



Paternalism: Its Normative Issues and the Debate

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ABSTRACT

Paternalism is a complicated issue which has both theoretical and normative implications. The debate on paternalism is basically about investigating the justificatory arguments. This paper analyzes certain moral conditions under which a paternalistic attitude or behavior is considered to be problematic. It undertakes the task of critically explaining and interpreting different philosophical stances and arguments with regard to these conditions proposed and developed by moral philosophers. In addition to these, the paper attempts to understand and appreciate debate with regard to practical issues of our daily life where the idea of paternalism is seen to be playing a crucial role. And the concept of paternalism is defined followed by discussing the normative issues along with the debate on paternalism.

Keywords: Paternalism, Autonomy, Well-being, Deontology, Virtue Ethics.

The Concept of Paternalism

Gerald Dworkin provided one of the most important definitions of paternalism. According to him, "By paternalism I shall understand roughly the interference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests, or values of the person being coerced." (Dworkin, 1972). For him, paternalism is where one coercively interferes to promote the well-being and makes the target better off without any agreement or consent of the one who is targeted. The good or well-being, which intervener likely promotes is not something that is intended by the intervener himself. The intervener promotes the well-being of the intervened based on its own concept of well-being.

Here, Dworkin seems to define a paternalistic act in the similar manner as Mill has done by considering it only as a coercive interference (Dworkin, 1988). Paternalism is a coercive interference towards the agent for promoting its good without consulting the agent for its own good. Dworkin's statement shows that there is no problem in forcing people towards achieving the proper ends through the suggested means. However, it is true that benefit is to be brought to the individual even without use of coercion. For instance, if a father hides the cell phone from his ill-mannered daughter and lies that the phone is nowhere found then he is acting paternalistically. The father lies to his daughter because he is aware that after

he leaves the house, she will sit with her phone for the whole day, which he believes is bad for her. This is a case of paternalism but there is no involvement of any coercion. Bernard Gert and Charles Culver gave a non-coercive account of paternalism. They argued that there are possible cases of paternalism where there is no restriction of liberty. The coercion condition that was propagated by Mill and Dworkin is contestable because when my friend withholds the sad news from me then the friend is acting paternalistically but in a non-coercive manner. A paternalistic interference also does not necessarily include restriction of liberty. According to Gert and Culver, an act is paternalistic not because it necessarily involves coercion but because there is violation of a moral rule (Gert *et al.*, 1976). For them, paternalism is a way of acting on behalf of the target by violating a moral rule in order to promote the good of the target irrespective of its consent. They accepted that moral rules could be violated in some cases because the intervener knows the facts more than what the interferer does.

However, after the publication of Gert and Culver's article, Dworkin revised his definition on paternalism from coercive to non-coercive account. Dworkin changed his position on paternalism as restriction on liberty to restriction of autonomy (Dworkin, 1988). He believes that there are cases where paternalism does not involve any coercive means and there is no of limitation of liberty. He reformulates his definition of paternalism and says that it is not just about restricting the liberty of action but is rather treating someone in a way in which one does not wish to be treated in that manner. He proposes that a paternalistic act is "a usurpation of decision making, either by preventing people from doing what they have decided or by interfering with the way in which they

arrive at their decisions." (Dworkin, 1988) Here, he means that paternalism deprives from people the capability to make their own choices according to their own calculations of means towards one's ends. He shows that there are cases that are paternalistic even if it does not violate any moral rule. For instance, when the husband hides his pack of donuts from his diabetic wife then he violates no moral rule. Dworkin suggested that instead of restriction of liberty there lies an interference of autonomy in paternalism. That is why it is supposed to be morally a problematic issue, as it infringes autonomy, which is one of the valuable aspects of one's life.

