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BEYOND LIBERTARIANISM: INTERPRETATIONS OF MILL'S HARM PRINCIPLE AND THE ECONOMIC IMPLICATIONS THEREIN

by

MATTHEW TOWERY

Under the Direction of Mario Feit

ABSTRACT

The thesis will examine the harm principle, as originally described by John Stuart Mill. In doing so, it will defend that, though unintended, the harm principle may justify several principles of distributive justice. To augment this analysis, the paper will examine several secondary authors' interpretations of the harm principle, including potential critiques of the thesis itself.

INDEX WORDS: Mill, Harm principle, Libertarianism, Redistribution, Distributive justice, Political theory, Political economy

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MATTHEW TOWERY

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Master of Arts

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2012

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1 INTRODUCTION

The harm principle, a paramount concept of J.S. Mill's *On Liberty*, is often considered justificatory of a 'minimal' state. However, Mill's explanation of the harm principle and subsequent applications are subject to varied interpretation. Mill defines the harm principle plainly in his introduction to *On Liberty*:

> That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That 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.[1]

In its simplest form, the harm principle merely stipulates that individuals are free to do as they please, so long as their actions do not interfere with the rights of others. Mill clarifies this position with several qualifying arguments, which will be examined for further clarity in later sections. This thesis seeks to corroborate and synthesize differing interpretations of the harm principle (including my own) and the resulting economic implications of each. The project does not attempt to be a comprehensive anthology of Mill's thought and the interpretations thereof. The essay instead seeks to understand better the concept of harm; to discover the weaknesses and limitations of the harm principle as a framework for political economy; and to corroborate secondary interpretations of the principle, with respect to systems of redistribution. The thesis will argue that, contrary to ostensible evidence, Mill's harm principle supports systems of distributive justice (redistributive social welfare). To develop this argument, I will first examine some secondary authors' conclusions regarding the harm principle and its potential applications

[1] Mill, 2006, 16.

to political economic theory. The authors will be divided into three different camps of interpretation: minimalist, maximalist, and mixed. Though the minimalist and mixed interpretations defend less applications of the harm principle, I will defend that each author takes for granted the applicability of the harm principle in an aggregate form. I will next examine Mill's harm principle according to its original defense in *On Liberty*; within this examination, there exist two interpretations of the harm principle's claims for economic social benefits. The first, 'weak' interpretation will defend that, given Mill's applications of the harm principle, a limited 'social safety net' is evidently a requirement of economic justice via direct harm. The second, 'strong' interpretation will defend that the harm principle requires a comprehensive system of redistribution to compensate for economic harms, both direct and indirect. After examining some of Mill's considerations regarding political economy, the thesis will defend that Mill (and followers of the harm principle) *should* accept the strong interpretation of harm. Additionally, I will argue that the minimalist interpretation of applicability is the most defensible use of the harm principle, as it relates to a system of distribution. Finally, I will demonstrate what might result of an economic policy framework guided by the minimalist interpretation of the harm principle.

2 INTERPRETATIONS OF HARM AND APPLICATIONS OF THE HARM PRINCIPLE

2.1 Feinberg: The Minimalist Application

In *Harm to Others*, Joel Feinberg examines the harm principle with regard to criminal law. Though Feinberg's analysis significantly involves legal theory, much of his discussion considers legislation and theories of moral policy. He clarifies that "what our question has in com-

mon with Mill's broader one is its emphasis on determining the legitimacy of exercises of power."[2] Feinberg's framework is an important component to theories derived via the harm principle; legal punishment and compensation may be justified as the result of past harms.

Feinberg defends that harm prevention (physical and economic) is a generally accepted justification for coercive measures on the part of the state.[3] In this context, Feinberg means to comment on penal legislation specifically. However, penal legislation is merely one facet of coercion for preventative measures; we can reasonably assume that other forms of coercion are likewise justified on grounds of harm prevention. Feinberg additionally cites the legitimacy of the *offense principle*, which stipulates that the state may use coercion to prevent offense to others (use of ethnic slurs, lewdness, etc.).[4] The *offense principle* attempts to enlarge the concept of harm to include non-physical, indirect offenses to both the victim as well as the actor herself. For the purposes of this thesis, this morally motivated concept will not be considered a legitimate application of the harm principle.

Later in his introduction, Feinberg states directly that, given the goal of preventing harm, "there is also a point about distributive justice."[5] In particular, Feinberg considers the legitimacy and benefits of taxing those who participate in activities dangerous to their health (e.g. smoking). In this case, the taxation of the activity is justified by the economic harm caused to others; because smokers are more likely to encounter health problems, non-smoking citizens are harmed economically by assuming the cost of smokers' extra healthcare.[6] Smokers there-

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[2] Feinberg, 1987, 3.
[3] Feinberg, 1987, 12.
[4] Feinberg, 1987, 12-13.
[5] Feinberg, 1987, 24.
[6] Feinberg, 1987, 25.

fore can incur an extra tax, as a result of economic harm and the prevention thereof. This type of justification circumvents paternalistic legislation, to which individuals may easily object. Feinberg's consideration of the moral neutrality of such legislation is simply an added benefit to a more important conclusion: the harm principle justifies the use of distributive justice for preventing economic harm. Arguably, economic harm is a harder standard of justification for preventative measures (compared to direct physical harm); however, Feinberg seems to take its legitimacy for granted.

Feinberg makes an important distinction between two types of interests; that is, he defines the degrees to which individuals can be harmed, according to their interests. Ulterior interests are defined as "ultimate goals... such aims as producing good novels or works of art."[7] Hindrance to ulterior interests may constitute harm; however, this harm can be outweighed by more fundamental interests. Such interest is termed "welfare interest," which includes:

> ...interests in the continuance for a foreseeable interval of one's life, and the interests in one's own physical health and vigor, the integrity and normal functioning of one's body, the absence of absorbing pain and suffering or grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse and to enjoy and maintain friendships, at least minimal income and financial security, a tolerable social and physical environment and a certain amount of freedom from interference and coercion.[8]

Feinberg argues that infringement upon such interests constitutes harm of the greatest magnitude. The list is a robust definition of welfare and the interests that define such a concept. Indeed, Feinberg's definition of welfare interests goes beyond the minimal interpretation of basic

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[7] Feinberg, 1987, 37.

[8] Feinberg, 1987, 37.

provisions for sustenance; psychological well-being and social abilities are equal constituents of an individual's welfare. However, the final interest, 'freedom from interference and coercion,' requires further explanation. Interference and coercion between private citizens is accepted as generally illegitimate under the harm principle. On the other hand, a significant component of state action must include coercion; the prevention of harm necessitates a trade-off between individual liberties and the state's ability to act. Since Feinberg applies the harm principle to acts of the state, this final criterion seems to come with an addendum: individuals should enjoy a degree of freedom from interference and coercion, insofar as such freedom does not hinder the ability of the state to regulate harm and dispense justice thereto.

