

## MILL'S *HARM PRINCIPLE* AND THE LIMITATIONS OF AUTHORITY

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In *On Liberty*, Mill asserts that society should *maximize* individual liberty. His *harm principle* posits:

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.

Baird and Kaufmann 189

Mill was strongly individualist: he believed that the consequence of actions should be the guiding moral principle to society. His *principle of utility* is a base on which moral foundation concern the greatest happiness for the greatest number. Actions are morally judged through their consequences. They are

...right in proportion as they tend to produce happiness; wrong as they tend to produce the reverse of happiness.

Mill 24

Thus, institutions should be established to maximize utility, or happiness. According to the Principle of Utility, or Greatest Happiness Principle,

The ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality.

Baird and Kaufmann 150

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The *harm principle* limits the powers of authority for the purpose of preserving individual liberty, based upon the premise that an individual allowed to pursue his or her own course of action, based upon individual choice, will be a more self-realized, self-fulfilled, and consequently happier person. When an institution begins restricting individual choice beyond this point, it directly conflicts the principle of utility—an individual not allowed to pursue his or her own choices will be unhappy.

In *On Liberty*, Mill established three *spheres of liberty*: liberty of conscience, liberty of individual action, and liberty of communal action. Through *liberty of conscience*, an individual has the freedom to expression and the right to publish his or her opinions<sup>1</sup>. *Liberty of individual action* guarantees one the right to form a plan of life based upon one's own preferences<sup>2</sup>. *Liberty of communal action* is the freedom to unite with others to act in the way that you choose<sup>3</sup>. Limiting the boundaries of authority *vis a vis* these liberties, Mill again states:

The only part of the conduct of anyone 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.

Baird and Kauffman 189

Excessive legislation is a direct obstacle to freedom. If no one is being harmed through an action, it should fall outside of the scope of legislation of the government or authority. What an individual does in private does not concern society; it is only in interest of authority to prevent harm to others.

This limitation of power over the individual has many vocal opponents. A number of issues arise in its implementation. How can an objective measurement be made on the amount of happiness created in choosing one action over its alternatives? What is the standard to measure harm? Should choices focus on the short-term or long-term consequence to an action?

Mill's guiding principles face great difficulty when applied to real-world situations, which more often than not confront a quagmire of conflicting perspectives and unpredictable consequences, allowing no black-and-white interpretation. Such issues as abortion and gun control create tremendous amounts of controversy as the majority split strongly into two opposing factions.

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<sup>1</sup> Baird and Kaufmann 192

<sup>2</sup> 215

<sup>3</sup> 226

Mill would believe that people are free to do what makes them happy regardless of the majority's sentiment, unfettered as long as it doesn't take away from other's happiness. Intervention by authority is limited to instances when it can be demonstrated there is more harm being done than there is happiness created by a given action. This criterion is easy to apply with such real-world examples as murder & arson, but is much more difficult in judging such issues as drug use or prostitution.

Despite the limitations in its application, Mill's harm principle can serve as a means of protection for those who hold unpopular beliefs, when the tide of opinion changes and prevailing social ethos pressures conformance to a certain belief. By limiting the power of authority to those actions that cause harm to others, it protects the individual's freedom to choose actions based upon his or her own beliefs, a necessary requirement in realizing the principle of utility and in the protection of individual liberty.

In a model environment, the *harm principle* and the *principle of utility* work together to guarantee maximum utility and liberty for all. In the complex and abstruse environs of the real world, they can provide moral guidelines where embroiled controversy and heated emotions would otherwise make it difficult to maintain objective rule.

## References

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