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# Mill on Paternalism

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The doctrine of paternalism has been the subject of rigorous scrutiny and can be traced back to the days of John Stuart Mill. Paternalism is defined as the exercise of power over an individual and an interference with an individual's free will. Mill regarded any external intervention in individual affairs, even if committed for the sake of the actor's welfare, as a violation of individual liberty (a policeman preventing an individual from crossing a dangerous bridge is a well-known example used by Mill). Mill's "Harm Principle," refuses limitations on individual liberties *unless* such limitations reduce "harm to persons other than the actor (the one prohibited from acting) *and* there is probably no other means that is equally effective at no greater cost to other values."<sup>1</sup> The Harm Principle does not allow forceful prevention of physical harm and moral or social offense, if the effects of the physical harm or moral or social offence are limited to the actor himself.<sup>2</sup>

Though many have interpreted Mill's principle as anti-paternalistic, Mill's argument in *On Liberty* (1859) has received scholarly attention for being lenient to paternalism, generating irreconcilable inconsistency. This article attempts to reconcile the seemingly contradictory principles of liberalism (defined as the belief that individual free will is inherently valuable and deserves protection from unjustified restrictions) and paternalism, by modifying the model of paternalism adopted in Mill's argument. In doing so, this paper revisits one of liberalism's primary rejection of paternalism. This paper aims to interrogate Mill's argument on paternalism deployed in *On Liberty*, in order to illuminate the compatibility between Mill's principles and paternalism, despite the *prima facie* irreconcilability. It will illustrate that paternalism is central to Mill's definition of liberty and is an essential part of his theories on human development and his attempt to demarcate space for exercising individual rights (while preventing an actor from bringing harm to himself or others). By placing the new model of paternalism at the center of Mill's theory, this paper will remedy the problematic stance of paternalism in liberal theories.

## MILL'S LIBERAL REJECTION AGAINST PATERNALISM

At the beginning of *On Liberty*, Mill states that he will:

"... assert one very simple principle... [t]hat 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 civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."<sup>3</sup>

He clarifies that individual liberty can only be limited if, and only if, exercising that liberty inflicts harm on others. So, the threat of harm to others is the only legitimate reason for states to constrain the individual liberty of their citizens. Mill seems to categorically reject paternalism; any other reason, even if it is to promote an individual's own good, is not sufficient to justify interference with individual liberty. This rejection applies equally to all forms of power, including legal sanctions as well as moral reprimands. According to this principle, the government and the public are prohibited from using their authority to prevent an individual from exercising self-regarding actions. But this

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<sup>1</sup> Joel Feinberg, *Offense to Others* (New York: Oxford University Press, 1985), xiii.

<sup>2</sup> For further discussion on categories of wrongdoings that can be intervened by the state authority and the principles of limiting individual liberty, see: Joel Feinberg, *Harm to Others* (New York: Oxford University Press, 1984), and Gerald Dworkin, "Moral Paternalism," *Law and Philosophy*, 2005 24(3), 305-319.

<sup>3</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.

seeming rejection to paternalism depends on the idea of the supreme sovereignty of the individual. Since every individual is sovereign “over himself, over his own body and mind,” he rightfully enjoys full-fledged liberty as long as its impact is only confined to his own person and does not additionally harm others.<sup>4</sup>

Mill presents two reasons for rejecting paternalism in *On Liberty*. First, he asserts that achieving human excellence requires exercising individual autonomy.<sup>5</sup> Mill justifies the liberty to *opinion* before advocating for the liberty to *act* on individuality. Mill explains the consequences of suppressing freedom of expression through three scenarios. In the first scenario, the silenced opinion is the truth. In this scenario, Mill argues that suppressing freedom of expression eliminates the opportunity to amend falsehood and spread truth. In the second instance, where the silenced opinion is wrong, repressing opinion costs the individual the opportunity to find the truth through discussion. In the third scenario, where there are two schools of opinion that each capture part of the truth, humanity needs liberty of thought and expression to discover the whole truth from both perspectives.

These same reasons equally justify the liberty to *act* upon the opinion, as long as it is not at the peril of another individual.<sup>6</sup> If individual freedom of thought and expression is valuable, humanity can exercise it for the greater good. Diversified opinions enrich human understanding, so permitting the development of opinions benefits all by promoting diversified individuality. As long as acting on one’s opinion does not cause harm to others and only regards one’s own satisfaction, there is no reason to prohibit individuals from doing so.