Though more ambiguous, ulterior interests are likewise important to the individual, and harm may occur if such interests are mitigated by a third party. In simplistic terms, an individual's ulterior interests are long-term desires, such as future security and enjoyment. Feinberg explains:

> …building a dream house is a means to the entertainment of house guests, to the private pursuit of studies and pleasures, to hours of aesthetic contemplation, and so on; the achievement of political power is a means to the advancement of favorite causes and policies; and the solution of a scientific problem is a means to the further advance of knowledge and technology, to say nothing of personal glory.[9]

As with any individual's conception of the good life, ulterior interests seem impossibly difficult to estimate and assign ordering. Feinberg concedes this, though he argues that, by definition, welfare interests (as well as some interests conducive to ulterior interests) are necessary to sat-

[9] Feinberg, 1987, 45.

isfying any condition of ulterior interests.[10] We may surmise that both welfare interests, as well as other interests conducive to ulterior interests, require preventative measures against harm thereto.

The nature of economic harm requires us to explain the nature of collective, aggregate harm on a group, class, etc. of individuals. To some degree, Feinberg addresses this issue in a discussion of environmental harm. He postulates that, "a hasty legislature might declare, anyone who pollute air or water is guilty of a felony and subject to not less than a year in prison and a $10,000 fine."[11] Such a decision would seem to satisfy the harm principle, though the distributive allotment is not commensurate to the harm committed. Instead, legislators should ask "in the effort to minimize public harms generally, within the limits of efficiency, equity, and fair play, what sort of regulative scheme should be devised?"[12] To this end, Feinberg concludes the following:

> When a legislature wishes to prevent a public accumulative harm like pollution, it must know precisely how to describe the prohibitable actions that harm the public interest, so that it can prohibit just those actions. But when the legislature does not know, and has no way of deciding, to just which actions to impute the harm in question, it has no way of formulating the desired statute that avoids vacuousness, arbitrariness, and legislative overkill. If there is no way after the fact to tell which actions to impute the harm, then there can be no way before the fact for legislatures to decide which actions to prohibit because of their harm production. The harm principle in this case is of no use at all.[13]

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[10] Feinberg, 1987, 42.
[11] Feinberg, 1987, 227.
[12] Feinberg, 1987, 228.
[13] Feinberg, 1987, 229-230.

In other words, certain pursuits may indeed seem to contribute to harmful consequences. Feinberg seems to defend the position that aggregate harm requires the identification of specific contributors to such harm if retributive measures are sought. Unlike individual-level harm, aggregate harm is generally more ambiguous in its original actor(s). An exception to this trend might be genocide; for example, the Holocaust involved aggregate, direct physical harm to several groups of individuals, from the actions of one socio-political group.

From Feingberg, we may gather that the harm principle is justificatory of redistributive measures in *some* cases. Feinberg's analysis seems to indicate that a class, group, or organization of individuals do not satisfy his requirement of culpability. We may thus conclude that economic harm may only originate from identifiable actors. Nevertheless, Feinberg's position regarding harm prevention may justify redistribution and a wide array of social programs; the protection of 'welfare interests' seems to trump the criterion of culpability. Even if retribution cannot be justified as a result of the culpability requirement, the requirements for harm prevention seem to demand comprehensive provisions for the wellbeing of citizens, physically and otherwise. Feinberg nevertheless aggregates harm and applies it in an expanded manner without reference to Mill's original text. This is problematic, as Feinberg's theoretical justification for aggregating harm is the result of fiat; if we do not accept his aggregation and application as granted, then the argument lacks justification.

2.2 Smith: The Maximalist Application

Unlike Feinberg, Steven Smith defends a definition of harm that does not remove itself from the related concepts of 'hurt,' 'offense,' etc.[14] Indeed, Smith argues contra Feinberg that harm must include "various forms of what we may call 'psychic harm' and 'communal harm.'"[15] While Smith's conclusions are not directly applicable to the question of economic harm, his analysis demonstrates the ability to manipulate the harm principle as an all-encompassing standard of mitigation. Smith defends that communal harm may result from individuals privately engaged in activities that are offensive, obscene, etc. to the community-at-large; regardless of any direct sensory offense caused, the offensive action nonetheless fails to uphold the communal morals and norms.[16] This failure constitutes a harm to individuals within the community, as the community slowly transforms to something altogether different (to some, morally objectionable).[17] This type of harm thus justifies a heavy-handed interventionist style of government in which the state must compensate for, and mitigate, the offensive actions of its citizens (private and otherwise). He continues:

> Liberals may respond to such claims with dismissive indignation: these are plainly not the kinds of "harm" that the principle is meant to encompass and hence that can serve to support restrictions on liberty. But if in fact some people sincerely regard such injuries as "harms" (as it seems they do), what justifications can liberals give for declaring these harms irrelevant or inadmissible -- or not really "harms"? And by refusing to count or give weight to evils that some people sincerely regard as "harms," do liberals engage in the quintessentially illiberal practice of treating some people's ideas of the good life as less worthy? In the more

[14] Smith, 2006.
[15] Smith, 2006, 2.
[16] Smith, 2006, 15-18.
[17] Smith, 2006, 17.

> popular parlance, do liberals thereby "impose their values on others"?[18]

If, as Smith suggests, offenses (or offensiveness) and mere 'hurt'[19] constitute harm, then the harm principle takes on a decidedly illiberal character. If liberals wish to accept the harm principle, it must be with several footnotes, such as those prescribed by Feinberg. Otherwise, the liberal is forced into a perfectionist framework. Smith's conclusion is therefore binary, whereby either: the harm principle is neutral and thus ineffective in its intentions; or, the harm principle and its followers advocate one, perfectionist understanding of the good life with which harms are understood.

Regarding economic distribution and social justice, this debate is ostensibly irrelevant. If we accept that harm prevention is a necessary component of the harm principle, as Smith himself admits, then the nature of offenses, hurt, etc. has no bearing upon economic harm. Both maximalist and minimalist interpretations of harm accept that economic harm is a reality; however, several questions and procedural considerations yet remain. Such questions include the nature of competition, the responsibilities of parties in transactions, and the extent to which harm may be applied to groups of individuals. Smith provides some analysis of the final question, as noted previously. By definition, communal harm occurs at both the community level as well as the individual level; as the community changes, individuals are harmed by its [potentially offensive] change. Even if we refuse to accept that offense constitutes harm, we are still able to accept that harm can be applied to an entire community of people. This is an important distinction, as it seems that both maximalist and minimalist interpretations of harm allow for pro-

[18] Smith, 2006, 2.
[19] Brief physical pain with no long-term effect. Smith, 2006, 28.

tection, compensation, etc. for groups of individuals on behalf of the state. Like Feinberg, Smith fiats his argument, neglecting any analysis of the original theory. Without mentioning Mill, he fails to understand how the harm principle can justify aggregate prevention and compensation.

