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”? 