In fact, exercising autonomy is one of the most essential values in human life. In Chapter III, Mill asserts that each person, by enjoying autonomy and realizing his own individuality, develops his faculties:

“He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision. And these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feelings is a large one.”<sup>7</sup>

To exercise autonomy and cultivate their faculties, individuals use their physical and mental abilities.<sup>8</sup> Mill provides an example of an autonomous decision-making process: an individual first utilizes his perceptive ability to collect necessary information, then his intellectual ability to evaluate the circumstances and make decisions, and finally discipline to successfully carry out these decisions. Even simple autonomous activity involves various comprehensive mental processes. Through repeated practice, individuals further develop their faculties but this requires autonomy.

Mill emphasizes the development of faculty because it is the way to achieve human excellence. Mental development leads to individual success because these faculties are an essential part of their being. Individuals “become a noble and beautiful object of contemplation” and their lives are “rich, diversified, and animating, furnishing more abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to.”<sup>9</sup> Mill describes true human nature as constantly developing to resemble the perfect, ideal form. The first step on this path of development is

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<sup>4</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.

<sup>5</sup> Gerald Dworkin, “Moral Paternalism,” *Law and Philosophy*, 2005 24(3), 305-319.

<sup>6</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 56.

<sup>7</sup> *Ibid*, 59.

<sup>8</sup> Robin S Downie and Elizabeth Telfer, “Autonomy”, *Philosophy*, 1971 46(178), 293-301.

<sup>9</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 63.

securing the liberty to think, express, and act upon individuality. Mill argues that it is never sufficient to possess the truth. Rather, only through the full exercise of autonomy and liberty can individuals live as nature intends. In particular, the liberty to deliberate autonomously is necessary, because free deliberation allows individuals to find the truth. As such, paternalism is incompatible with human excellence. Any paternalistic argument justifying constraint on individual liberty would rob individuals of the opportunity to exercise their individuality and autonomy, both of which are indispensable to the deliberative process and the perfection of their faculties.

The second reason for rejecting paternalism is the fallibility of paternalistic interference. There is always the possibility that the interference of society against the exercise of individual liberty will result in unexpected and undesirable outcomes. This is especially true when society invades the realm of self-regarding actions:

“The interference of society to overrule his judgment and purposes in what only regards himself, must be grounded on general presumptions: which may be altogether wrong, and even if right, are as likely as not to be misapplied to individual cases, by persons no better acquainted with the circumstances of such cases than those are who look at them merely from without.”<sup>10</sup>

Even if such interference would benefit the individual, as Mill has put, no one can justifiably exercise authority over purely self-regarding matters. Only the actor himself, the potential recipient of government intervention, can decide what is in his own interests. Even if his decision is perceived by others as wrong, the principle still holds. Mill compares the harm of government interference to an individual’s misjudgment. He argues that “all errors which [an individual] is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good.”<sup>11</sup> Such an uncompromising position stems from Mill’s belief that only the individual himself occupies the best position to evaluate his own actions.

In *On Liberty*, Mill repeatedly echoes his argument on human fallibility and the belief that an individual is sovereign over himself. At first glance, those ideas seem to conflict with his discussion of paternalism. For Mill, however, individuals may make mistakes in their lives. The reason why he advocates for the sovereignty of the individual is not because an individual is perfect but because he is in a better position than others to judge the effects of his own actions. Mill applies his theories to constitutional democratic societies, where his overriding concern is that societal interference in an individual’s life will create more problems than it solves.<sup>12</sup> The fallibility of majoritarian opinion is a more serious concern for Mill than the tyranny of despotic governments. Mill discusses situations in which the majority suppress a minority in a court of law or in public opinion. Mill carefully considers cases where the majority wrongly impose their own preference on individuals. In these cases, paternalistic practice is problematic because the opinion of the majority infringes on an individual’s liberty, despite the possibility of being incorrect.

To illustrate the fallibility and injustice of paternalism, Mill provides several examples, including Islamic religious abstinence, the Puritanical ban on amusement, sumptuary laws, Prohibition, and legislation regarding the Sabbath. If the majority in an Islamic country prohibit pork consumption, Mill believes that personal taste should not be limited to suit the majority. Likewise, in Puritan society, it would be unjust to restrict leisure simply because the Puritan majority condemn recreation. In the same way, it would not be appropriate to restrict the conspicuous consumption of the wealthy minority in order to please those less fortunate. Laws prohibiting alcohol production and consumption also constitute unreasonable limits on individual liberty.