Smith provides some commentary regarding the question of economic competition. He explains:

> Suppose my photocopying business... suffers because you start a competing business that provides better copies more cheaply , and you thereby drive me into bankruptcy: should I be able to say that you "harmed" me, and hence that your business should be prohibited?
> ...Still, it might seem easier and safer just to preempt my claim in advance by ruling that competitive injury does not count as "harm" at all--maybe because I have no "right" to be free from competition. ...by limiting harms to "rights" ...undermines the ostensible simplicity of the harm principle, ...in which it would often seem a kind of double-talk to distinguish "harming" from "hurting".[20]

Smith's point is fair: if harm only occurs upon the violation of an individual's [presumed] rights, then the resulting principle is significantly limited and furthermore complicated. In an effort to prove that the harm principle is illiberal at its core, Smith oversimplifies the debate between rights and freedoms and furthermore ignores the utilitarian basis with which the harm principle is judged. Preventative measures are not required in systems under which it has been determined that a competitive market is to the greater benefit of all citizens (since it is a simple calculation of net-harm). Under such a system, economic harms may still occur; however, this does not imply that direct competition itself produces harm. Even if we accept Feinberg's stricter definition of harm, the individual (or group of individuals) must only show that their

[20] Smith, 2006, 28.

basic welfare is in jeopardy for such a condition to justify potentially coercive measures to prevent harm from occurring. In this case, it seems more likely that potential harm must occur to a group of individuals, or else the framework of competition within the marketplace is in jeopardy. In other words, Smith denies the existence of any medium between control and laissez-faire economies governed by a principle of harm; this conclusion fails to understand that in any calculation of harm (e.g. between prevention and abstention), equal results are likely impossible. The winner/loser dichotomy is unavoidable, which is why the harm principle ostensibly seeks to minimize harm-- not eliminate it.[21] Smith furthermore seems to place his example in a state obsessed with the mitigation of personal harm; the legal framework is apparently conducive to individuals seeking putative damages for any perceived infraction of supposed rights and/or liberties. This type of example demonstrates Smith's ignorance of the harm principle's original text; individual-level calculations of harm are irrelevant to a large-scale application of the principle as a means for distribution of state funds and services.

2.3 Mixed Interpretations/Critiques

2.3.1 Lyons

Like Smith, David Lyons defends an interpretation of harm that encompasses wrongdoings beyond the long-term setbacks to individual interests defended by Feinberg. However, Lyons chooses to rename the harm principle to the more specific "general harm-prevention principle;" for all intents and purposes, this renaming is significant only to Lyons as a means of dif-

[21] For the time being, I will not defend that it seeks to maximize happiness. The calculation used in judging harm/prevention is naturally consequentialist, though as of now, our understanding is that harm is a wrong unto itself. This implies that the resulting happiness might be irrelevant, so long as harm is minimized. This makes a certain degree of sense, since 'happiness' is largely subjective in nature.

ferentiating his own interpretation.[22] He provides a succinct definition of his interpretation as such, "the prevention of harm to other persons is a good reason, and the only good reason, for restricting behavior."[23] Such an interpretation establishes a framework for prevention; the state is obligated to minimize harms, seemingly by any means necessary. Importantly, Lyons remarks:

> It should also be emphasized that we are speaking here only of preventing harm and not of using coercion to promote benefits in general. One might object to the latter while accepting the former.[24]

The case for the state promoting welfare is in jeopardy, according to Lyons' interpretation of the harm principle. However, he qualifies his analysis further:

> Now, if one is concerned with preventing harm and believes that harm prevention may justify interference with an individual's freedom of action, then one should regard cooperation requirements[25] as important cases. For they may well provide the only means of preventing or eliminating some significant harms such as malnutrition and starvation...[26]

The harm principle thus appears more complicated than in previous interpretations; a requirement of cooperation implies that the principle needs a subset of unique qualifiers for validity. Once again, Lyons is simply using his own terminology and method of inquiry to clarify his argument. The harm principle remains intact, as long as the qualifying arguments are truly inherent qualities of a coherent definition.

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[22] Lyons, 1997, 120.
[23] Lyons, 1997, 120.
[24] Lyons, 1997, 122.
[25] i.e. Mill's examples requiring an individual to act if another is in obvious danger.
[26] Lyons, 1997, 122.

Other authors concur that the harm principle might carry an additional requirement of harm prevention. However, Lyons references Mill and his good samaritan examples, which indicate that Mill himself wished to include cooperation requirements as components of the harm principle. This point is important to understanding the applicability of the harm principle; several other authors interpret the harm principle either as a vague ethical guide for individual action (Dripps), or as a vague guide to criminal law (e.g. Feinberg). While such other authors concede the potential for harm prevention, Lyons explicitly defends that the original thesis contains a requirement of "interference not only to inhibit conduct that causes harm to others but also to elicit harm-preventing conduct."[27] As we will see, this interpretation ostensibly represents the closest reading of Mill's original qualifying arguments to the principle, which, I will defend, should be preferred to the more limited interpretations of coercion justified by the harm principle. At any rate, the harm principle likely requires this interpretation to be applicable in any sense beyond individual (or judicial) decision-making.

Given that harm-prevention is a necessary component of the harm principle, we remain undecided regarding the extent to which prevention should occur; at some point, preventative measures might resemble benefits without threat. Lyons answers:

> While it is easy to be mistaken about what constitutes a positive benefit to another person, harms are unproblematic. Harms concern interests that are readily appreciated; most if not all of these are, at bottom, common to all persons. They are not to be understood in terms of mere existing preferences but rather as conditions that must be satisfied if one is to live well as a human being; they include physical necessities, personal security, social freedom (from oppressive custom as well as others' interference), and

[27] Lyons, 1997, 128.

> a variety of experiences and opportunities for self-development. To the extent that one is denied or deprived of such conditions, one suffers what Mill counts as "harm".[28]

Thus we see a trend developing across several authors; even if certain offenses, hurts, etc. are not a component of harm, the individual's socio-economic well-being is a fundamental necessity, and any detriments thereto constitute harm. In this case, Lyons wishes to separate considerations of justice and fairness from the harm principle; we may reject the former while accepting the latter as legitimate reasons for coercion.[29] However, the acceptance of this interpretation is hardly less obtrusive than a standard of fairness. As Steven Smith suggests, the harm principle is likely incompatible with several liberal norms; coercion is a necessary component of harm prevention-- an activity that appears to be at the heart of the harm principle. Even if we require a loose liberal-perfectionist construction of the harm principle (e.g. minimize harm to the extent that it transgresses the fewest liberties), individual freedom nevertheless remains secondary to egalitarian considerations of socio-economic well-being. As long as harm prevention is a necessary component of the harm principle, each author will conclude that individual liberty is secondary to societal welfare.

2.3.2 Dripps

Donald Dripps raises a concern shared by others: the harm principle likely justifies any instance of coercion, given believable causal sequences. He defends that the harm principle can either be applied individually as an ethical framework for toleration, or as follows:

> In the alternative, it might be adopted as an external constraint on legislative discretion, that is, as a constitutional provision,

[28] Lyons, 1997, 129-130
[29] Lyons, 1997, 135-136.