However, not any or every violation or restriction of autonomy right is paternalistic. For instance, if M bullies N and obstructs B's ability to sing freely on the stage, M violates N's autonomy right but does not act paternalistically. Paternalism is not just a violation of autonomy but it is a violation of autonomy in broader sense (Shiffrin, 2000). The broader violation of autonomy, for Shiffrin, is centered on the motivation behind the action, if there is a benevolent motive for violating or restricting the autonomy then it is a paternalistic act. Shiffrin defines paternalism as a behavior of substituting the judgment or agency by intruding the domain, which lies within the legitimate control of the agent who is targeted. It is a way of persuading the agent who is believed by the interferer as untrustworthy or inferior unable to direct its courses of action. She is aware of paternalistic cases, which involves both active interference and passive interference, whereby it might either diminish freedom or enhance freedom. She mainly emphasizes that substituting other's judgment is the problematic about a paternalistic act, where the other supposes to know

everything about what the inferior would decide, and considers that its choice will not be helpful for him/her. There is a similar line of thought in Jonathan Quong's "Liberalism without perfection" (Quong, 2011) where he announces that paternalism is a way of judging an adult as an incapable being by managing to improve the situations for an adult because he is judged to be finding it difficult to do it in his ways. The paternalizer here holds a negative judgment about the paternalized's ability to make proper decisions or manage situations in his/her own.

This paper analyzes certain moral conditions under which a paternalistic attitude or behavior is considered to be problematic. It undertakes the task of critically explaining and interpreting different philosophical stances and arguments with regard to these conditions proposed and developed by moral philosophers.

Research Methodology

The nature of the present paper is mainly conceptual. As mentioned, the aim of this work is to philosophically investigate the doctrine of paternalism within the framework of moral philosophy. In order to make sense of what this doctrine is all about and how philosophers have conceptualized this, we need to look at and revisit the works of moral philosophers from a critical perspective. Thus, the method that seems to be effective in this paper is essentially critical in nature. Besides, since the work is going to deal with some of the most recent literature of Anglo-American philosophers, the underlying spirit basically will be analytic in nature. I shall try to use the tools and techniques found in school of analytic philosophy especially the ones used in the relevant literature. I am of the opinion that such an analytic effort is not only important for this

kind of paper but also necessary insofar as the effectiveness of its practical dimensions are concerned.

Normative Issues

Paternalism, as clear from the above typology is intricately involved with the issue of normativity. It is an interesting issue per se because of its normative properties, most typically the claim that paternalism is always wrong. Many liberal thinkers have considered many laws as objectionable because of its paternalistic content such as laws, requiring drivers to wear seatbelts and helmets for the motorcyclists, taxing unhealthy foods to improve health. The definitions of paternalism mentioned above scratch out some of the core elements a paternalistic act is constituted of. These elements raise questions regarding its justification. This compels us to examine the nature of each element that is included in it. Paternalism attracts our attention because it typically involves interference with the agent's beliefs on the ground that the agent will be benefitted without consent of the target. This interference with target's beliefs made Arneson, Dworkin, Feinberg, Kleinig to consider it as interference with autonomy for which paternalism requires justification (Arneson, 1980; Dworkin, 1988; Feinberg, 1986; Kleinig, 1983). There are three normative theoretical frameworks corresponding to three main approaches of normative ethics- Consequentialism, Deontology and Virtue Ethics, and their idea of justification of paternalism.

Most commonly, Feinberg and Gerald Dworkin have argued that it happens if victim is unfit or incompetent or is uninformed of the relevant consequences when deciding alone to what his/her interest's lies. This statement supposedly accepts that the paternalizer can act on behalf of the victim for his/her good. Some

thinkers concede paternalism on some grounds while there are others who consider it objectionable under other grounds. The process of objection and acceptance can be ascertained by pointing out the reasons that are grounded for such actions. This will then make it possible to measure the degree for which such an act acceptable if any.

The justifications of paternalism provided by the thinkers are outlined by three major approaches, which correspond to the three main trends of normative ethics- consequentialist ethics, deontological ethics and virtue ethics. The first reason provided for justifying paternalism is from consequentialists camp. Consequentialism is a theory that considers an action as right only if it produces or maximizes good consequences. This theory determines the justifiability of an action by aggregating the positive and negative consequences. The justification that consequentialism provides focuses on the outcomes of the paternalistic intervention. Put simply, for this theory, paternalism is justified if it leads to good consequences and eliminate evil consequences. Paternalism, for them, put simply would be wrong only if its restriction or supposed enhancement would lead to more evil consequences. As Mill belongs to the consequentialist tradition, he also seems to accept paternalism if produces good consequences (Mill, 2007). That is why Dworkin and Feinberg say that Mill accepts softer version of paternalism if it could lead to good consequences. But he also seems to reject paternalism because it produces more evils than good. He suggests that people must be allowed to exercise one's mental faculties and this is possible if they are allowed to take risk while choosing. The guidance will undercut the development of the capacities to choose. For example, a

