John Stuart Mill and John Locke

A Utilitarian Defense of Liberty
A Natural Rights Defense of Private Property
Newsflash: Should Greece get a bailout?

• Three Answers:
• Rousseau: Yes, Greece is an indisisible part of a community.
• Bentham: Yes, if Greece is NOT bailed out, the majority of Europeans will be unhappy
• But....... Does Greece DESERVE to be bailed out?
II. Review: A Critique of Utilitarianism

– The Life Boat Case: cost-benefit outweighs rights
– **The Philip Morris example**: all preferences are equal (life, tax rates, pain and suffering), translated into a common denominator and calculated. Rights are not considered
– **The Ford Pinto Case** ditto
– **Speed Limits** We may oppose these calculations but we do not oppose them

• Is it desirable to measure and compare all values and goods on a single scale in order to determine how we should treat each other?
John Stuart Mill’s attempt to reconcile individual liberty with utilitarianism

- Mill’s formula for how we should treat each other: Individual freedom without harming others
Isn’t Utilitarianism a Shaky argument for Liberty?

• I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being.”
The Liberty Principle

• “The only purpose for which power can he 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.”
The Harm Principle

• 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.
Limitations on the Harm Principle

• A system of Rights to Maximize Happiness

“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”
Which Interests are Rights and Which are just plain old interests?

• Example:

'Whoever succeeds in an overcrowded profession, or in a competitive examination; whoever is preferred to another in any contest for an object which both desire, reaps benefit from the loss of others, from their wasted exertion and their disappointment’
Why is Freedom of Speech a Right?

• What you think is true, what you think is false, and what might be partly true and partly false......

• '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'
• Just 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.’
A Utilitarian Defense of Free Speech

• 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 make us happy?
Where Utilitarianism Breaks down

• I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being’

• 'the free development of individuality is one of the leading essentials of well-being’

• “Considerations to aid lanother's] judgment, exhortations to strengthen his will, may he offered to him, even obtruded on him, by others: but he himself is the final judge. All errors which he is likely to commit against advice and warning are far outweighed by the evil of allowing others to constrain him to what they deem his good.”
Why Freedom of Choice leads to self-actualization

• 'In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others’

• “The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice. He who does anything because it is the custom, makes no choice. He gains no practice either in discerning or in desiring what is best. The mental and moral, like the muscular powers, are improved only by being used . . . He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties.”

• “But what will be his comparative worth as a human being?” he asks. “It really is of importance, not only what men do, but also what manner of men they are that do it.” One whose desires and impulses are not his own, has no character, no more than a steam engine has character.”
Does Freedom have intrinsic value?

• Or is it just a means to achieve happiness?
• If it’s just a means, then the argument is weak
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?
Why is Private property a “right?”

• 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.
  – And it was only for Use—Not Exchange!

• Mill—was the freedom to acquire private property a “right?”
Locke’s View of Private Property

• How can an individual form a right to property appropriated from its natural state? Do individuals have moral rights to property?
• How can someone have the right to exclude others from something?
• Locke’s view has come to be the justification for property rights in our society?
• Is his argument a good foundation for property rights?
Labor is the Key to property Rights!

- The Survival Argument
- Labor-Mixing Argument
- The Value-Added Argument
- The Justice Argument
1. The Survival Argument

• God didn’t put us on this earth to die! We have to survive!

• What we appropriate to survive has limits
  – No waste!
  – Leave enough for others!
2. The Labor Mixing Argument

- You own yourself! That means you own your labor!
- When you work, you mix your labor with the thing you are working on
- Think of the wild west! Think People’s Park!
Locke wins in Peoples Park!
3. The Value Added Argument

• Compare cultivated and uncultivated land....
• Cultivated is more productive, therefore has more value
• “Labor puts the difference of value on everything”
• The increase in value provides entitlement to the land.
• What does Locke mean by “value” here?
  – Intrinsic value? Use value? Exchange value?
Locke thinks that if land remains “in common” it will remain uncultivated.

• “God gave the world to men in common, but since He gave it them for their benefit and the greatest conveniencies of life they were capable to draw from it, it cannot be supposed He meant it should always remain common and uncultivated”

• He is alluding to the “collective action problem” inherent in collective rationality

• Like Bentham, he thinks that individual rationality should dominate society.
4. The Justice Argument

• “God gave the earth to the use of the Industrious and Rational ... not to the Fancy and Covetousness of 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.”
Hmmmmmm.....

- The fruits of labor might have been deserved, but the land would have been there anyway.
- Maybe there could be conditional property rights?
- Locke didn’t think Land would be scarce.
- The argument is sketchy, but there has been no improvement on it.
- Why should anything I do to an object overturn your previous liberty to use it?
- Is property theft?
The “commons”

Before the Industrial revolution, it referred to a pasture that belonged collectively to a village.

Or a piece of land owned by one person, but over which other people could exercise certain traditional rights, such as allowing their livestock to graze upon it.
The Problem with Collective Rationality

• The Commons Dilemma
  – The Community is a group of individuals using individual rationality; self interest is at odds with the General Will

• Tragedy of the commons:
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

• But 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