> adopted by a temporary majority as a precommitment strategy to prevent future majorities from violating the principle. In familiar legal parlance, proponents of the harm principle might hope to see it become part of either the written or the unwritten constitution of their society.[30]

As it pertains to the economic framework of a political society, we are concerned with Dripps' latter application of the harm principle.

Dripps' main argument against the harm principle is rooted in the ambiguous nature of harm and its relevance to systems within political economy. Harm is, he claims, "vague enough that the proponents of morals laws could frequently point to some immediate consequences of private vice that can plausibly be characterized as harm."[31] The interpretations of harm presented by Smith and Lyons are likely subject to this critique. However, Feinberg seems to have dealt with this adequately in determining the true nature of harm, and furthermore the extent to which harms categorized as such should be subject to coercive measures for prevention/retribution. At the very least, we can defend that harm can be classified, and that some instances of offense, hurt, etc. are not components of harm.

Dripps is aware of Feinberg, and as such he provides a second argument, that "even if a narrow understanding of harm could be counted on, seemingly private behavior very often initiates a causal sequence that ends in harm, albeit the chain may be long and speculative."[32] This second critique is more damning to the harm principle and its applicability to constitutional frameworks and policy. He provides an example:

> Guns kill people when children mishandle them. Gambling causes some people to turn to crime to support their compulsion. Se-

[30] Dripps, 1998, 4.
[31] Dripps, 1998, 8.
[32] Dripps, 1998, 8.

> cond-hand smoke is apparently genuinely harmful. Self-induced health problems, due to smoking, diet, sexual practices, and so on cost third parties billions of dollars. Indeed Even seemingly innocent pastimes cause uncontested harm. The fertilizer runoff from golf courses is a serious environmental problem, leaving aside bystanders who are injured during play by errant shots. Swimming pools lure children to death by drowning. Think, for a moment about all the uncontested harm that might be prevent (*sic*) by banning automobiles.[33]

Dripps has a point; the standard of harm justifies legislation to prevent harm according to potentially specious causal links. However, Dripps seems to 'jump the causal gun,' so to speak. For some of the examples above, legislation has indeed taken affect in many jurisdictions (e.g. smoking in public). Additionally, the other seemingly innocuous activities indeed produce potentially harmful consequences; however, this does not suggest that such activities should be banned, or that individuals/groups should be penalized for participation therein. Rather, Dripps' examples are indeed subject to coercive legislation; pool drains must meet standards such that children are less likely to drown in the event of an accident. The list of practical applications goes on, but we can surmise that Dripps performatively contradicts himself; potentially harmful activities, though subject to legislation, need not be prohibited altogether. If we apply the vaguely utilitarian standard of harm prevention offered by Lyons, then we may conclude that such consequential harms should be prevented, to the extent that it diminishes individual choice to the least possible degree. It does not seem plausible that prohibition is the only option in each and every instance of potentially harmful activity. At any rate, we may concede his point: the harm principle justifies legislation of a coercive nature, given harmful consequences to any degree and timeframe.

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[33] Dripps, 1998, 10.

I will not defend that the harm principle is the standard to which constitutional frameworks and policy should adhere; instead, I suspect that the harm principle justifies an economic framework of redistributive welfare on a grand scale. Dripps' arguments seem to conclude likewise, albeit with specious conclusions regarding methods and degrees of preventing harm. We cannot deny that the harm principle could be an illiberal doctrine, if followed to its extreme conclusion. With regard to economic policy, we will see how the prevention of harm mitigates individual claims to freedom of capital pursuits.

3 THE HARM PRINCIPLE AS JUSTIFICATORY OF A REDISTRIBUTIVE SYSTEM OF WELFARE

Though secondary authors determined that aggregate economic harm should be prevented/reattributed for, no author provided justification according to the original text. Indeed, the harm principle does not explicitly state that such activities are a legitimate result. In this section, I will attempt to justify these arguments using Mill's original definition of the harm principle in *On Liberty*. Though Mill does not represent the final word (or even the most robust interpretation) of the harm principle, his analysis is the original, fundamental manifestation of the theory. Accordingly, it seems appropriate to examine the original text, given the cryptic nature of the principle's most basic implications. In this section, I will argue that, contrary to ostensible evidence, the harm principle carries several implications that may be used to justify a state with a comprehensive system of redistributive welfare. This thesis does not take the position that Mill directly advocates a redistributive system in *On Liberty*; rather, it presents the arguments with which we may argue that such a system is legitimate, given the harm principle.

To defend this argument, I will first examine the legitimacy of taxation according to Mill, as a prerequisite to redistribution. Next, I will interpret the justificatory arguments for economic redistribution, according to the harm principle. Finally, I will present evidence to support the counter-argument, that Mill's observations cannot be used to justify comprehensive redistribution for purposes of social economic assistance, and present some further challenges to my thesis. There are two possible interpretations of the harm principle with regard to economic redistribution: the 'weak' interpretation and the 'strong' interpretation. The strong interpretation is dependent upon acceptance of the weak interpretation, and all secondary authors in this thesis took the strong interpretation for granted. This thesis endorses the strong interpretation and in doing so, it will attempt to correct the theoretical negligence of the secondary authors.

3.1 The 'Weak' Interpretation

The harm principle stipulates that individuals should maintain freedoms of conscience (or, thought in general), of tastes and pursuits (including morality), and of peaceful assembly, given "persons combining being supposed to be of full age, and not forced or deceived."[34] Often, the principle is understood via American interpretations of 'freedom from harm,' whereby individuals' rights trump those of the political society (negative liberty). However, such an interpretation ignores Mill's later analysis of both the rights and the duties of individuals as members of society, given his conception of harm. The harm principle does not stipulate strict rights of the individual, applied uniformly.

To justify a system of redistribution via Mill's harm principle, we must first grant that taxation, in a general, nonspecific guise is a legitimate action of the state. Mill defends that,

[34]Mill, 2006, 19.

given his contemporary economies, taxation is a necessary function of government.[35] However, Mill stipulates that taxation should be limited by "what commodities the consumers can best spare" and "up to the point which produces the largest amount of revenue," provided that the revenue is both necessary and useful for the state's budget.[36] The qualifications for taxation are thus broad; the state may justify taxes simply based on necessity and usefulness. It is therefore reasonable to conclude that, given situations whereby a tax may prevent breaches of the harm principle (discussed below), such a tax would be considered legitimate and furthermore necessary. This conclusion does not imply that the harm principle would allow for unchecked taxation in all scenarios of harm or the probable event thereof; rather, we must only understand that taxation is not itself a harm, and that taxes may potentially prevent harm, or provide retributive compensation for harms endured.

Mill articulates one position regarding freedoms of the citizen in terms of interference to prevent harm: "if… a private citizen, sees any one evidently preparing to commit a crime, they are not bound to look on inactive until the crime is committed, but may interfere to prevent it."[37] In this instance, individuals and state officials are able to breach the qualifying criteria of the harm principle, given that the concerned individual is under the apparent threat of harm. Furthermore, Mill presents an example concerning an individual attempting to cross a bridge that is (unbeknownst to him/her) dangerous. In this example, Mill merely argues that the individual should be warned of the danger, unless the individual is a child, cannot understand the danger, etc.

