

JUSTICE

Lecture 7 – The Utility of Liberty

1. According to Mill:
 - a. We should never coerce anyone except to prevent harm to others (the Harm Principle)
 - b. Not because everyone has an abstract right to do as he pleases so long as he doesn't harm others
 - c. But because this will maximize human happiness in the long-run (Utilitarian justification)
2. Why does freedom of expression maximize happiness? Why not censorship of unpopular doctrines?
 - a. Not because the pains and frustrations of those who are silenced always outweigh the pains and frustrations of the offended majority
 - b. But because the most important costs of censorship fall on the audience: the entire community
3. What are the costs *to everyone* of censoring unpopular beliefs and doctrines?
 - a. Being fallible, censors will sometimes hamper progress by mistakenly censoring true, happiness-promoting beliefs and doctrines
 - b. Censorship of false doctrines deprives everyone of the benefit of (being confronted with) falsehood: being "intellectually active," examining and appreciating the reasons for their own beliefs
4. Why does freedom of tastes and pursuits maximize happiness? Why not enforce conventional norms and prevailing customs?
 - a. Not because the pains of those who are forced to conform always outweigh the pains of the majority distressed by seeing unconventional conduct
 - b. Because the most important costs of "the despotism of custom" fall on the entire community
5. What are the costs *to everyone* when conventional norms and prevailing practices are enforced?
 - a. Prevailing customs may be based on misunderstanding of what makes people happy; to discover the best customs/ways of living, there must be room for "experiments in living"
 - b. Not every *good* custom is suited to every character or every person; if (most) persons are to be happy, there must be great "variety of characters," each with their own supporting customs

- c. Accepting even a *good, suitable* character or custom merely “as custom” does not deploy or develop a human being’s distinctive faculties
 - d. Developing one’s *own* character, and living a life that is the product of one’s *own* reasoned, choices—i.e., “individuality”—requires having the freedom to depart from prevailing custom; and “individuality” is “one of the principal ingredients in human happiness”
6. Two potential objections to Mill’s argument:
- a. Are all restrictions on offensive or hateful speech impermissible? Are they impermissible because they pose a threat to a people being “intellectually active”?
 - b. Are all paternalist restrictions on conduct impermissible? Are they impermissible because they pose a threat to “individuality”?

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