

PHIL 202: Ethics Core Course
Winter 2005; David O. Brink
Topic: Mill's Moral and Political Philosophy
Paper #2

Recall that you have to write two papers for the seminar – one short paper, approximately 6-8 pages, and a longer paper in two drafts, with the revision being approximately 14-16 pages. The draft of the second paper is due Monday, March 7; it will be returned with comments by Friday, March 11; and the final draft is due by Friday, March 18. Though your second paper should be on a different topic than your first paper, the other sample first paper topics could also serve as suitable second paper topics. Below I list some additional paper topics. As before, you are free to write on a topic of your own devising, provided that you okay it with me in advance. Feel free to discuss your paper with me in advance, if you like. If you need an extension, please arrange it with me in advance.

1. In the introduction to On Liberty Mill asserts that the only acceptable restrictions on personal liberty are those that satisfy the harm principle. Explain what Mill means. Does he follow this principle consistently? If there are exceptions, what are they, and what do they show us about Mill's position? Is he being inconsistent, or does he operate by different principles than those he announces in the introduction?
2. Many commentators perceive a conflict between Mill's defense of utilitarianism in Utilitarianism and his defense of liberal rights in On Liberty. Explain this apparent conflict. How, if at all, can Mill reconcile utilitarianism and liberal rights?
3. It is common to interpret Mill as endorsing a categorical approach to personal liberties and their regulation. In particular, it is common to read Mill as arguing that commitment to the harm principle leads to a fairly extensive set of liberal rights. Recently, Dan Jacobson ("Mill on Liberty, Speech, and a Free Society") has challenged this reading of Mill, arguing instead that the harm principle, if defensible at all, must be interpreted in light of his prior and independent commitment to liberal rights. Explain and assess Jacobson's challenge to the traditional categorical interpretation of Mill.
4. Mill begins On Liberty with an apparently blanket prohibition on paternalism but later provides a defense of selective forms of paternalism (e.g. v 11). Explain Mill's selective defense of paternalism. Does he have a consistent position on the permissibility of paternalism? If so, what is it and how plausible is it?
5. What is Mill's justification of freedom of expression and why is it important? It is important in its own right and has been influential in American First Amendment jurisprudence. Does it have any larger significance in the argument of On Liberty?
6. Explain Mill's justification of freedom of expression and examine its application to attempts to regulate hate speech or pornography (one or the other issue, but not both).
7. Mill says that his defense of individual rights in On Liberty eschews appeal to abstract right and rests instead on utility but "utility in the largest sense, grounded on the permanent interests of man as a progressive being" (i 11). What role, if any, do Mill's perfectionist assumptions about happiness play in his defense of basic liberties of expression, thought, and action?
8. Mill's categorical approach to the permissibility of regulating personal liberties claims that whereas it is always permissible to regulate liberty to prevent harm, it is never permissible to regulate liberty to

prevent mere offense. Is this claim about offense plausible? In this connection, you might examine Joel Feinberg's modified Millian view, which employs a categorical approach but allows the regulation of profound offense. Should we recognize the permissibility of offense-based regulation? If so, what does this show about the plausibility of Mill's categorical approach?

9. Mill's categorical approach to the permissibility of regulating personal liberties claims that whereas it is always permissible to regulate liberty to prevent harm, it is never permissible to regulate liberty simply to enforce morality. Is Mill's opposition to legal moralism plausible? What might be said in favor of legal moralism? Here you might consider Lord Devlin's defense of the enforcement of morality and Michael Moore's defense of legal moralism. Moore suggests a way in which one might agree with Mill, against Devlin, about the extent of liberal rights without basing these liberal conclusions on Mill's categorical framework. What does a consideration of legal moralism show about the plausibility of Mill's categorical approach?

10. In Liberty, Equality, and Fraternity (1874) James Fitzjames Stephen appealed to utilitarian principles to reject Mill's categorical approach to the regulation of personal liberties. Explain and assess the significance of Stephen's criticisms of Mill.

11. In The Subjection of Women Mill applies his form of utilitarian liberalism to issues of sexual equality and criticizes various legal and social forms of sexual inequality. Explain and assess the adequacy of Mill's criticisms of sexual inequality. What reforms does he favor in women's social, political, and legal status and opportunities? What reforms does he favor in marriage relations? Are these reforms well supported by Millian principles? Do these reforms go far enough?

12. In The Subjection of Women defends reforms in women's social standing and in the marriage relation. What are these two sets of reforms, and how are they related? Does Mill have a plausible view about how the roles of women in the family, civil society, and the state are properly related?

13. In The Subjection of Women Mill rejects various defenses of sexual inequality that appeal to the natural inferiority of women. Sometime he argues that woman have the same natural talents and capacities as men. At other times, Mill concedes that women may be less talented or possess reduced capacities but argues that these inequalities are the product of discriminatory social practices and, hence, cannot be used to justify those discriminatory practices. Explain these different responses to sexual inequality. Is Mill consistent in his views about which differences among the sexes are natural and which are artificial? How does your answer to this question affect your assessment of Mill's conception of sexual equality?

14. Mill saw himself as a friend of the working classes, but this friendship was mixed with doubts about their present intellectual and moral abilities. Explore this ambivalence about the working classes and its effect on his conception of democracy in Considerations on Representative Government and/or on his attitude toward the political economy of socialism in The Principles of Political Economy.

15. Political historians often cite the transformation of the British Liberal party in the second half of the nineteenth century from an Old Liberalism, characterized by an agenda seeking to remove state limitations on individual freedom and opportunity, to a New Liberalism, which emphasized government's role not only in removing obstacles to freedom and opportunity but also in enabling citizens to lead worthwhile lives. The Old Liberals were libertarians, such as Herbert Spencer, whereas the New Liberals were British idealists, such as T.H. Green and Bernard Bosanquet. While it seems clear that Mill's political thought has important affinities with New Liberalism, New Liberals saw themselves as disagreeing with Mill. Where does Mill sit in the debate between the Old and the New Liberals, and (or) what is the relationship between his own conception of liberalism and Green's perfectionist liberalism?

You may find it useful to discuss Mill's and Green's attitudes to what Isaiah Berlin has called negative and positive liberty.