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[35] Mill, 2006, 114.
[36] Mill, 2006, 114.
[37] Mill, 2006, 108; the passage specifically refers to injurious commodities (alcohol, etc.), though this only supports an aggregate, paternalist interpretation of the harm principle (to be discussed further).

Both examples of right of interference/civic duty stipulate the following logic: given, that an individual is unable to prevent unwanted harm from occurring to herself/himself, it is the duty of both the state and citizens to prevent this harm from affecting the individual concerned, insofar as possible. If we extend Mill's logic to the larger political society, then a limited system of redistributive welfare may follow. Certain individuals may find themselves in a position of economic depravity, due simply to factors beyond their control; this would especially include historically disenfranchised individuals. For example, a child born into poverty who faces racism, sexism, etc. would qualify for redistribution, on the grounds that she/he is actively being harmed (physically and otherwise) by such factors outside of her/his control. By the same logic, excessive gamblers would be excluded from reaping redistributive gains; if the individual is fully aware of the risks involved in his/her pursuits, then the payoff/losses thereof must be accepted at face value. Redistribution of wealth is therefore justified in terms of intent and risk; the individual is made accountable for his/her actions and subsequent positions, to the extent that he/she had a choice in action and was aware of the risks involved.

Similar to his arguments regarding interference and civic duty, Mill defends that the state should require schooling for every child.[38] However, this is not to say that Mill advocates public schooling in general; rather, he claims that the state may "content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no one else to pay for them."[39] Though he advocates a system of reimbursement, Mill concedes that public schools may serve the greater communal interest. However, if public schools are established, Mill defends that such schools should serve as one op-

[38] Mill, 2006, 119.
[39] Mill, 2006, 119.

tion among many.[40] Indeed, Mill laments state education, which he claims, "is a mere contrivance for molding people to be exactly like one another."[41] Mill does not frame his argument in terms of economics; rather, he opposes state schools based on a perceived proclivity toward political biases and general conformity. Again, the contention is consistent with the logic of the harm principle, as well as that of civic duty. Though not every child is necessarily granted free education, those who find themselves unable to acquire tuition are granted such by the state. Even if the provision of funds for education does not constitute a system of welfare (or a component thereof), the logic used to justify the position is consistent with such a system. Independent of Mill's later arguments regarding access to voting, the provision of education exists to prevent harm (i.e. lack of education) from occurring to individuals who have neither choice nor control over the extent to which they receive education (as a mechanism for social/economic mobility). The provision for public schooling is not a direct indicator for social welfare; rather, the provision is most important for setting a precedent for the state's role in preventing harm.

3.2 The 'Strong' Interpretation

We must note that this preliminary interpretation of the harm principle rests not on an expansion of the theory, but rather on the permitted transgressions therein. If, as Mill claims, there are instances in which individuals may justly interfere with the actions of others, then the harm principle is simply weakened by technical considerations. This does not automatically imply that social welfare programs are necessary according to the harm principle; for such an ar-

[40] Mill, 2006, 119.
[41] Mill, 2006, 119.

gument to carry weight, the definition of harm must consider aggregate forms, rather than harms at the individual level (i.e. harms against groups of people with no individual-level transgressor). This interpretation of harm is not ostensibly viable, given the examples of different harms in *On Liberty*; however, the aggregate interpretation of harm is lent some credibility, considering Mill's defense of taxation.

Using the example of alcohol, Mill defends that the state is just in taxing commodities that pose the threat of harm to society at large.[42] Indeed, such a form of taxation is based on the mere *potential* of individuals to transgress the rights of others, given the history and known effects of alcohol and similar commodities.[43] The implications of this argument are twofold. First, the justification is rooted in a concern for general welfare, based upon a preventative conception of justice. That is, harms need not occur for the state to curtail the perceived freedoms of individuals (i.e. an unlimited marketplace), in an attempt to deliver potential transgressors away from their potential instruments. Mill contends that the aforementioned justification violates the harm principle; the tax necessarily seeks to deprive individuals of their tastes and pursuits. However, when justified according to the necessity of state revenue, such a tax is legitimate.[44] The legitimacy of the tax implies that the harm principle provides exceptions to the narrow interpretation of harm; if the state must tax commodities to generate revenue, then those that carry the potential for harm are appropriate subjects. If taxation on alcohol becomes a form of retroactive compensation (whereby those harmed by drinkers are paid for their injuries), then the argument carries the additional advocacy of aggregate redistributive

[42] Mill, 2006, 114.
[43] Mill, 2006, 110.
[44] Mill, 2006, 114.

justice. In this case, law-abiding drinkers are nevertheless subject to supporting individuals who have suffered harms, as a result of law-transgressing drinkers. Such a scheme follows the logic of the harm principle and its taxation allowances, and there exists no prima facie dispute between reparations and general state revenue.[45]

One critique of the outlined interpretation of harm involves its ostensibly expansive nature. Richard Epstein argues that such a view "sees externalities everywhere," which implies that "every action generates some harm under the expanded harm principle."[46] The criticism seems to apply to the case of aggregate social harms, in this case, the presumed rich-poor gap. Although Epstein specifically refers to the 'harm principle,' the critique is leveled against the concept of harm itself. For the strong interpretation to withstand the argument against 'expanded' harm, economic disadvantages must be considered harms (in at least some cases); such acceptance is not only logically sound, but textually supported as well. If, as argued previously, an individual is unaware of the potentially harmful consequences of his/her actions, then the state is justified in transgressing his/her liberties.[47] Accepting this, we may *limit* the definition of harm to potential unintended consequences, and thereby exclude cases of direct marketplace competition.[48] Economic consequences, as both the secondary authors and Mill concede, can constitute harm, but such a definition must be limited to cases without voluntary competition. For example, for-profit businesses would not be entitled to redress for economic

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[45] It seems that no harm occurs in either case. Mill defends that negligent alcoholics should be required to remit payment to their families, even if they must be forced into labor. While a group cannot be held accountable for the actions of one individual, the tax on alcohol is nevertheless justified (via revenue); if payment from the transgressors preexists, then direct payment to the affected parties is easily justified.
[46] Epstein, 1995, 417.
[47] Recall the dangerous bridge example, which highlights the harm principle's provision for protecting against potential, unwanted harm to others.
[48] Epstein, 1995, 378-379.

losses, even if such losses are the result of competing factors.[49] Likewise, individuals who find themselves in abject poverty, due in no part to their own actions, would be entitled to retroactive compensation on the basis of previous harm.