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<sup>10</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 77.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 197.

## THE PROBLEM OF MILL'S TELEOLOGY

Mill's argument does not necessarily contradict paternalism, however. To recap, Mill argues that individual liberty promotes human excellence. Individual liberty enables individual autonomy and thus cultivates human excellence. Mill further argues that human excellence is the goal of guaranteeing individual liberty. Individuals exercise their faculties to get closer to human excellence, which is intrinsically good. Mill seemingly rejects paternalism in order to encourage individuals to pursue excellence. In other words, the very reason for securing individual liberty is to allow individuals to achieve human excellence. Individual liberty is not advocated as an intrinsic good. Rather, its value lies in its ability to lead to human excellence.

If individual liberty is not intrinsically valuable, it does not need to be protected as a matter of first priority. In other words, if there is a paternalistic way to realize human excellence, such ways would be permissible, even at the expense of individual liberty. For example, let's suppose human excellence could be better attained by locking every individual inside of a training institution. In the institution, people would be forced to consume healthy food, exercise regularly, and would be intellectually challenged in a perfectly disciplined environment. Any autonomous activity would be prohibited if it undermined an individual's physical, intellectual, or moral excellence. Through harsh training, individuals would be able to practice and cultivate their faculties, which would lead to a state of perfect human excellence.

This argument regarding the intrinsic value of human perfection, however, does not explain why individual liberty should be prioritized over other values. It also fails to show why paternalism is not an option for constitutional democratic societies. Because of this, it is important to consider whether individual liberty is good for its own sake or for perfecting individuals' capabilities. If liberty is valued for its effects, additional reasoning is needed to categorically reject paternalism, as Mill seems to do.

## THE PROBLEM OF EXCEPTIONAL CASES

A second apparent inconsistency arises when Mill admits there are exceptions to his principle. Mill's harm principle against paternalism does not hold in two cases: with incompetent individuals and in "underdeveloped" societies. In the circumstances of "incompetence," Mill argues that paternalism may be used against individuals judged to have insufficient cognitive faculties, such as children. Mill states that those who "require being taken care of by others, must be protected against their own actions as well as against external injury."<sup>13</sup> In this way, Mill approves of restricting the liberty of individuals who need constant supervision. In addition, "backward states of society" are also subject to paternalistic practices. Just as incompetent individuals may be protected against their will, societies can be subject to paternalism. Because of the racially deterministic overtones of the second exception, I will focus my argument on the first exception and its implications for the coherence of Mill's argument.

Contrary to his categorical dismissal of paternalism, Mill accepts paternalism over children.<sup>14</sup> This exception to paternalism is particularly interesting since, according to Mill, an individual's "own good" does not normally provide sufficient warrant for paternalistic interference. Mill argues, however, that children are not capable of judging the consequences of their actions and so must be prevented from inflicting harm on themselves or others.<sup>15</sup> A rational adult with developed faculties,

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<sup>13</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.

<sup>14</sup> *Ibid.*, 144.

<sup>15</sup> *Ibid.*

for example, would understand the dangers of jumping into deep water if they do not know how to swim, but a child would not. Following Mill's argument, it would be reasonable to prevent these children from playing in the river to prevent them from harming themselves or others.

Another exception is self-enslavement. Suppose an individual sells himself into slavery voluntarily. According to Mill's harm principle, it would be inappropriate to intervene because intervention, even for the sake of the individual's own good, falls short of justifying paternalistic intervention. The individual is sovereign over his own matters. Mill argues, however, that such a contract is null and void. Even if an individual has voluntarily signed a contract to surrender his liberty, this contract cannot be used to limit the individual's liberty. Mill explains that these circumstances are too extreme to apply the harm principle.<sup>16</sup> He states, "the principle of freedom cannot require that he should be free not to be free. It is not freedom, to be allowed to alienate his freedom."<sup>17</sup> Thus, even though an individual could theoretically sign a contract enslaving himself, this contract would not be considered a legitimate reason to practice paternalism.

