A MENU OF LIBERTY LIMITING PRINCIPLES:

Harm Principle: The only legitimate reason capable of justifying liberty limiting legislation is that this legislation is intended to, and would be effective at preventing harm to persons other than the individual whose liberty is so limited. (Harm to others)

Principle of Paternalism: It is legitimate to justify liberty limiting legislation on the ground that it would prevent people from engaging in behavior that, while harmless to others, poses harm or risk of harm to themselves.

Principle of Moralism: It is legitimate to justify liberty limiting legislation on the ground that it prevents people from doing what is morally wrong, even when the behavior in question is harmless.

Offense Principle: It is legitimate to justify liberty limiting legislation on the ground that it prevents people from engaging in behavior that is seriously offensive to others, even if it harms no one.

Good Samaritan Principle: It is permissible to enact legislation that requires non-responsible agents to intervene to prevent harm to others for which they are not responsible. (Typically “Good Samaritan Legislation” is limited: it does not require that those who intervene must incur serious risk or excessive personal sacrifice by those who intervene. ) (Is this principle implied by Mill’s harm principle? Does it justify requisite intervention in “easy rescue” cases? Can it be used to justify minimal welfare legislation? Since educational deprivation is a serious harm, can this principle be used to justify the requirement that taxation may be used pay for public schools?)

Benefit to Others Principle: It is legitimate to justify liberty limiting legislation on the ground that it is necessary and would be effective to promote benefits for persons other than the person whose liberty is restricted.

The Harm Principle, says Mill, defines whether we live in a free society: “No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified. The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental or spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.”


Ch. I, Harm Principle: “The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil, in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that
which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.” (OL Paragraph 9)

Ch. I, On the “Tyranny of the Majority:” “Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism.” (OL Paragraph 4)

Ch. I, Personal Region of Sovereign Control: “...there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself, or, if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance: for whatever affects himself, may affect others through himself; and the objection which may be grounded on this contingency, will receive consideration in the sequel. This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow; without impediment from our fellow-creatures, so long as what we do does not harm them even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.” (OL Paragraph 12)

Ch. I, Personal Freedom: “The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.” (OL Paragraph 13)

Ch. I, Social Freedom: No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified. The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental or spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.
Ch II, on Knowing Others’ Reasons: “The greatest orator, save one, of antiquity, has left it on record that he always studied his adversary’s case with as great, if not with still greater, intensity than even his own. What Cicero practiced as the means of forensic success, requires to be imitated by all who study any subject in order to arrive at the truth. He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgment, and unless he contents himself with that, he is either led by authority, or adopts, like the generality of the world, the side to which he feels most inclination. Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. This is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them. He must know them in their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of, else he will never really possess himself of the portion of truth which meets and removes that difficulty. Ninety-nine in a hundred of what are called educated men are in this condition, even of those who can argue fluently for their opinions. Their conclusion may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess.”

Ch IV, Limits of State Control over the Individual: “...every one who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct towards the rest. This conduct consists, first, in not injuring the interests of one another; or rather certain interests, which, either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly, in each person's bearing his share (to be fixed on some equitable principle) of the labors and sacrifices incurred for defending the society or its members from injury and molestation. These conditions society is justified in enforcing, at all costs to those who endeavor to withhold fulfilment. Nor is this all that society may do. The acts of an individual may be hurtful to others, or wanting in due consideration for their welfare, without going the length of violating any of their constituted rights. The offender may then be justly punished by opinion, though not by law.

Ch. IV, Forcing others to do what we know to be right: “No stronger case can be shown for prohibiting anything which is regarded as a personal immorality, than is made out for suppressing these practices in the eyes of those who regard them as impieties; and unless we are willing to adopt the logic of persecutors, and to say that we may persecute others because we are right, and that they must not persecute us because they are wrong, we must beware of admitting a principle of which we should resent as a gross injustice the application to ourselves.”

Thomas Jefferson, ”Notes on Virginia, Query XVII” “The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty Gods or no God. It neither picks my pocket nor breaks my leg.” (The Thomas Jefferson Reader. Old Saybrook CT: Konecky & Konecky, 2006. p. 158.)
Some Ethical Theories:

**Consequentialism**: Acts are right if they have good consequences, wrong if they have bad consequences.

**Hedonistic Consequentialism**: [Bentham] Consequences are to be judged according to the amount of pleasure and pain they include. The more pleasure (and the less pain), the better.

**Ethical Egoism**: Consequences are to be judged according to the amount of benefit they afford to the actor. The more beneficial, the better. Each person's sole obligation is to do what will be best for herself.

**Consequentialist** theories generally have three parts:
1) Theory of the right: an act is right iff it maximizes good.
2) Theory of what's good: Pleasure, happiness, excellence of character, wealth, power...
3) Whose good matters? Everyones (universalist). Only the actors [only mine] (egoist).

**Utilitarianism**: (Mill)
*Consequentialist theory of right*: actions are right if they produce the best consequences.
*Theory of the Good*: What makes consequences good is that they include more happiness and less misery.
*Egalitarian Distribution*: Every creature capable of experiencing happiness and misery counts equally.

**Act Utilitarianism**: Acts are right iff they produce the greatest happiness for the greatest number
**Rule Utilitarianism**: Acts are right iff they are consistent with rules which, if followed by everyone, would produce the greatest happiness for the greatest number.

**Deontological Theories**: (Kant) Duty-centered theories, which hold that a person's 'duty' is assigned by moral rules and principles of reason. Some deontological theories (Kant) imply that the consequences of our choices are irrelevant from the moral point of view, and that all that matters is conformity of conduct to moral principles.

**Kant’s Categorical Imperative**:  
*Universal Law Formulation*: “Act such that you could will the maxim on which you act as a universal law.”  
*Humanity Imperative*: “Treat humanity, whether in your own person or that of another, always as an end in itself and never as a means only.”

"Virtue" Theories: (Aristotle, Epictetus, Stoics) focus on ideals of character, or 'virtues.' A crude virtue theory might stipulate that "whether an act is right or wrong ultimately depends on the habit of character from which it springs. If the habit is itself a virtue, then the act will be virtuous." A more sophisticated virtue theory (Aristotle) might focus on identifying those habits of character to which we refer when we judge people to be good or admirable. Virtue theories may not be inconsistent with some consequentialist/deontological views.

**Cultural Relativism**: An act is right iff it is consistent with the cultural norms of the person who performs it.

**Subjectivism**: An act is right iff it is consistent with the values accepted by the person who performs it.