For such harm to be valid, we must accept one of two qualifying arguments. The first argument for retroactive compensation for aggregate social harm stipulates that harm occurs upon birth; that is, children born into poverty are at an inherent disadvantage, relative to those born of wealth. Recall the alcohol tax, which stipulates that individuals who did not commit harms against others are nevertheless required to pay a premium for access to alcohol. Such a scheme allows the same form of tax to apply to individuals who have children— a tax opposite to that of most countries' current tax code. Though all parents would be subject to such a tax (for purposes of revenue), only children who incur harm (poverty) would receive compensation. This argument is hard to defend, given its extreme nature. The second argument for aggregate social harm requires us to accept that economic inequalities are empirically the result of unfair advantages and domination. In this case, the lower classes would receive compensation directly from the upper classes, which rests on the assumption of direct, aggregate harm. Such a scheme of compensation is yet harder to defend, given the harm principle and the varying nature of domination, competition, and social rank-ordering within (and between) states.

Oddly, the most defensible form of aggregate harm likely involves a reflexive, indirect harm to all property-owning classes; furthermore, it is not required to meet the standard of responsibility (gamblers, etc.). If we concede that, in general, an increase in poverty correlates to

[49] Of course, there are exceptions in the case of Monopolies, etc., though intervention would take the form of regulations. The harm principle does not apply, since regulations are merely the necessary by-product of free-market capitalism.

an increase in crime rates, then direct, physical harms will potentially occur to individuals who possess any positive measure of wealth. If preventing potential harm is indeed a justification for redistribution, and both parties (instigator and victim) may each be aggregated, then it follows that a comprehensive system of redistribution is a legitimate means to protect individuals from the potential harms of large-scale poverty. The argument does not imply that comprehensive redistribution will prevent all forms of harm against individuals and their property. Since no standard exists for effective levels of harm prevention (e.g. a decrease in crime rate of 10%, etc.), we must assume that the decrease in potential harms must be interpreted in a vaguely utilitarian manner. By this, I mean to suggest that the potential ability for the state to prevent harm through redistribution must be evaluated by comparing the potential levels of 'happiness' (e.g. discontent over taxes, etc.) between instituting redistribution and refraining. As mentioned, the absence of a comprehensive system will likely result in direct physical harms (crime, social unrest, etc.), whereas the redistributive system would require much speculation regarding potential harms to outweigh the direct claim. A visualization of the three explained scenarios of aggregate harm is displayed on the following page (Figure 1), with a diagram of the types of harms thereafter (Figure 2).

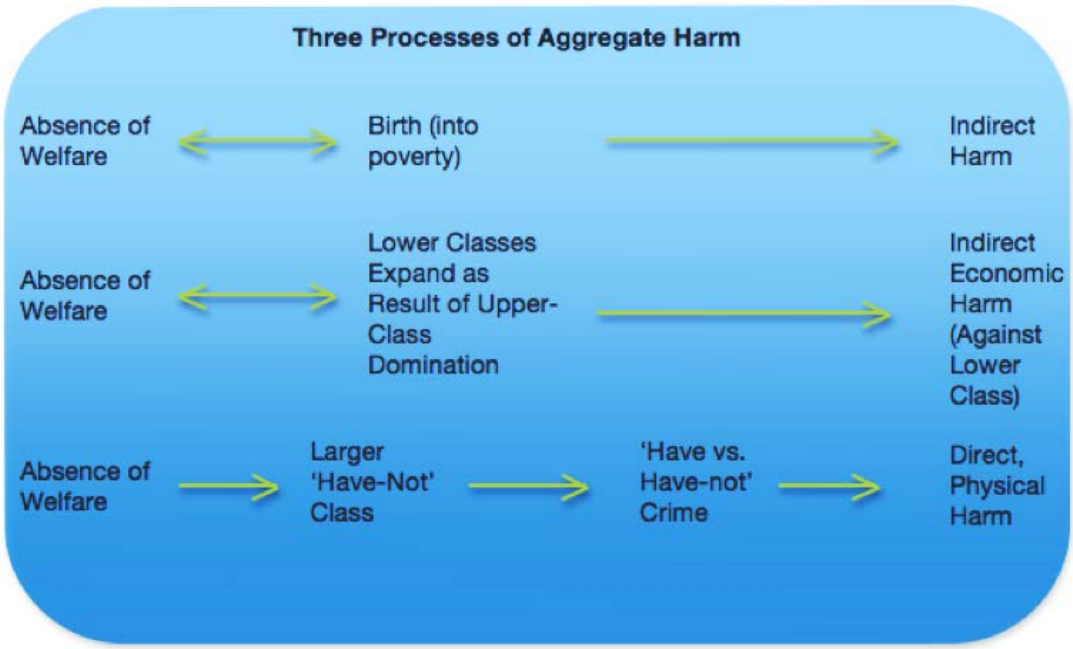

Figure 1: Three Processes of Aggregate Harm

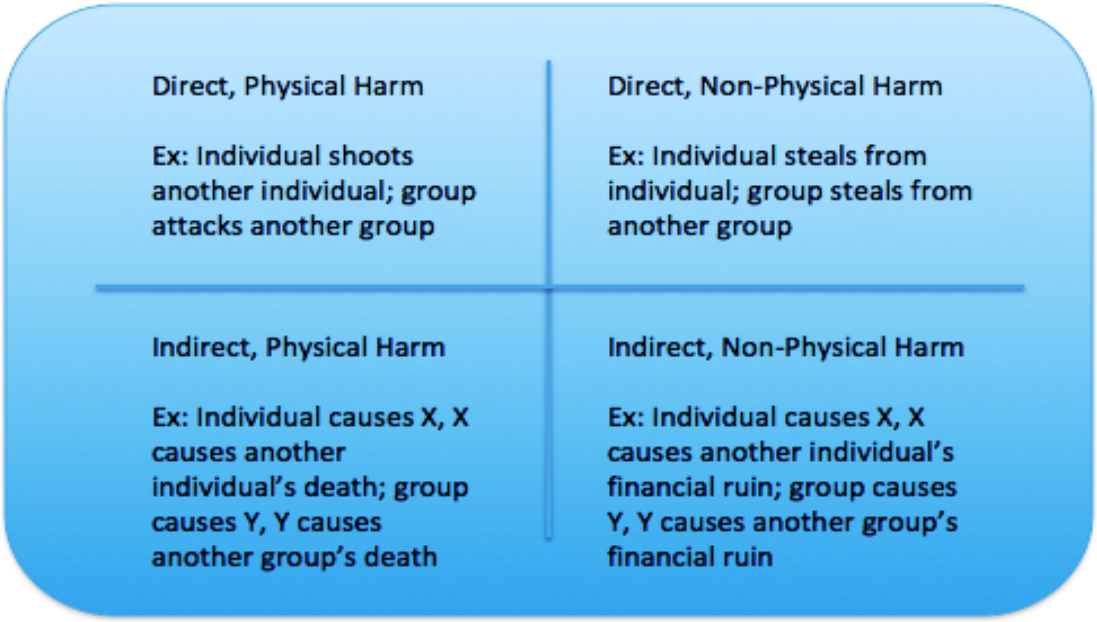

Figure 2: Types of Harm

A debate regarding the harm principle requires an additional conversation regarding rights, provided that the harm principle applies only to the rights of citizens (i.e. freedom of choice and pursuits). However, this conversation is easily muddled, considering the nature of procedural liberties and the potential of mislabeling them 'fundamental.' To this end, it is important to note the difference between rights and liberties; the former receives full protection by the harm principle, while the latter may be transgressed under certain circumstances. The central theme of one interpretation can be summarized as such: because of the dichotomy between liberties and rights, injury does not constitute harm, insofar as the harm principle is concerned.[50] For example, Individuals and corporations cannot expect free enterprise without injurious competition, since freedom from competition is not a fundamental right.[51] An alternative justification for the strong interpretation may involve the fundamental rights of individuals, pending a utilitarian understanding of harm. If poverty, etc. involves the denial of certain fundamental rights (life, pursuits, etc.), then the unchecked accumulation of wealth [at the expense of others] may remain only a liberty, given certain conditions. Such a liberty may be limited in favor of protecting the *rights* of individuals and groups, thereby producing only injury to the parties limited (not wrongful).[52]

