

JUSTICE

Lecture 5 – The Harm Principle

1. The fundamental question in Mill's *On Liberty*
 - a. The scope of “social and civil liberty”, or
 - b. The limits of society's legitimate authority over the individual
2. Stages of progress in the “struggle between Liberty and Authority”
 - a. Before advent of popular government: subjects against oppressive rulers
 - b. After advent of popular government: individual against society
3. “Tyranny of the majority” by way law and custom, and the need for a limit on interference
4. The Harm Principle
 - a. A filter for *reasons* we might invoke to justify coercion
 - b. Harm to others is the *only* reason that *can* justify coercion
 - c. Other reasons can never justify coercion, *e.g.*:
 - i. Paternalistic reasons
 - ii. Moralistic reasons and reasons of propriety
 - iii. Perfectionist reasons
5. Implications of the Harm Principle
 - a. Freedom of all thought and conduct not harmful to others
6. Mill's utilitarian justification of the Harm Principle
 - a. Even when they don't harm others, people can sometimes act in ways that are harmful to themselves or distressing to others
 - b. But we should not coerce them in these cases, because
 - c. Consequences for human happiness will be better if we use persuasion, not coercion
 - d. Why? Because coercion stunts the development and exercise of our distinctive human faculties—our “individuality”—and this weighs much more heavily (contributes much more to happiness) than any benefits gained from restricting conduct that is not harmful to others

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