### THE PROBLEM OF OBSCURITY IN THE CONCEPT OF HARM

The third irregularity is provided by Mill's bridge scenario. In this case, paternalism would be justified:

"If either a public officer or any one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty; for liberty consists in doing what one desires, and he does not desire to fall into the river. Nevertheless, when there is not a certainty, but only a danger of mischief, no one but the person himself can judge of the sufficiency of the motive which may prompt him to incur the risk: in this case, therefore, (unless he is a child, or delirious, or in some state of excitement or absorption incompatible with the full use of the reflecting faculty) he ought, I conceive, to be only warned of the danger; not forcibly prevented from exposing himself to it."<sup>18</sup>

In this scenario, Mill expands the concept of "harm," from "certain physical harm" to "the possibility of inflicting harm." Admittedly, Mill's concept of harm is vague from the outset when he discusses the sanctity of self-regarding actions, largely because the concept of "self-regarding action" is rather ambiguous. It seems as though self-regarding actions are nearly impossible to achieve. For example, even a decision to enjoy a cup of coffee alone is not entirely self-regarding. This simple act impacts both the coffee shop and laborer on the coffee plantation. Some might say committing suicide is completely self-regarding action, but if we consider the impact of the death on the deceased individual's relatives and close friends, even this act is not self-regarding. From this perspective, the domain of truly self-regarding action is limited to truly trivial decisions, such as which side of the bed an individual gets out of in the morning.

The same problem arises in the case of prohibition. In this example, Mill introduces a theory of social rights. Prohibitionists argue that the impact of alcoholic consumption on a society merits restrictions. For example, the sale of alcoholic drinks might produce social disorder and disrupt public safety. For these theorists, the most private matter of thought and conscience is a social act. Advocates of the temperance movement focused not just on the self-harm of alcoholic consumption, but on how fathers spend money on alcohol instead of food for their families. Now, one must also consider the dangers of drunk driving.

As it stands, Mill's concept of "self-regarding action" is vague, at best. For every individual

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<sup>16</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 102.

<sup>17</sup> *Ibid*, 103.

<sup>18</sup> *Ibid*, 96.

living in an interconnected society, the most simple and trivial action could inflict harm in unimaginable ways. Without clarification, it is difficult to determine whether to apply the harm principle or paternalism on individual liberty. Mill acknowledges this issue and clarifies. If a man's debauchery will drive him to poverty and result in his failure to provide education for his children, paternalistic intervention would be justified, though such a measure would be because of his neglect and not his intemperance.

The ambiguity is further exacerbated when the harm principle is expanded to include imminent harm, as well as actual harm. In the scenario of the bridge, Mill warrants intervening for the sake of the individual's *own good*. In this case, the state can legitimately interfere with individual liberty under the conditions that (1) there is sufficient reason to believe that crossing the bridge is dangerous, (2) there is not enough time to inform the individual of the danger, and (3) under the assumption that the individual does not want to fall into the river. Under these conditions, "self-regarding action" is quite limited. The sphere of governmental interference has expanded because the "risk" of harm now legitimates paternalism. If paternalistic interference is justified with the only the mere "risk" of harm, paternalism could be applied to nearly every circumstance. At this point it seems as if there are no circumstances under which an individual can truly be considered sovereign over his own actions. Mill's seeming rejection of paternalism no longer holds. Mill seems to have distanced himself from his original position. For example, the harm principle does not warrant government intervention to prevent suicide. But this expanded concept would allow a police officer to break into a house to prevent an individual from committing suicide, provided there is insufficient time to cajole him.

The circumstances under which paternalism may be practiced have clearly been expanded. If an individual disables himself from fulfilling his responsibilities (e.g. when a father's drinking prevents his children's education), Mill says he is guilty of social offense:

"In like manner, when a person disables himself, by conduct purely self-regarding, from the performance of some definite duty incumbent on him to the public, he is guilty of a social offence. No person ought to be punished simply for being drunk; But a soldier or a policeman should be punished for being drunk on duty. Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law."<sup>19</sup>

Mill states that even harming one's own ability to function as a person counts as a social offense because this would result in a failure to perform social duty. Even if harm will be inflicted through self-regarding action, an individual is not necessarily free from interference. Though the harm principle started as a categorical rejection of paternalism, upon further elaboration, it justifies even the prevention self-harm.

