

Leder

Introduction

Freedom to avoid harm: revisiting some core values that guide moral action

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Moral agents have good reasons to value freedom, including freedom's role in making moral agency possible in the first place. Philosophers have identified the normative differences between types of freedom as well as their differing weights (priorities) with respect to the potential of such freedom to significantly harm others.

The importance of prioritizing values by differentiating types of freedom enables us to apply John Stuart Mill's *Harm Principle* (Brink 2018) not only to freedom of speech (to which it was originally applied) but also to other freedoms, such as freedom of movement during a deadly pandemic. The ethics of public health and infection control usually highlights the importance of limiting the exercise of freedom in the public sphere only when such freedom causes harm to the public. "To constitute a harm, an action must be injurious or set back important interests of particular people, interests in which they have rights [See sections I 12; III 1; IV 3, 10, 12; V 5 in Mill's *Collected Works*]." (Brink 2018)

Mill differentiated mere offense from harm – neither of which is acceptable – and we have good reasons to prefer not being exposed to either type of effect of the exercise of freedom. The importance of freedom to moral agency is basic, but we are justified in limiting it when it harms others. Mill, in fact, applied this "harm limit" even to freedoms exercised in non-public relationships, such as those involving our family (see for example Brink's 2018 citing V12 of Mill's *Collected Works*).

The state, through legal means, is the legitimate implementor of limits to freedom, such as bans on free speech. However, Mill also weighs the potential harm of the state's legal approach to limiting harmful freedoms. If limiting freedom for the sake of preventing harm is more harmful than not limiting such freedom, he suggests an alternative intervention that he calls "general disapprobation" or public condemnation (Mill as cited in Brink 2018).

Mill's Harm Principle therefore does not merely restrict freedom because it causes harm. Because of the complex nature of harms and freedoms, a second-order freedom emerges. That second-order freedom is the freedom to make a determination about the kinds of harms we are trying to avoid. That determination involves weighing the harms that may result from restricting a freedom versus the harm that may be caused by exercising that freedom.

Freedom itself, as well as the different kinds of freedom, are important. It is also important to understand that these freedoms are complex, and that exercising them has complex effects. That complexity requires us to bring greater deliberation and

reasoning to applying the other guiding values behind *The Harm Principle*. This activity supplements the main guidance of this principle that is focused on preventing harm to others in the exercise of basic freedoms, such as the freedom of speech.

The paper by Sigri Gaïni titled *Universities and other Institutions – not Hate Speech Laws – are a threat to Freedom of Political Speech*, discusses arguments against hate speech legislation, particularly the so-called *Argument from Political Speech*. According to this argument, having restrictions on hate speech is illegitimate in a liberal democracy. The main reason is because the right to express oneself freely concerning any political decision is a core democratic principle. The author counters this argument by contrasting the U.S. democracy to other Western democracies where hate speech legislation does not seem to threaten political speech. In the United States, a country which lacks hate speech legislation, the real threat to free speech instead comes from sources outside the law, such as private institutions like universities. The reason, according to Gaïni, is that lack of hate speech legislation has forced U.S. universities to require restrictions in their educational institutions to protect themselves against hateful speech. The author concludes that such institutional restrictions pose the real threat to freedom of speech.

Bouke De Vries, in the second article, takes on a very different topic. In *Sexist and Inefficient? The Case for Lowering the Toilet Seat*, De Vries starts out by observing that many people who pee standing – who are predominantly male – raise the toilet seat so that they have a larger target to aim at. However, if the seat is left in this position, any subsequent toilet-user who defecates or pees sitting down will need to lower the seat. Some believe that this inconvenience should not be visited on those who pee sitting down, while others deny that there is anything wrong with leaving the toilet seat in the position that you used it. De Vries offers the first scholarly defense of the seat-down norm. In so doing, the author argues that recent claims that this norm would be unfair or sexist and inefficient are unwarranted.

In *Evidens, estetikk og etikk: Medisinen i skjæringspunktet mellom det sanne, det skjønnne og det gode*, Bjørn Hofmann shows how the field of medicine is a fascinating meeting place between three classical philosophical domains: the true (knowledge and evidence), the good (ethics), and the beautiful (aesthetics). While modern thinking has tended to sharply separate these domains, medicine is defined by their interconnectedness, according to the author. Knowledge is connected to pain and suffering, and beauty to health. The production of knowledge, he argues, is directed towards doing good by avoiding bad. At the same time, medicine is also governed by aesthetics. The author shows how a range of challenges follows from the connection between the three spheres. At the same time, if we are attentive to their interconnectedness, writes the author, medicine becomes a fascinating and fruitful interaction of truth, goodness, and beauty.

This issue includes a commentary by Efren Alverio II titled *Revisiting the limits of free speech on Lavik's ban on climate denialism*. It responds to a previously published article by affirming the wrongness of climate denialism (and other similar dangerous antifactual sentiments such as COVID-19 pandemic denialism, anti-vaccine beliefs, etc.). Alverio II, however, cautions against making the shift from condemning climate denialism to banning it altogether. He argues that due to

the vagueness of standards for reasonableness as well the demarcation between public and private (such as religion) domains of speech, banning climate denialism could cause more harm than the denialism itself. Ruling which speech is reasonable or non-religious, for example, could give so-called “experts” too much power to decide which speeches to ban. Allowing these antifactual sentiments to be out in the open – despite the risk of being believed by some people and causing them to act in potentially harmful ways – enables them to be exposed and criticized in a public debate where experts can point out their fallacies.

This issue also includes a review of David DeGrazia and Joseph Millum’s 2021 book *A Theory of Bioethics* titled *Klar for en ny teori i bioetikk?* written by Kamilla Østerberg og Henrik Wathne.

We invite readers to consider submitting their own book reviews of recently published works relevant to the field of applied ethics. As always, we would like to thank the reviewers and contributors to this issue of the journal that brings us to the 16th year of disseminating research in applied ethics.

Call for papers on the Ethics of War

Etikk i praksis is publishing a special issue on the ethics of war. We invite original papers, reviews of the state of knowledge on this topic as well as book reviews and commentaries. The deadline for submitting papers is 1 October 2022.

Reference

Brink, D. (2018). Mill’s Moral and Political Philosophy. In *Stanford Encyclopedia of Philosophy*. Available at: <https://plato.stanford.edu/entries/mill-moral-political/#LimLib>



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