

1. What problem is Mill aiming to solve?

- Wants to specify limits on “the legitimate interference of collective opinion with individual independence,” in particular to limit majority tyranny.
- “Majority tyranny” comprises both political tyranny *and* “social tyranny.”
- Limits of coercive power are expressed in the *harm principle* (HP): (i) no coercion through legal sanctions or collective opinion unless conduct harms others; (ii) if conduct does harm others, then regulation is permissible, though not mandatory (1.9, 3.1, 4.3, 5.2-3).

2. What is *harm*?

- Mill distinguishes conduct “harmful to others” from “foolish, perverse, or wrong” conduct.
- HP limits the *reasons* we can use to justify interference: reasons of harm are acceptable, but *moralistic* (wrong), *paternalistic* (foolish), or *perfectionist* (perverse) reasons are not.
- HP serves as constraint on acceptable public argument, by excluding some considerations from such argument—e.g., argument about regulating personal conduct.

3. How does Mill argue for the HP?

- Mill defends HP on grounds of utility, not abstract right.
- Why is liberty better? “The inconvenience [of liberties] is one which society can afford to bear, for the sake of the greater good of human freedom.”
- To justify HP, then, (i) show the general social benefits of liberty (the “greater good of freedom”); (ii) show that these benefits outweigh the costs.

4. What is main thrust of Mill’s case for freedom of thought and expression?

- Only good reason for limiting freedom of thought/discussion is to prevent harm to others.
- Mill says that it is as bad for all-but-one to silence one as for one to silence all-but-one. But why doesn’t silencing all but one harm many more than silencing one?
- Main idea: number of people who are silenced doesn’t matter because benefits of speech flow not only to speakers, but to audience and to third parties.

5. Two Arguments for freedom of expression

- Utility of Truth argument: (i) true views have greater utility, so censors must be assuming infallibility; (ii) we should reject this assumption, and thus reject censorship.
- Mental well-being argument: (i) Liberty of opinion/expression encourages challenges to received ideas and sensibilities; (ii) challenges encourage others to use their intellectual powers: to understand better the *grounds for* (2.21-23) and *content of* our views (2.26-33); (iii) using our intellectual powers is a fundamental good (HQP).
- It is as bad to suppress a small minority as it is to suppress a large majority because benefits of free expression flow to audience and third parties, not only to the speaker.

6. Why a liberty of tastes and pursuits?

- HP implies that it is permissible to interfere with autonomy in the choice and execution of a plan of life only to prevent harms to others.
- Liberty of tastes and pursuits (LTP) is required (Mill claims) for the development of human powers because: (i) LTP is required for self-development; and (ii) self-development is required for development, which is essential to a good life.
- LTP may be required for self-development; but why is *self*-development required for development? Why can't development be guided by custom?
- Against custom-conformity: (i) others may be wrong about best life; (ii) no single pattern suits all; (iii) choosing a life requires use of powers, and is thus a form of development.
- By fostering experiments in living, LTP provides broad social benefit.

7. What about costs and inconveniences?

- Liberty has costs: censoring me may save others from feelings of disgust, anger, indignation, etc. Why can't protection against these bads outweigh the benefits of liberty?
- Liberties contribute to development (HQPs). Censorship and other restrictions have benefits, but typically limited to lower quality pleasures (greater contentment).

8. What distinguishes Mill's argument from Bentham's?

- For Bentham, restrictions not designed to prevent harm to others are unprofitable.
- Mill's defense of toleration is not skeptical or pragmatic, or founded on Benthamite cost-benefit analysis. Instead, restrictions not designed to prevent harm to others threaten "despotism of custom," which limits self-development and thus restricts overall happiness because self-development is a basic human good.