

John Stuart Mill: Offensive Behaviour and the Harm Principle

This paper looks into John Stuart Mill's understanding of offensive conduct and its relation with the harm principle. It questions whether Mill intended to put forward an autonomous offence principle, whether he sought to deal with offence within the context of the harm principle, or whether his treatment of offences against decency was but a sign of his awareness of the limitations of the principle of liberty.

It argues that the wrongness of offence as portrayed in 'On Liberty' depends both on its public undertaking and on the violation of a social convention. Bearing in mind the potential conflict between this view and his fight against the social and legal enforcement of custom, the essay calls attention to the distinction between 'custom based on reason' and 'custom not based on reason' drew by Mill in a letter written to Elizabeth Cleghorn Gaskell in 1859. The paper intends to analyse whether this distinction is coherent with the rationale of the principle of liberty.

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