justified case of paternalism is that where the husband throws away the sleeping pills from his wife in order to avoid more evil consequences to take place. Paternalism is unjustified depending on the situations like if a patient is terminally ill and voluntarily chooses to be assisted in dying being unable to bear the life in this case, letting him live might lead to evil consequences. Dworkin interprets Mill to be claiming that paternalism is justified when it produces good consequences or in a way that restricts the present freedom so that the ultimate freedom is to be increased (Arneson, 1980). For instance, if the terminally ill patient were prohibited from voluntarily asking to remove the life-saving treatment and later if his situation recovers then paternalism would be justified by preserving his ultimate freedom. This made him later presume that we would like to consent to paternalism in those instances in which it preserves or enhances our rational ability to make decisions.

Paternalistic acts are for the sake of the target's good but here the good is ambiguous between what is good in the paternalizer's sense as its prudential good which is different from target's conception of good. Therefore, it is important to analyze what good is done to the target and the way it is benefitted. This is because sometimes one is not always provided with what one has prolonged preferred. There is a good undertaken for the sake of its target's prudential good or well-being and another is undertaken to enable her better to realize her conception of good or considered view of what would be best. For example, refusing to play tennis with my injured friend by considering that playing will affect his health is an instance of paternalism. The good aimed towards the victim is not to make his health deteriorate. However, my friend prefers to play as he thinks this will keep him happy and this is

what is considered as good for him. In case of paternalism, a general good is often obtruded upon him over his concept of good against his will. Now one might ask, what kind of 'good' is done by refusing to play with him? Many thinkers argue in different manners. The ones who accept paternalism believe that a general good (keeping health as the concern) needs to be obtruded upon him on the ground that this interference will be appreciated later. They believe that the idea of good is not simply according to their actual wants and preferences but other objective elements while considering the well-being of the target.

Nevertheless, some other thinkers could believe that what is good may not be good for the individual concerned, and that what is true in some respects may not be true concerning others. It is true that paternalism acts on reasons concerning the errors people would make if left to their own devices but there is nothing damaged in learning from the mistakes until it does not harm the others. They predict the ends that the target's actions would lead to problematic situations. But people can become better choosers if failed in a situation to choose better like choosing a movie ticket, when chosen out of hike then later chosen through reviews on the internet. Mill pointed out that people should be left to, their devices, which can make them learn to take challenges for whatever comes in their ways. Because, if people are exempted from choosing and constantly saved from their mistakes by directing them to their goals then people can hardly learn to develop their mental faculties.

If any situation taken from the subject's point of view, paternalism is a kind of imposition or interference on her behavior by limiting her autonomy in a way disrespecting her capability to choose to

promote her welfare. The other decides what needs to be done in a problematic situation. But people sometimes know what they are doing and are at the same time ready to pay its consequences. If some authority substitutes its judgment for the agents who chooses, this violates the principle of freedom of choice. It will attempt to degrade its capabilities because if later the same situation were confronted then she would not know the technique of how to handle it. Thinkers like Dworkin, Feinberg, Arneson argue that paternalism violates autonomy whereby they suggest that autonomy and paternalism is mostly incompatible (Dworkin, 1988; Arneson, 1980; Feinberg, 1986). The concept of good, from the target's point of view is about respect that one is likely to receive in the decisions made by the individual himself or herself, letting her be independent in making choices. The capacity to choose constitutes the individual as an object of respect and an object of worth. Restricting or interfering in their domain of choice might result in more evil consequences for which paternalism is often considered as unjustified. Forming attitudes like, disrespect, mistrust, and not conceiving her, as she ought to be recognized are many ways of acting paternalistically which cause a serious problem.