Finally, Mill's concept of harm is further diluted with the incorporation of the concept of benefit. In the bridge scenario, if the police officer refused to perform his duty and let the individual cross the bridge, he would be considered as having caused harm to the individual. Thus both action and inaction can cause harm to others, and in both cases the policeman is accountable. In other words, Mill's theory assumes that individuals are obligated to assist fellow citizens in danger. If, for example, a child is drowning in a lake near a town, whoever discovers the child drowning would be obliged to save the child despite the risk to their own life. Here, even inaction is subject to paternalistic interference, because inaction would cause greater harm than interference on the individual in this case. Such practice is also known as the Good Samaritan law. This law, however, is inherently ambiguous. When does inaction constitute a failure to fulfil communal obligation? To what extent is an individual responsible for harm caused by their inaction? In the bridge example, it

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<sup>19</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 82.

is not clear to what extent the police officer is obliged to deter the individual from crossing the river. If the police shouted to the individual but failed to block him, is he responsible for the harm inflicted? Or, if in his attempt to seize the individual the policeman accidentally pushed the individual into the river, is he guilty of involuntary manslaughter and subject to sanction?

## REVISITING MILL: FROM PEREMPTORY REJECTION TO RECONCILIATION

After the benefits as well as the harm are considered, Mill's argument is hardly against paternalism. The bridge example, for instance, allows people to judge other individual's decision-making abilities. If an individual attempts to cross the bridge, Mill's harm principle allows the policeman to actively deter him, even if it is against the pedestrian's will. In that moment, the policeman has the authority to determine whether it is desirable for the individual to cross the bridge or not. Here, the individual crossing the bridge loses his own liberty to make a judgement.

Compromising individual liberty for one's own good conflicts with Mill's central concept of individual sovereignty. At the beginning of *On Liberty*, Mill clarifies that the purpose of writing his book is to claim the harm principle against paternalism, and declare the individual sovereign over his own affairs.<sup>20</sup> The bridge scenario, however, denies the individual's exclusive right to exercise sovereignty on his own decision. Specifically, the policeman would have to determine if the bridge is, in fact, dangerous. Mill's principle assumes that the policeman will realize that there is not enough time to warn the individual crossing the bridge of the impending doom. More importantly, the principle supposes that the policeman has the right to decide on behalf of the pedestrian whether the individual wants to fall into the river.

These exceptions and examples all contribute to the conflict between the harm principle and the paternalistic principle, both of which are apparent in Mill's argument on individual liberty. Mill appears to be arguing against paternalism and for limiting intervention at minimal levels, precluding direct intervention in the name of society or preventing self-harm. As Mill further presents applications and examples, however, Mill's harm principle does not seem to strictly oppose paternalism. Moreover, Mill even rebuts the reasoning he established in the second argument against paternalistic intervention. In the second argument, Mill presents the possibility of human error and the individual's superiority in determining his own matters. For those reasons, Mill argued that paternalistic intervention is neither helpful nor justifiable. However, this argument, suffers when Mill allows moral reprimand as a legitimate form of interference against the exercise of individual liberty. In his introduction, Mill states that any form of sanction, whether through legal means or public opinion, cannot be justified. Interference is only possible when the subjected action causes harm to others.

Besides this case, Mill's argument in Chapter I categorically rejects any form of paternalistic pressure imposed on individual liberty. Despite this clear statement, Mill approves moral reprimand as one of the paternalistic measures to step in on individuality:

“There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or deprecation of taste, which, though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt.”<sup>21</sup>

In this passage, Mill amends his former principle of prohibiting both moral and legal sanction upon the exercise of individuality. His prior categorical argument did not justify intervention on individuality on self-regarding matters, for any reasons or with any forms. As another exception, he

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<sup>20</sup> John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.

<sup>21</sup> *Ibid*, 77.

even accepts imposing social pressures against the exercise of individual liberty. This seemingly contradicts Mill's former argument on the individual knowing the most on self-regarding matters or the inevitable fallibility of paternalistic interference. Thus, if we are to assume that outside interference on individual matters is likely to be more erroneous than the individual's own decision, it is best to let the individual decide as he sees fit without facing outside pressure.

