

On Liberty: Examples of Applications of the Liberty Principle

Richard Arneson, instructor. PHILOSOPHY 166

Spring, 2006

Listed below are some examples that Mill introduces to help interpret his liberty principle and to illustrate its application.

Mill holds that in some of these cases the restriction of liberty that is proposed is permissible according to the liberty principle. In other cases, the proposed restriction violates the liberty principle as Mill understands it. (Mill first formulates the "liberty principle" on p. 9.)

The question arises whether or not it is possible to develop an interpretation of the liberty principle according to which Mill's treatment of these various examples can be shown to be consistent and plausible. Can the principle do the job that Mill sets for it?

1. Avoiding the company of a person we believe to be grossly imprudent (when it is accepted that her imprudent conduct does not harm others) (p. 75).
2. Punishing a soldier or a member of the police for being drunk while on duty (p. 80).
3. Forbidding the eating of pork by Christians in a predominantly Moslem country (p. 83).
4. Forbidding non-Catholic clergy to be married in a country in which most inhabitants are Roman Catholics (p. 84).
5. The banning by Puritans of "music, dancing, public games, or other assemblages for purposes of diversion, and the theater" (p. 84).
6. Popular disapproval of a "showy or costly style of living." Also: Popular disapproval of holding wealth far above the average or earning incomes not earned by labor (in a society whose members mainly espouse socialist views) (p. 85).
7. Forbidding the payment of higher wages to skilled than to unskilled workers (p. 86).
8. Prohibition of the sale or use of alcoholic beverages for nonmedicinal purposes (p. 86).
9. Forbidding work for pay on the Sabbath (p. 88).
10. Forbidding polygamy as practiced by Mormons (pp. 89-91).
11. Forbidding the sale of goods at prices that are voluntarily agreed to by both buyer and seller (p. 94).
12. Chinese laws prohibiting the importation of opium into China (pp. 94-95).
13. Restrictions on the sale of poisons (p. 95).
14. Physically preventing a person from stepping on an unsafe bridge (p. 95).
15. Forbidding public performance of acts that, when done in public, violate good manners or public decency (p. 97).
16. Laws against pimping and the running of gambling houses for profit (pp. 98-99).
17. Taxing the purchase of alcoholic beverages at an especially high rate (pp. 99-100).

18. Restricting the number of tavern licenses issued (a) to discourage consumption of alcohol or (b) to assist law enforcement and reduce crimes (p. 100).
19. The refusal of the courts to honor voluntary slavery contracts or other contracts involving long-term forfeiture of liberty without possibility of retraction (pp. 101-102).
20. Forbidding persons to practice a profession without being certified by the state after success in a public qualifying examination (pp. 104-105).
21. Laws aiming to control the increase or decrease of population by controlling the numbers of live births (pp. 104-106).
22. Laws compelling the education of all children (p. 104).