The general objection made to paternalism is that such an attitude treats persons as less than fully autonomous agents. Deontological theories give absolute priority to the notion of individual autonomy by stressing on dignity and inviolability of the person. The concern for "individual autonomy" constitutes a general objection to paternalism, which has been articulated by the most eminent thinker of the Enlightenment age, Immanuel Kant. His work *Groundwork of Metaphysics of Morals* celebrates human dignity widely as for him, respect for human as an end in itself

implies respect for people's ability to reason and choose courses for themselves. Kant asserts that the agent has to be directed autonomously but paternalism often fails to respect human beings as an autonomous agent (Kant, 1997). But one could ask, how does it violate autonomy? This question inquiries into the nature of the target's action. The target could act either voluntarily or involuntarily. For deontological approach, the most important criteria are measuring the voluntariness of the action. If the agent is critically and reflectively deliberated like the condition put by Feinberg then she is acting autonomously and interfering with her action causes disrespect and is unjustified paternalism. So, intervening in such cases where the agent is not informed or under certain pressure to perform is not problematic. For instance, if the agent voluntarily decides to undergo abortion after understanding the consequences then paternalistic law prohibiting abortion would disrespects her. Deontologist suggests that it is the hard paternalists, which poses threat to individual autonomy by undermining decisions of the competent adults. Embracing autonomy by asking to respect the decisions she makes; the deontologists rejects hard paternalism. But Daniel Groll asserts that this may not always be true because to do good to another person there can be a possibility of disrespecting what the person wills which can be a form of respecting his/her future will (Groll, 2012). Sometimes people might not enjoy the freedom to choose when the time comes and prefers not to think much on that, where the freedom to choose could be a burden rather than a benefit because everything depends on the context.

Just a concern for autonomy does not present an absolute barrier to all instances of paternalism as noted by (Dworkin, 1988). There are instances, which do not

diminish, but preserve a wider range of freedom for the individual prerequisite of if the agent has consented to the interference. However, the notion of consent is not free from deeper examination; it is suspected if it does at all provide a ground for justification. It examines how one could consent to interference in the first place. Moreover, even if one consents to interference, is it a paternalistic interference at all? How can the paternalizer be certain that the agent will consent to the interference? These questions shall be a concern in the third section.

Many thinkers have given different criteria for consenting, which supports the alternative that paternalistic interferences constitute no violation of an agent's autonomy. Dworkin initiated the idea of rational hypothetical consent. (Dworkin, 1988). He notices that there are two concepts of goods i.e. health and education which people would want at any cost. So, he mentions that justification of such an act by providing the notion of consent which further is proven upon rationality. People sometimes take decisions without deliberating or appropriately calculating the means to their ends. This is because of their embedded nature on temporary states such as fear, depression, anger, etc. that is contrary to well-informed decisions. Therefore, it becomes difficult to posit oneself back to an initial stage and for which paternalism might be counted as justified. Therefore, in such cases, it will be prudent for us if there are some institutional arrangements that restrain us from making a decision, which could be irreversible. But Douglas (Husak, 1981) suggests that even if one would reasonably believe that consent would necessarily follow (though at that particular time the agent has not consented) but even then, there can be a violation of autonomy He

presents a case where an unconscious patient is treated without his consent and is later presented with a bill involving violation of autonomy. But this does not rule out the paternalistic interferences. The patient not consenting to the interference does involve a violation of autonomy, but this is not tantamount to saying that all paternalistic interferences are unjustified. Most often, these thinkers have pointed out the reasons behind the incompatibility of autonomy and paternalism. They say that if the preferences of the agent are not respected as decisive, or judging that the agent will not be able to forward its preferences, then such kind of paternalism is often objectionable. But paternalism does not necessarily involve deprivation of autonomy, and even if it does, it does not rule out paternalistic instances. Paternalism is also recognized by some as one of the means by which agents indicate serious concern for their future well-being.

Lastly, virtue ethicists shift the emphasis from the subject of the paternalism to the paternalistic action and require him/her to act out of the moral character, as a virtuous person would perform. They suggest that if a paternalistic action promotes virtue then it is morally justifiable. Virtue ethics tries to develop the individual character in both the paternalizer and the paternalized's side. The main challenge of virtue ethicists in the domain of paternalism is to identify the underlying virtue. As we are aware, that paternalism is motivated by a genuine benevolence, so this benevolence exhibits the virtue of care (Szerletics, 2010). Care does not only increase the autonomy of the person interfered with but also the person who interferes. It is important to see the virtue of care underlying behind paternalism but too much care might lead to negative virtue.

Thus, these three above approaches help us to understand the normative positions

with respect to paternalistic acts or behaviors. These are the three positions, which thinkers' resort to while justifying paternalism. Their justification whether paternalism is good or bad depends on how they take such act to be, whether as a care or as a burden.

