needed skills, such as being trustworthy, in order to function in society. If individuals do not take this responsibility for society and only look after themselves, then the situation will not differ much from selfish indifference.

Mill's answer: We choose our values

Mill would reply that one would misunderstand his doctrine if the consequence is 'selfish indifference.' (p. 70) One should look after the well-doing and well-being of other people and stimulate their way of thinking to develop their character. Mill's values, however, are not inherently derived from one philosophy. Instead, we need several theories of living so that we can cherry-pick the right elements. For example, Christian values are not a sufficient entire moral theory because they contain only a part of the truth. (Riley, 2015, p. 88) We should explore multiple ways of living to establish ethical norms and duties. These norms will not be the same for every individual because every individual's life is different, and he should be able to decide what is right and just. It is free for people to focus on values that they deem crucial for their lives. Thus, Mill would recog-

nize the importance of being trustworthy, but he believes that the individual, ultimately, is responsible for developing character traits.

Summary

The second debate was concentrated on the question if the Chinese government should focus on improving trustworthiness. Mill believes that individuals can judge for themselves which values they deem crucial, whereas opponents believe that the individual is related to one's family or the state. From this relatedness, a responsibility arises. If one denies this responsibility towards others, the individual is merely selfish. Mill would counter-argue that individuality does not mean that there exists a mere selfish-indifference towards other people. Instead, Mill says we have moral duties in life that should be voluntarily derived from different philosophies and insights, and not in a mandatory manner from the government. Therefore, the Chinese government should not implement a policy that focuses on developing one character trait. The goal of the government is too demanding because citizens can choose their values.

Chapter 8: Conclusion

A new look at the philosophy of John Stuart Mill was necessary. With new technologies, China constructs a new social governance tool called social credit system (SCS) that will have consequences for liberty. In this thesis, I applied Mill's principles from *On Liberty* to examine the philosophical justification of the social credit system. More specifically, I will look to what extent society should restrict freedom of speech and to what extent the government may promote a value such as trustworthiness.

The thesis started with an examination of Mill's background, including his utilitarianism in chapter 2. Moreover, a summary of *On Liberty* was given in chapter 3. He announced in the book's first chapter that he would defend the harm principle. Only perceptible harm in an action concerning-others is a legitimate reason for society to interfere. In other conduct "which merely concerns himself, his independence is, of right, absolute." (p. 13) To demonstrate this principle, he started the second chapter by proving that people should be able to express themselves, no matter if the meaning is true, false, or partially true. False opinions invite truth-knowers to sharpen the ideas and formulating them precisely. Partially true opinions should be thoroughly discussed to distillate the truth. In the third chapter of *On Liberty*, he encouraged different modes of living in order to become a noble character. This noble character should be free to do any self-regarding action. He continues in the last two chapters of *On Liberty* that one should be stopped if one harms other people with perceptible damage through an another-regarding action. Only this action concerning-others legitimizes society to intervene; mere disgust is not sufficient.

This thesis continued with an examination of the SCS in chapter 4. The goal of the SCS is to reward trustworthiness and punish disobedience. Interestingly, there is not one system, but it consists of an ecology of systems from which three domains are distilled: the financial, social management, and the moral system. (Lynch, 2018) The financial domain establishes a score assessing financial creditworthiness, which determines who is eligible for loans. The second system, the social management system, punishes blacklisted people. A punishment may restrict access to fast speed trains and airplanes. The third system is called the moral system that aims to inform citizens of the party's philosophy. This system should be seen in a context with restricted freedom of speech.

Consequently, I assess what Mill's opinion would be on the SCS in chapter 5. This first system is not relevant to Mill's *On Liberty*. Mill would be ambiguous about the second system with restricted travel possibilities. Citizens are obliged to contribute to society, but it is the question if the failure to contribute justifies the restriction in travel liberty. If society reaches such a reasonable agreement after a discussion, Mill would not be against this system. The third system, the moral system, tells a socialist story through the Study Xi application without hearing fundamentally different opinions. Mill would condemn this environment. Firstly, discussing is a mental exercise that cultivates individual's minds and enables individuals to understand the arguments actively. Secondly, the government is infallible, and policies or systems that work effectively now are not necessarily fit for the future.

In chapter 6, restricted internet access and propaganda through the Study Xi application is defended. The country has been recently stable, and the internet makes the state vulnerable to opponents with ulterior motives. Furthermore, bots and trolls can disrupt the discussion on social media. I would argue that Mill would be in favor of a *fair* discussion. Companies may ban bots and trolls, but the individual may access the internet if one is warned about the consequences. The discussion on government policy is needed to assess the quality.

The discussion continues on the legitimation of the Chinese government to boost trustworthiness among its citizens in chapter 7. Mill would argue that individuals should pursue the character traits they deem valuable,

but it is not the task of the government. The Chinese defense would focus on the relatedness of the individual in society. A Confucian duty is, for example, to take care of one's parents. If one ignores this relatedness, self-indifference is at hand. Mill would argue that his theory encompasses that individuals have moral duties and should not lead to indifference. However, the exact values an individual should pursue are his choice, not that of the government. The goal to promote trustworthiness through the SCS is philosophically not justifiable through Mill.

The contribution of this thesis to the literature is that it combines a classical work with a new test case. The power of this thesis is that it investigates the normative perspective on social management and moral domain. This search leads to a plea in favor of the freedom of speech and a vivid argumentation against parts of a new ground-breaking social governance tool. A robust test case is the SCS in China.

For further research, I would recommend looking at the recent consumer revolution in China that caused a new form of individualism. One can investigate the similarities and differences between the Chinese individual and Mill's conception of the individual. This fascinating research may answer how adequate, and relevant Mill's notion of the individual is. In the process from state produced to a mixture of state and market, Chinese consumers became an individual in an economic and social dimension. Workers had their first job interview, students had to differentiate themselves, and people got their first money to spend after the communist era. However, one can research if this individualization is different from the normative desired individual, the moral noble, described by Mill.

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