

Harm principle examples



In 1993, Canadian farmer Robert Latimer killed his extremely disabled child by putting her in his truck and running a pipe from his exhaust into the cab. Latimer fully admitted his guilt and claimed that, by killing her, he freed her from her chronic pain due to her severe form of cerebral palsy. His daughter was a full quadriplegic and required numerous surgeries to maintain her quality of life. She could not feed herself and was in constant pain despite painkillers she was given. Despite her condition, she was able to sporadically smile and respond to some stimuli. Later in the year, Latimer was convicted of first-degree murder. A year following this, his sentence was lowered to second-degree murder. Latimer, through many different trials and appeal processes was eventually released in 2008 as he was not deemed a danger to society. His case brought up many questions in regards to the law such as euthanasia, mercy killing and how it would affect other mandatory sentences for murder. The case itself calls to attention an argument made by philosopher John Stuart Mill relating to harm and liberty. He brings to light his harm principle and draws attention as to what liberty should be. In this essay, Mill's argument for the harm principle will be explained and evaluated.

Firstly, the harm principle needs to be analyzed as well as Mill's argument for it. His essay titled *On Liberty* discusses civil and societal rights. His concern is mainly to do with the right to use methods of control on another person. He believes that the right to control another individual can be "rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (Mill, 1). Essentially, Mill is saying that liberty should not be restricted unless it is to prevent harm to other people. He furthers this

argument with saying of “ over himself, over his own body and mind, the individual is sovereign” (Mill, 1). Here, he claims that individuals can essentially do anything to themselves as authority has no say in what they do to themselves. It is from this phrase that Mill states individuals have the liberty to think and have their own opinions, thoughts, and beliefs regardless if it applies to minority groups or the majority of society. Mill also states with this comment that he believes that individuals should have the right to pursue their thoughts, beliefs, and ideas regardless of how society views it so long as no harm is done to others. He declares that his harm principle and push for personal freedom over societal rule would be beneficial to society as a whole. He explains this by saying that individuals “ would be happier” (Mill, 1) and would feel less oppressed. He further explains this by saying that since individuals would be pursuing their passions, society would spend less time controlling people and enforcing rules. Mill explains that that his doctrine is only meant only to apply to people in the “ maturity of their faculties” (Mill, 1). He is saying here that his set of guidelines cannot apply to people who are not involved members of society and are outside a set of principles he applies to a “ civilized society” (Mill, 1). Civilized society consists of people who can engage in their own interests, skills, and capabilities but also have had access to an education. He believes that through personal reflection and freedom, an individual will gain a higher level of power to understand his or her surroundings. However, without access to that educational systems and a developed society, individuals will not reach their potential for personal reflection. Mill explains that people who are dependant of others, like children or the mentally challenged, must protected from themselves as they are not capable of maintaining the state

of personal reflection Mill requires. He also states the concept of a civilized society much be maintained in order for individual liberty and the harm principle to be effective for society. He explains that freedom of expression and thought is key to avoid social stagnation and that with individuality comes progress.

Next, analysis of Mill's argument will be done. He brings up some solid points regarding societal progress due to individuality and thought development. Essentially, Mill claims that individuals learn from their mistakes and it is through this that personal development occurs. Unfortunately, his essay On liberty has gaps in which he is too vague on the limits of liberty. He also is much too vague on his definition of harm. This is due to the fact that he places way too much importance on individual freedoms to maximize happiness and understanding. He does not take into consideration that personal choices regarding an individual can sometimes be harmful to others. The argument of paternalism is a good example of this. Seat belt laws dictate that individuals must wear their belts regardless that they want to or not. The laws are in place in the name of the protection of the individual. With Mill's argument, he claims that seat belt laws would be an infringement on personal happiness and freedom, regardless of the possibility of injury in an accident. Thus, he does not properly address the issue of an individual making poor choices.

To conclude, the case of Robert Latimer was discussed and the momentous exception in law that was done. Through this, the Principle of Harm by John Stuart Mill was explored through its definition in regards to liberty and its link to personal freedom. Also explored was the only circumstance in which Mill

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believes freedom can be limited: to protect others from harm. Lastly, objections to Mill argument were brought up such as his vagueness in his explanations of liberty and harm as well as its tie to bad personal choices.