Formulating the Debate

The debate on paternalism mainly attempts to deal with the questions regarding its justification whether such an act is acceptable or not. Some thinkers consider it as *prima face* wrong while there are others who justify it by setting some requirements- voluntariness, consent, and well-being. The problematic nature apparently lies in analyzing the tussle between its acceptability and its objectionable nature. It is evident that on one hand, some philosophers favor paternalistic acts as influential for developing into maturity by replacing the weakly held ideas with too strongly held ones or for the agent's benefit while others consider paternalistic acts as demeaning and disrespectful because of its interfering nature.

The debate on paternalism does not regularly bother whether paternalism is problematic but it strives to observe how paternalism is problematic at all. Most of the thinkers believe that there are substantial reasons to avoid paternalistic interferences in case of both children and adults. They worry about the rapid increase of paternalistic measures in which the adults in the society could be treated as children being encouraged by the external agency. They could be robbed off from the ability to assess their own choices. However, this is not sufficient, as there are other reasons, which administers a ground needed for some paternalistic intervention in our lives. It is not easy to simply say that it infringes in autonomy so it must be

avoided. Sometimes it is difficult to even state adequate reasons for prohibiting paternalism absolutely, as it does not necessarily involve any threat to the person concerned, which was ordinarily believed to be coercive. Traditional paternalism was accused of being coercively indulging in an act but with the turn to the New-paternalism or Libertarian paternalism the times have changed to non-coercive measures. There cannot be any essential means used while acting paternalistically. Threats and restraints cannot be the only means while acting in a paternalistic manner. It adopts other methods such as deception, manipulation, persuasion, incentivizing someone, or withholding information. The richness of this debate lies in its interweaving with significant ethical concerns- autonomy, well-being, freedom, choice, consent.

While wondering about its problematic nature of paternalism, it is important to analyze its disputes. Paternalistic acts and policies seem to shower uninvited concern because sometimes even when not asked for there is always concern poking onto us justified by incapability or unknowledgeable. Concern, usually means a way of thinking what human well-being and betterment lies in by helping the target to direct its way. Paternalism can be stated as a way of imposing the end or channeling the means to that end by suiting the best interests which the agent concerned has not approved for herself.

In a paternalistic act, there is predominantly an actor of paternalism and a subject of paternalism. The former is one who acts, though it can be from one person or a group of persons or a state authority, while the latter is the one acted upon, be it a person or a group of persons is acted against. Despite the fact that paternalism can be both an action and an omission, it necessarily inhibits a mode of interference

or intervention when directed, though it may not be coercive. Nevertheless, there is an interference with space, which the agent legitimately occupies and this is found almost in every case of paternalism, be it changing of cans or husband not stopping the car for his wife at the bakery house or compulsory wearing helmets and seatbelts or the case of transfusion of blood to the unconscious religious person. Although this interference is grounded on reasons, which could avail acceptability of such an act but it also has reasons for its unacceptability. Therefore, we need to unpack all issues intermingled within the debate of paternalism, so that we could trace its morally problematic nature.

The idea of paternalism largely draws our attention to its problematic nature by focusing on the two values tussling: autonomy and well-being. The value autonomy is concerned about a provision of space for the agent to deliberate on one's choice without being dragged by outside interference. The value of well-being is that which the outside agency seeks to promote whether it satisfies the target's interest or not. The potential paternalist is often confronted with either of these values- to respect the subject's autonomy and not protect her well-being or protect her well-being and not infringe her autonomy. This shows that only any one of the values can favor the agent and the task lies in the paternalists which of the either two are to be enforced. Either the automatic enrollment of retirement plan is to be enforced for future well-being or support its leisure use of money rather than saving for tomorrow. The problem lies with the actor's idea of well-being on what does it rests in whether it is the actor's present needs or future needs. The problem then stretches to the domain of subject, what the actor actually considers their well-being lies in. For

instance, the automatic enrollment to retirement plan is considered as good for the actor of paternalism suggesting that human beings are incapable to figure out the future benefit. And the subject of paternalism considers that its deliberative decisions needs respect. Here the paternalist judges that future interests will be at stake because of people like spending much and saving less. John Kleinig criticizes this over emphasis on individuality by reflecting in the ontology of the individual person (Kleinig, 1983). He believes that the defenders of individuality see people in terms of their immediate presentation and abstract expressed desires. But individuals are oscillating beings who desire to keep changing and undergoing corrections by themselves.