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[50] Smith, 2006, 27.
[51] Smith, 2006, 27.
[52] Dripps, 1998, 9.

3.3 Principles of Political Economy

This section will analyze Mill's *Principles of Political Economy* to demonstrate his understanding of economics and redistribution. In *Principles*, Mill details his interpretation of the proper actions of government with regard to taxation, services provided, and redistribution. Like *On Liberty* and other works of Mill, *Principles* remains enigmatic at times, leaving itself open to interpretation. It must be emphasized that, though Mill himself may specifically disagree with the strong interpretation, the harm principle is analyzed without regard for Mill's separate conclusions regarding redistributive justice. If the harm principle (as originally written) can be used to justify a redistributive system, and Mill simultaneously negates such a system, then the principle itself simply fails to deliver its intended function. Alternatively, this section seeks to push Mill beyond the minimal system his followers seem to endorse. Certain sections of *Principles* explicitly limit the state in establishing comprehensive provisions that involve significant taxation; however, this is perhaps the result of Mill's perception of his contemporary governments. That is, if we assume that the hypothetical state is relatively free of corruption, and that the bureaucracy is relatively effective therein, then Mill might only be hesitant to endorse a comprehensive system, due to concerns of effectiveness. The thesis aims to further Mill's conclusions in this manner of progression; if this proves problematic, then the strong interpretation of redistribution may lack Mill's potential support.

Regarding taxation, Mill argues that, "equality of taxation, therefore, as a maxim of politics, means equality of sacrifice."[53] This statement alone suggests a type of progressive system

[53] Mill, 2009, 622.

of taxation, such that sacrifices between brackets are commensurate to one another. However, Mill continues:

> Both in England and on the Continent a graduated property-tax (*l'impôt progressif*) has been advocated, on the avowed ground that the state should use the instrument of taxation as a means of mitigating the inequalities of wealth. I am as desirous as any one that means should be taken to diminish those inequalities, but not so as to relieve the prodigal at the expense of the prudent. To tax the larger incomes at a higher percentage than the smaller is to lay a tax on industry and economy; to impose a penalty on people for having worked harder and saved more than their neighbors.[54]

Given Mill's arguments regarding individual autonomy (via the harm principle), his argument for individual economic productivity comes with little surprise. However, Mill explicitly references his desire to decrease the inequalities between rich and poor; thus his sentiments seem at odds. Indeed, Mill advocates a type of flat tax on income, though he includes several caveats to mitigate the effects of a system that seemingly favors a form of fairness over equality of opportunity.

As a method of redistribution, Mill's tax scheme would include an exemption for lower income households:

> The mode of adjusting these inequalities of pressure which seems to be the most equitable is that recommended by Bentham, of leaving a certain minimum of income, sufficient to provide the necessaries of life, untaxed.[55]

While this measure does not provide a direct method of redistribution, it is intended to adjust inequalities as a result of the free market. Furthermore, Mill illustrates his understanding of equity in his analysis of inheritance:

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[54] Mill, 2009, 624.
[55] Mill, 2009, 623.

> With respect to the large fortunes acquired by gift or inheritance, the power of bequeathing is one of those privileges of property which are fit subjects for regulation on grounds of general expediency; and I have already suggested, as the most eligible mode of restraining the accumulation of large fortunes in the hands of those who have not earned them by exertion, a limitation of the amount which any one person should be permitted to acquire by gift, bequest, or inheritance.[56]

It is evident that Mill has distain for unearned capital, and that such beneficiaries are excellent sources of income for the state.[57] Again, this is not a direct form of redistribution; rather, Mill takes the position that unearned income is better left to the state for public benefit.

Mill likewise advocates policies favoring the working class' labor relations and wages. Though he does not explicitly endorse trade unions (as a matter of practicality), he concludes:

> …that councils should be formed, which in England have been called local boards of trade… consisting of delegates from the work-people and from the employers, who, meeting in conference, should agree upon a rate of wages… to provide that the workmen shall have *reasonable* wages, and the capitalist reasonable profits.[58]

Working standards and safety protocols aside, this provision for labor relations illustrates Mill's desire for a baseline definition of equity between employers and employees. Additionally, Mill stipulates:

> I shall suppose that by one or other of these contrivances wages could be kept above the point to which they would be brought by competition. This is as much as to say, above the highest rate which can be afforded by the existing capital consistently with employing all the laborers… when all who were out of work have

[56] Mill, 2009, 624.
[57] Given the socio-economic gap of late 19th century England, this type of taxation would likely have profound redistributive effects.
[58] Mill, 2009, 225.

> found employment, wages will not, under the freest system of competition, fall lower.[59]

Here, Mill seems to advocate a system of minimum wages, insofar as laborers will not lose their jobs as a result. Mill goes on to stipulate that, given minimum wages, employers must maintain the "wages-fund" via mandated savings.[60] The employing sector is thus required to maintain enough funds to employ all able individuals; otherwise, the state must "lay on taxes for the purpose, either by local rates or votes of public money."[61] It remains unclear whether the sum of such taxes is distributed to individuals, or to the wages-fund to decrease unemployment. At any rate, Mill favors accessibility to jobs, as well as a safety net to fund individuals in times of under employment.

4 APPLICATION

We have now examined various interpretations of the harm principle, with particular attention paid to the economic implications therein. As shown in the previous section, followers of the harm principle should endorse its logical conclusion—the strong interpretation. Since harm can be aggregated, and economic harm is indeed a harm unto itself, preventative economic measures are justified uses of state funds. However, we are left without specific applicability examples for the proper method of distribution, according to a strong interpretation of the harm principle. In this section, I will first examine the most appropriate secondary authors and their applications of the harm principle, relative to redistribution and social welfare

[59] Mill, 2009, 227.
[60] Mill, 2009, 228.
[61] Mill, 2009, 228.

programs. I ultimately endorse the minimalist application of the harm principle, as argued by Feinberg. Though Feinberg failed to justify use of the harm principle under the strong interpretation, he nevertheless uses the strong interpretation as a precursor to his applications. This section finally will examine some of the implications of a minimalist interpretation; this includes redistributive measures, social welfare programs, etc.