The pursuit of individuality and autonomy is now not limitless in this sense. Individuality is no longer immune to outside coercion, even if the pursuit of individuality does not cause harm to others. Throughout the book, Mill detracts from his originally anti-paternalistic stance by blurring the boundaries between the harm principle and paternalism. But, that is not true if we examine the concept of paternalism. Mill allows moral reprimand as an acceptable form of paternalistic practice, therefore requiring an interpretation of Mill's harm principle in a new light. Why or if he changed his principle is less important than the question of how to achieve compatibility between his harm principle and the paternalistic elements of his argument.

In the bridge scenario, Mill appended three exceptional provisions to his harm principle; the central of which is deciding if the individual would want to suffer the unknown consequences of his attempted action. Paternalistic interference only occurs when the policeman stops the action because he does not know what the individual has decided. Otherwise, the individual's autonomous decision would be respected and protected. If there is enough time for the policeman to stop the individual and confirm that the pedestrian does not wish to be harmed, then the pedestrian has time to choose a different path and the policeman can direct him in this different direction.

In this sense, Mill's argument is closer to "soft" paternalism than the harm principle. Even though Mill maintained that harm to others is the only legitimate reason to impose limits on individual sovereignty, he also provided several exceptions where paternalistic practice could reasonably be justified. These exceptions, however, are in direct conflict with Mill's original framing of the harm principle. If, on the other hand, what the individual wanted was to harm himself on the bridge, soft paternalism can still provide a coherent explanation. According to Mill's theory, a policeman would be obligated to avoid an unjust inaction. Hence, the policeman ought to attempt to stop the pedestrian even if he resists and wants to cross the bridge. This is an especially problematic case because the policeman's obligation to avoid unjust inaction and the pedestrian's individual liberty are incompatible.

Soft paternalism could resolve the conflict between the values of liberalism and paternalism. Unlike hard paternalism, soft paternalism provides a liberty to understand that the individual is sovereign with respect to self-regarding actions. At the same time, it delineates clearer limits on the realm of self-regarding actions. The aim of soft paternalism is not forcefully leading individuals to comply with the majority, but instead providing the individual with information necessary to determine what is best for himself. Thus with soft paternalistic principles, individuals are better informed about how they pursue happiness. To apply soft paternalism to the conflicting values in the bridge example, the individual would not only be informed of the risk on the bridge, but also of how he can achieve the best for himself. Thus what Mill was describing through the bridge scenario is now clear: the compatibility of moral, paternalistic obligation with individual liberty.

In addition, if Mill is arguing for soft paternalism, it resolves the long-standing paradox that individual liberty is only valuable if it is conducive to human excellence. Paternalism and individual liberty don't necessarily conflict if the aim of both is human excellence. Human excellence is intrinsically valued; it does not undermine the importance of individual liberty. This is because self-sovereignty is not the right to abuse oneself. Self-sovereignty, as a different concept from self-ownership, assumes politically possessing authority over oneself. If an individual is regarded as owning himself, self-harm could be justified because the individual can do whatever he wants with his rightful property. However, with self-sovereignty the individual governs himself within certain



limits, like a sovereign in a political community. As such, individual sovereignty does not allow abusive self-rule. Individuals enjoy sovereign authority over themselves, but within legitimate limits. Therefore, from a soft paternalistic viewpoint, the exercise of individual liberty and pursuit of human excellence are indispensable concepts. An individual cannot pursue human excellence in separation from his sovereign liberty.

## CONCLUSION

In sum, understanding Mill's argument in the frame of soft paternalism resolves logical paradoxes in *On Liberty*. The problem of his instrumental argument is successfully resolved with the distinction between self-sovereignty and self-ownership. With this key concept in soft paternalism, individual liberty does not contradict human excellence, and thus does not produce a consequentialist argument.

After analysis, the ambiguous concepts of harm and self-regarding actions become clearer, because soft paternalism provides for compatibility between moral obligations to paternalistic actions and the self-governing realm. Soft paternalism recognizes a distinct division of roles between the individual and others, which is more useful than that of the harm principle and more flexible than that of hard paternalism. In this way, the moral obligation to avoid inaction, if such inaction causes harm to others, provides a ground for justifiable paternalism. In addition, individual liberty sets a sound limit within which an individual can rightfully promote his welfare unencumbered by unjust restrictions.

Finally, soft paternalism allows for moral reprimand as a legitimate paternalistic intervention. Considering Mill's argument that paternalistic interference can be wrong when the individual knows himself best, moral reprimand would better inform the individual to avoid possible mistakes in decision making without imposing harsh legal coercion.