Some thinkers like, Arneson, Kleinig, Shiffrin suggested that paternalism should be avoided because it expresses a dishonor towards the agent (Arneson, 1980; Kleinig, 1983; Shiffrin, 2000). Interfering with the operational motives of the agents like riding a car without seatbelts, eating more junk foods, a decision to undergo euthanasia or abortion or surrogate motherhood can lead to infringement of autonomy/freedom/liberty though acted out of concern for the agent. Positing the highest place to individual autonomy, these thinkers are not ready to compromise or accommodate it with or for any other values. This way the value of autonomy grabs the center stage in a paternalistic act, so they worked on the limits of justified paternalism. The fundamental problem of paternalism is to understand what could count as justification for interfering with a person's present beliefs and preferences or choices for that person's good. In answering this, one could refer to Feinberg that if the person is non-voluntary or if acts out of weakness of will then assisting them is not problem. Then, one might ask how does

paternalism limit liberty or autonomy or freedom of action? What is valuable about autonomy that its hindrance leads to its unacceptability of an act? To deal with these interesting questions, it would be reasonable if we look into the concept of liberty/ autonomy/ freedom and its nature of compatibility with paternalism.

Paternalism causes an infringement of liberty is partially true because paternalism is not just a typical physical constraint. There are situations where an act is paternalistic despite not being physically restricted, and on the other hand, there are cases where the presence of physical restraints does not guarantee an act to be paternalistic or the other way around. For instance, a person can be paternalized even though he is not physically restricted. If a robber puts a gun on your head and says, "Give me all the money from the drawer, and I will let you go and live your life." There is a presence of physical restraint here but is it a case of paternalism? Of course, not because there is a selfish motive to get all the money by oneself, but this act is of no help to the victim. We are aware of the fact that paternalism necessarily involves a benevolent intent for the victim concerned but there is no intention of benevolence on the part of the coercer, so this cannot be a paternalistic act. There are also situations where one might not physically restrict the other, but it is still called a paternalistic act. For instance, my friend had a leg surgery and he desired to play football with me. I refuse to play football but offer him to play carom because I think this will be convenient for him. But he genuinely wants to practice play football as he wants to participate in the tournament. Here I am acting on behalf his wants/preferences. Keeping his condition at prior, I persuade him by giving reasons like the weather is not good and the ground is wet to play football. I am

acting paternalistically by judging his state of being and consider him incapable to understand his own condition and persuading him to play carom. But here there is nothing wrong in undermining the preferences of the agent because for me he is acting irrationally.

Paternalism dominantly is unacceptable because it interferes with person's autonomy. (Dworkin, 1988) emphasized on autonomy being hindered rather than liberty but one might ask, is the interference with autonomy the sufficient condition for the act being a paternalistic one? As autonomy, Dworkin believes, is a much richer notion than liberty is an absence of constraints and availability of alternatives. Paternalism is not wrong when it does not interfere with others autonomy (Scoccia, 2008). Celebrating the idea of autonomy, philosophers consider paternalistic restrictions as demeaning and objectionable to the extent that it interferes with the subject's autonomy. Van De Veer (1986) mentions that paternalism is justified only to the extent that it respects subject's autonomy and lets one decide one's course of action requiring that he/she is competent to direct one's living without harming others. However, in order to understand how human worthiness based on the concept of autonomy, it is important to analyze what autonomy is. Moreover, why is it bad to interfere with the autonomy of the agents? What is wrong in interfering with autonomous agents or autonomous choices? "Autonomy" is the most desirable part of a person's good, which is the most valuable aspect of one's life. It is capacity to direct one's choices and being responsible for the direction. It is valuable because being recognized as an autonomous being is normatively significant. This entitles an autonomous being to be respected regarding their choices and actions and also be protected

from interventions. Infringement or interference with autonomy leads to wrongness of paternalism (Sneddon, 2013). Acting autonomously means acting deliberately or acting voluntarily or rationally. Therefore, it is necessary to state that "autonomy" is an active capacity to direct one's course of action rather than passively following what is dictated.