If we are to believe Dripps' conclusion, that harm is at best a vague, all-encompassing term, then we must retreat our definition of harm to that of Feinberg. Of course, this does not preclude our definition from potentially over-reaching uses of coercion, based on specious claims of causation. Even if Dripps' argument is hyperbolic, we must concede that the potential for coercion beyond that of providing a system of social welfare is possible— perhaps likely. Thus, we may follow the argument to a final conclusion: given the nature of harm, as defined by both Mill and his successors, economic harm exists, and is furthermore fundamental to the broadly applied political interpretation of the harm principle; authors (myself included) similarly agree that the harm principle carries the additional requirement of harm prevention, such that the principle maintains any relevance to the proper use of state coercion; these observations imply that the state must engage in preventative measures for economic harm, as well as provide compensation for those harmed economically. Implemented to its fullest extent, the economic harm principle would necessitate a comprehensive system of redistribution, such that no group of individuals should suffer economic harm as the result of another. Even if one group of individuals cannot inflict direct economic harm upon another group of individuals, Feinberg's conservative interpretation of harm still requires the state to prevent potential direct, physical and non-physical harm from occurring as a result of economic inequality. In other words, both

the maximal, as well as the minimal interpretations of harm require the state to engage in comprehensive redistribution. A state such as this is likewise required to engage in harm prevention in other aspects of citizens' lives. The resultant state is likely one of perfectionism; the harm principle requires the state to legislate in instances of potential harm, in some cases to the detriment of personal freedoms. Unlike Dripps, I do not defend that each instance of potential harm must face prohibition; rather, the harm principle only implies that such instances are subject to state coercion and thus face *potential* prohibition. While legislation and regulation is likely required, a total abolition of personal freedom is not.

Nevertheless, the minimalist interpretation offered by Fienberg (and, to a lesser degree, Lyons) offers the most textually accurate and practical understanding of the harm principle as a mechanism of distributive justice. While the maximalist interpretations demonstrate the manipulability of the harm principle, such manipulations come with the cost of indefensibility. That is, if the harm principle is defensible as a governing scheme of economic principle, it must be rendered in its minimal application.

The minimalist application of the harm principle implies several types of provisions for minimizing potential harm to both welfare and ulterior interests. As noted previously, welfare interests include physical, direct mechanisms of a person's wellbeing. Protecting against potential violations to welfare interests would include standard institutions of modern liberal democracies, the foremost of which is healthcare. The harm principle in this application would require a form of state-sponsored healthcare, such that all individuals' immediate interests of life and bodily integrity are protected. Such a system would require the inclusion of psychiatric services

and personal therapy as well, since such services are necessary components of welfare and ulterior interests. Such a system would likewise include provisions for job placement (not unlike Mill's scheme in *Principles*), access to food/primary goods, free schooling[62], and likely free transportation (as a requisite to earning capital for the sustenance of welfare interests). A scheme of taxation via the harm principle is largely undeterminable at this time, though lower classes would likely find no tax burden whatsoever (also like Mill's scheme in *Principles*). These hypothetical levels/methods of taxation are ultimately dependent upon the expenses of the system required by this application of the harm principle. If any group(s) of individuals receives less support for welfare and/or ulterior interests than others, then it follows from the harm principle's minimalist application that certain measures for compensation and future prevention must occur. This would likely take the form of further social programs, in the interest of the marginalized groups, at the expense of other non-marginalized groups, to an equal degree (insofar as possible). Alternatively, the method of compensation may involve taxation to the non-marginalized groups, and direct payments to individuals within marginalized groups thereafter.

5 CONCLUSION

This thesis has shown that the harm principle *can* be applied as a principle of distributive justice. In doing so, it has examined the works of several secondary authors who apply the harm principle to questions of policy frameworks to varying degrees. While the minimalist interpretation of Feinberg has shown that the harm principle may be applied in a manner condu-

[62] There is no requirement that the state operate the schools—only that each individual is afforded the equal opportunity for education. The age/grade at which this requirement ends remains unanswered.

cive to a functional, harm-minimizing state, the maximalist applications have argued that the applied harm principle eliminates the ability of the state to act in any productive manner. To better understand the debate, the thesis returned to Mill's original argument; within this analysis two interpretations of the harm principle were evident. The weak interpretation stipulates few requirements of harm prevention, neglecting aggregate harm. Neither this paper, nor the secondary authors adhere exclusively to the weak interpretation. The strong interpretation indicates that harm may occur aggregately as a result of economic injustice, and that measures to prevent such harm are legitimate uses of state coercion and funds. This thesis has shown that the strong interpretation of the harm principle, with minimalist application, is the most defensible, as well as the most logically and textually grounded of the different interpretations of economic harm and the prevention thereof. Finally, the thesis highlighted some examples of economic distribution via the harm principle; the nature of harm mitigation and prevention demands a robust system of social welfare programs and provisions for correcting inequalities of opportunity.

Above all, this thesis has shown that the harm principle is likely indefensible as a coherent model for policymaking. In modern American Libertarian parlance (among other American political parties), the harm principle seems to have been taken for granted as a robust, meaningful advocacy for limited government.[63] However, both the original and secondary theories within this thesis have shown that the harm principle leaves much to question; its content can be construed as a plea for expanded social welfare programs and retributive measures to the

[63] "Platform of the Libertarian Party." 2012. http://www.lp.org/platform.

benefit of lower classes.[64] Granted, classical libertarians such as Robert Nozick, Friedrich Hayek, etc. were able to ground their justifications of legitimate state action and fundraising (or lack thereof) in more defensible principles. However, these arguments fall short of defending the integrity of the harm principle. Mill himself would likely agree that the harm principle is not a defensible economic model for distributive justice, though followed to its logical conclusion, a comprehensive scheme of redistributive taxation and social welfare programs would result. This thesis thus seeks to undermine the 'libertarian' interpretation of the harm principle, that individuals should *simply* be free of hindrance of pursuit, provided that they directly harm no other. Such a literal reading is folly, and the implications of the harm principle are opposite to these supposed conclusions. A final question follows: of what use is the harm principle, other than an indirect justification for the social welfare state? Perhaps just that—a logical, albeit indirect, justification of state actions that provide citizens with the necessary provisions for health, interaction, and social mobility.

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[64] This is likewise supported in formal economic theory. Lombardi and Veneziani have shown that, given a certain formulation of the harm principle, the resultant economic framework should resemble that of Rawls' difference principle (maximin and leximin iterations).[64] While the formal theories are beyond the scope of this paper, the authors summarize their findings as such:
"Our analysis also raises some interesting issues concerning the implications of liberal approaches emphasising a notion of individual autonomy, or freedom: if one endorses some standard axioms - such as Anonymity and the Pareto principle - the adoption of an arguably weak liberal view of noninterference leads straight to welfare egalitarianism… liberal noninterference implies equality, an insight that is proved to be robust in this paper."
Lombardi and Veneziani, 2009, 3.

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