

11 Mill and Locke outline

- I. A Utilitarian Defense of Free Speech and a Natural Rights Defense of PropertyMill and Locke
- II. Review J. S. Mill
 - The Liberty Principle
 - Liberty of the individual IS Happiness for all... The reconciliation of liberty and utility
 - The Harm Principle
 - Limitations on the Harm Principle: Rights and Interests
 - Free competition as a right, even if it causes harm to the loser of competition
 - Speech? A Right or an Interest?
- III. The Free Speech issue:
 - Does the harm principle limit free speech?
 - Should speech be truthful?
 - Should telling lies or being deceptive be permitted?
 - Why is Freedom of Speech a Right?
 - **'If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind'**
 - **Why should we welcome dissenting opinions?**
 - 'However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that **however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a Living truth.**'
 - Utilitarian Defense of Free Speech (and a life style of your own choosing)

- "a society that forces its members to embrace custom and convention is likely to fall into a stultifying conformity, depriving itself of the energy and vitality that prompt social improvement."
- Does the truth—or freedom in general make us happy?
- Maybe **We don't necessarily need liberty for general happiness**
- **And liberty might not even lead to happiness.**
 - OECD Happiness index
- No longer a utilitarian argument: The real purpose of liberty is self-actualization
 - We individuals know more about what makes us happy than anyone else
 - We should try to convince others of their mistakes, but we can't force them to do what we think will make them happy.
 - because: "the free development of individuality is one of the leading essentials of well-being."
 - We then become more valuable to ourselves and others
 - the exercise of freedom of choice is itself vital to the full development of human nature
 - If you are a slave to custom, you will be unhappy
 - And if you are unhappy, you won't fully develop your full potential
- Mill's real argument for individual freedom: Development of Character
- **"One whose desires and impulses are not his own, has no character, no more than a steam engine has character."**
- **Here Mill is way beyond utility**
- IV. Given all of this, what is the purpose of the state and how much power should it have?
 - "On what grounds may the state interfere to prohibit people from acting as they wish, or force them to act against their wishes?."
 - Government may not interfere with individual liberty.....with freedom of the press or freedom of speech **in its effort to mould beliefs and behaviour.**

- And where do Mill’s views leave community?
- V. Why is Private property a “right?”
 - It wasn’t always so.....
 - Plato—banished it from the Guardians and Philosopher-Kings in his *Republic!*
 - Aristotle thought it was a pretty good idea, but you need only a limited amount for The Good Life.
 - The only “natural” reason for property acquisition is for Use—Not Exchange! You were a “steward” of property, not an owner.
 - It’s unnatural to own property to make money
 - Aquinas was just getting used to the idea of exchange—and exchange requires private property available for free exchange.
- VI. For Locke, property acquisition was already a “right” back in the “state of nature”
 - A RIGHT, not just an interest.....
 - Reasoning:
 - In the beginning there was no such thing as ownership
 - “God” put humans on earth,
 - he did not put us here to starve.
 - But we will starve unless we can rightfully consume apples and acorns in peace
 - individuals can peacefully consume if they can securely possess plots of land and rightfully exclude others.
- VII. So how do you get the right to possess things? **Why** a “right” and not an “interest”
 - Four Conditions turn things that no one owned into your own private property:
 - 1. The Survival Argument
 - 2. The Labor Argument

- 3. The Value Added Argument
 - 4. The Justice Argument
- “God gave the earth to the use of the Industrious and Rational ... not to the Fancy and Covetousness or the Quarrelsome and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's Labour: It he did, 'tis plain he desired the benefit of another's Pains, which he had no right to, and not the Ground Which God had given him, in common with others, to labour on.”
- The People's Park story
- What about those who were there first, using the land but not asserting a “right” to it?
 - The fruits of labor might have been deserved, but the land would have been there anyway
 - Why not just take the fruits? Why the land?
 - Why should anything I do to an object overturn your previous liberty to use it?
- **VIII. The “commons”**
- The Commons Dilemma opens the door to private property
 - The Community is a group of individuals using individual rationality; self interest is at odds with the General Will
- **Tragedy of the commons:** People’s park today and the English commons circa 1800
- Enclosures: The Case for Private Property
- Examples of modern Commons and the Tragedy
- [Water](#) - [Water pollution](#), [Water crisis](#) of over-extraction of groundwater and wasting water due to overirrigation leading to global water shortage
- [Forests](#) - Frontier [logging](#) of [old growth forest](#) and [slash and](#) burn exacerbating climate change
- The Oceans: Food and Energy Resources: Resource depletion
- Climate Change- Burning of fossil fuels and consequential global warming and resource depletion
- Modern Privatization of the Commons: New Enclosures

- A solution for certain resources is to convert common good into private property, giving the new owner an incentive to enforce its sustainability
- But many common goods, such as the ozone layer, global fish populations, or the global climate would be extremely difficult or impossible to privatize.
- The privatization of energy resources would not necessarily halt depletion or slow it down.
- Three Problems with Privatization
 - many commons, such as the ozone layer or global fish populations, would be extremely difficult or impossible to privatize.
 - Not a good solution for resource depletion: short term gains trump long term costs
 - Inadequate solution for environmental crisis: one owner's efforts cannot counter others' environmental degradation
- So privatization is not the answer, especially with resource depletion and climate change