But merely appealing to autonomy and freedom as values to be promoted cannot capture the problematic nature of paternalism because, for some, if the target loses the freedom to some extent then that might later enhance its autonomy or freedom. However, there are also eminent thinkers who suggested that paternalism does not diminish rather enhance autonomy by using the consent-based arguments. This discussion starts with Gerald Dworkin, who states that paternalism is justified to the extent if one has genuinely or voluntarily consented to such interference (Dworkin, 1988). For example, I consent to the installation of the tracker application on my phone. My friend installs a tracker application on my phone without my knowledge. Suddenly I got my car ruptured and lost my phone signal to be able to inform my friends about my location. My friend who installed the tracker on my phone comes to my location. On asking, he said that he had installed a tracker application in my phone. Since, this is a case of paternalism because he judged my incapability to handle myself alone so he interfered with my privacy i.e. my phone and broadly my space. What would be my reaction? If I say, "Thank you so much for doing this thing of installation" this means I consent to the interference. But if I get angry for tracking my phone that means I feel that interfering in this way is not right and being under surveillance is not always good, morally speaking.

Consenting means agreeing to or approving, but the question of consent comes with the baggage of competency. Until the agent is competent, one cannot rely on the authenticity of its consent to the interference. The scholars have justified their position by taking the help of consent, be it prior, hypothetical, subsequent, anticipated (Dworkin, 1988; Kleinig, 1983; Van De Veer, 1986). The idea 'competence' does deserve our attention because paternalistic interventions are acceptable in cases of incompetent ones but it is problematic for the competent ones. Because some are not even ready to accept that the competent adults can ever be treated incompetently as it degrades its subjectivity then how will one accept its interference in competent adult's space? The paternalists' formation of an attitude of treating the competent adults as incompetent will then be problematic. It shows a kind of disrespect to the competent adult by such treatment as (Murphy, 1974) argues that to be judged as incompetent often results in one's status as a full-fledged person being taken away or greatly attenuated. For example, in case those who are impaired in forming their judgments or thoughts do consent or are likely supposed to be consenting to appreciate the wisdom of the interferer as he/she has the better and greater knowledge than one who is interfered. One can easily justify the paternalistic restrictions on the account that other is incompetent, and he/she will subsequently come to consent if met with problematic situations where consent is needed. But what about those who are full-minded, competent and deliberative, will they consent to interference of being directed to their own good?

It is discussed whether paternalistic interferences can be justified by appeal to the types of consent and whether the consent given by the individual to be

intervened is consistent from time, T_1 to T_2 . Does it persist throughout? Because sometimes one might consent to something at one time but later withdraws such a consent, which was given earlier. Rosemary Carter considers that an appeal to consent is a necessary and sufficient condition for justifying paternalistic restrictions (Van De Veer, 1986). But for (Kleinig, 1983), the argument from consent has no value and he replaces it with an argument from personal integrity to support paternalistic interventions. He says that our lives do not always display maturity but manifest carelessness or foolishness, which is a departure from our central commitments. Sometimes the lapses may be serious but sometimes it may not be serious. Paternalistic intervention is often guarded by the fact that because of failure of rationality there is no consent and if they were rational, there would definitely be consent is obscure. This supposition would make it easy for the paternalists because they would be able to justify their act by presupposing their rationality. There is uncertainty that if people would be rational, they would consent to the imposition and even if it does, how can we trust the one who decides the right path for us as he/she may equally be prone to error as he/she, in that case, is a human being and not automaton? The problem of consenting in paternalism is about the inconsistency of consent and the habitual attempt to infer consent by making a guess that the person would have definitely chosen this or that, drawing from the available facts of her life that she would want interference. There is always an assumption on part of the subject of paternalism that the object of paternalism is in improper state or is likely to consent if chance given to them. Donald (Van De Veer, 1986) probably mentions that just supposing that I consented or will consent does not entail that I have

consented He says that even if we think that people would have consented to things if certain conditions known beforehand, this might not be true. There is a possibility of prediction in consenting aspect of justification of paternalism.

As cited in the earlier part, we paid attention to the notion of monitoring the subject's good or preventing harm so here the stress is on how this is being done. Many thinkers' states that the reasons for justification of paternalism lies on basis of how good and what good is being promoted. Paternalism is not something we intrinsically value but to some, it ought to be a help in situations to overcome the certain shortcomings of an individual judgment. The actor essentially believes that the subject is unable to decide that which will help her in long run. However, there are also positions held in this debate which do not accept the justification of paternalism on the ground of promoting the subject's good. This can be referred to (Mill, 2005; Feinberg, 1983) who considers that something will be good for the victim from the perspective of the paternalizer, does not suffice a reason for justified paternalism. The problem lies in presupposing that something would be good despite the fact that the agent values it or not. This will be a robust where the other decides the good. This deals with some of the important questions regarding the concept of good- what is the kind of good the paternalists referring here. Similarly, who's good as the focus here? Is it possible to act for the other's good? Can we be certain about the good of other?

Broadly speaking, there are two theories of good- one is the instrumental theory of the good, something is good because I desire it and it satisfies my antecedent desires, current desires, and rational desires lead to the promotion of good. The other is an intrinsic theory of the good,

something that is good intrinsically, even if no one desires it. It leads to the promotion of good because it is good in itself. Paternalism is a way of imposing the strong values to those weakly held subjective values because some people possess powerful, conscious, desires to do something that they cannot bring themselves to act. For instance, when if a drug addict genuinely wants to quit smoking but is unable to do so because of his addiction towards smoking. Then the removing of the cigarette from his friend's mouth aims at his good by helping him attain his repressed desire.

These thinkers have pointed out crucial points underlying the idea of how good is served. To this, subjectivist account of good suggests that if the interests of the individual in question are protected or secured then the good of the agent is served. For instance, if a person wants healthy teeth then exempting him from taking sugary stuff is a manner of promoting good. It has been suggested that protecting people from making bad decisions, which is a result of cognitive biases like "limited imagination, miscalculation of goods, weakness of will, ignorance, over optimism", is a way of promoting good, so paternalistic interferences are justified (Le Grand and bill, 2015). On the subjectivist account of good, benevolent interference can be good only if the subject finds it efficient in situations where she fails to push her preferences if she finds it good that others have brought it about as an end. (Mill, 2009) viewed paternalist as distanced from the agent's good as one would interpret good placing his own concern for it. However, what may be true in general may not be true to individual cases and what is true with respect to some respects may not be true with respect to others. But even though we have different goals and needs,

there are still some basic needs which underlines similarity. This is explained by the objectivist's theories of good.

Thus, the whole debate on paternalism is about discussing the main reasons behind the justifications of paternalism. This discussion involves prioritizing either of the two values, autonomy and well-being, which one is to be given much value or else we undergo two potential mistakes-infringement of autonomy and inadequate protection of well-being. Sometimes, the cost of choosing might greatly affect the subject's well-being by honoring the subject's choice. Sometimes, channeling the choices for the greater achievement might hinder the agent's choices as one would appreciate one's own ignorance rather than adhering to some goals set by others. It is also important to see how strongly one wants to make his/her own choices which can vary greatly in degree- from the loss of the subject's life at one to most trivial of adverse effects at the other end. It is evident that paternalism cannot be absolutely prohibited because just as there are strong opponents of paternalism, there are also defenders of paternalism.

Conclusion

In this paper, I have mainly explained what paternalism is and how it takes place and how one justifies or nullifies it. In the beginning, I have deliberated upon some of the major definitions of paternalism and its core components. I also examined how philosophers entertained individual difference with respects to different aspects of paternalism. In the second section, I extensively discussed different forms and varieties of paternalism. In the third section, I analyzed three significant normative expositions with respect to the justification of paternalism. Later, I come down to introduce the debate over paternalism. The debate on paternalism is

all about the questions of justifications, whether a paternalistic act is acceptable or objectionable. The thinkers attempt to justify such an act by giving reasons, which projects the kind of paternalism one favors or disfavors. They gave reasons such as voluntariness, consent, promotion of good, enhancement of autonomy to support their justifications. It is shown that though paternalism could be unjustified on the ground that it would impede the development of an individual because it seems to cause a threat to personal integrity. However, given the different reasons for which paternalism is accused of having an objectionable character, there are reasons to accept paternalism. In order to substantiate the justification of paternalism, literature shows that just as there is a harder form of paternalism that violates autonomy, there is softer version that seems to enhance autonomy.

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