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*Andrej Semenov***Faculty of Philosophy – University of Pristina (Kosovska Mitrovica)*

STATE COERCION AND CITIZENS' RIGHTS

Abstract

The paper aims to explore which situations the state can exercise political power over its citizens. The art is to find the fine line between citizens' rights and state coercion. The best way to present an answer to this issue is by examining the principles when state coercion might be justified. Hence, we will examine eight following principles: Harm Principle, Offense Principle, Legal Moralism, Legal Paternalism, Collective Benefits Principle, Justice Principle, Need Principle, Sufficiency Principle. In addition to defending liberal principles, we will argue that Legal Paternalism and The Justice Principle can be adopted but only in specific situations. Finally, we suggest that The Need Principle and The Justice Principle cannot be used as justification to limit one's freedom but they might be translated and expanded into The Sufficiency Principle.

Keywords: state legitimacy, state authority, citizens' rights, the harm principle

INTRODUCTION

The subject of this paper is the scope of political authority, i.e. in which (if any) situations can the state exercise political power over its citizens? It is worth emphasizing a fairly obvious point here: the assumption that the state is legitimate. The issue appears

* andrej.semenov@pr.ac.rs

simple but does not have an easy answer. We possess certain rights but at the same time, the state is justified in using coercive power to limit our rights. In order to explain this tension, it is necessary to introduce a list of principles under which coercion may be justified.

The point of departure is J.S. Mill's harm principle (1909), followed by Joel Feinberg's four principles (1984, 1985, 1986, 1988) along with the three extra principles discussed by Alan Wertheimer (2002): Harm Principle, Offense Principle, Legal Moralism, Legal Paternalism, Collective Benefits Principle, Justice Principle, and Need Principle. We also examine the Sufficiency Principle which the above-mentioned authors do not discuss.

First, let us briefly introduce those principles. The Harm Principle states that the state is justified in limiting A's liberty if that act will prevent A from harming others. The Offense Principle supports state coercion if A is prevented to offend others. Legal Paternalism says that state coercion is justified if it aims to prevent A from harming himself. Legal Moralism says that the state is validated in limiting A's liberty in order to prevent A from engaging in immoral behavior even if A is not harmed or harming others. The Collective Benefits Principle limits liberty in order to provide public benefits that otherwise would not be offered. The Justice Principle says that the state can limit A's liberty to achieve justice. The Need Principle states that the limitation of A's liberty is just if it provides for other people's needs. The Sufficiency Principle says if the state can prevent B's suffering by sacrificing A's freedom, the state should limit A's liberty.

Before exploring the eight principles we have to stress that, as many authors have previously done, giving the list of liberty-limiting principles does not mean we are defending them. However, we firstly defend the liberal principles: the Harm Principle and the Offense Principle. Secondly, we explore Legal Paternalism, arguing that the hard component of Legal Paternalism belongs to liberal principles. Furthermore, we assert that Legal Moralism, the Justice Principle, and the Need Principle, although they could be used to justify a limitation of citizens' liberty, are not as robust as the Sufficiency Principle which is often more appropriate.

Before diving into the discussion, let me highlight three intuitive but vital points. First, a valid liberty principle gives a justification for a policy that limits liberty but does not necessarily “provide positive reasons for a policy because there may be moral or practical reasons that ‘outweigh’ the reason for such a policy” (Wertheimer 2002, 43). In other words, if we consider Class A drugs bad for people, we might criminalize them on the grounds of Legal Paternalism. However, while banning heavy drugs is reasonable, the economic and social benefits of not doing so might be higher such as the cost of enforcing the ban, taxation, and higher prison population particularly given the high rates of re-offense. Second, Wertheimer notes that a liberty-limiting policy may be supported not only by one principle. Therefore, drugs might be banned on grounds that they make people violent (the Harm Principle), that are bad for users (Legal Paternalism), that it is widespread among the population (the Collective Benefits Principle), that it is not socially accepted behavior (Legal Moralism). Thirdly, we will take into account Feinberg’s distinction between the questions of constitutionality and moral justifiability: there are cases where an act is constitutional but not a justifiable limitation of individual liberty while other cases might be justifiable but not constitutional.

THE HARM PRINCIPLE

The Harm Principle is everything but simple as Mill argues:

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That 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 civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant (1909, 18).

What does it mean to harm others? How do we define “others”? If we claim others are people then one of the major issues we need to discuss is whether a foetus is a person. Put simply, if a foetus refers to a person then there is a strong case to ban abortion due to the Harm Principle. While there is no compelling reason to argue that the foetus cannot be harmed in the womb, the argument rests on the assumption that the foetus will suffer from harmful consequences of prenatal injuries. Along similar lines, Wertheimer (2002, 45) argues that if we consider “others” to mean species other than homo sapiens, “then we cannot limit behaviour” just because it harms animals. The question then poses itself: how do we criminalize behavior that is harmful to animals? It is safe to conclude that the Harm Principle is not sufficient.

The second important question refers to “harm to others” and has several implications. Feinberg (1984) lists three of them. First, can we harm A by making them a worse person than they were before? In other words, does moral harm count as harm? It is reasonable to believe that making someone a worse person does not necessarily make them worse off. Thus, only if they desired to be a good person (for example, a nun) can they be said to have been harmed by making them behave in a morally reprehensible manner as defined by A’s own morals. Second, can we harm person A by harming person B? It is my contention that this point is clear. If person A harms person B while person C has an interest in B’s good, then we can say that A harms B as well. Third, can a person be harmed by their own death? Feinberg develops the claim that death can be harmful to a person who dies in the respect of their interests which are defeated by their death. Yet, what if the person had no interest in continuing to live? It is not difficult to imagine a dying person who does not want his family to spend resources: do we have a case if someone takes his life? If we believe that “over himself, over his own body and mind, the individual is sovereign” (Mill 1909, 19) and that the dying person offers their consent, we can conclude that suicide cannot be banned on the grounds of the Harm Principle.

It is also important to emphasise that the Harm Principle does not justify limiting A’s liberty to harm B if B gives consent to be harmed. As Mill argues, our society has no right to intervene

in people's business conducted 'with their free, voluntary, and undeceived consent and participation' (1909, 22). Wertheimer's conclusion regarding Mill's argument deserves to be quoted at length:

If B wants her physician to terminate her life, so be it. If A wants to purchase the use of B's womb, or sell an ineffective drug, or sell cocaine, or toss dwarfs against a padded wall, or sell tickets for an exorbitant price, or engage in sexual relations with his patient, or hire someone for \$3.00 per hour, or have sexual relations with a woman who is severely intoxicated, or rent a rat-infested unheated apartment, or buy another's kidney, the Harm Principle does not justify interference by the state so long as B consents, as well she might for one reason or another (2002, 46).

At this junction, three further implications may come to mind. Can inaction harm? If inaction cannot harm then no one can claim that parents whose child dies because they refuse modern medicine (on religious grounds) actually harm their child. As a rebuttal to this point, Mill makes the following observation:

There are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as, to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow-creature's life, or interposing to protect the defenceless against ill-usage, things which whenever it is obviously a man's duty to do, he may rightfully be made responsible to society for not doing (1909, 21).

Instead of offering an answer, the previous quote opens another series of questions. If a person may cause evil to others not only by their actions but by their inaction, how do we decide which inactions cause harm to others? Mill's explanation that "it is obviously man's duty" when to act does not seem very appealing. Do we harm a beggar by not giving him spare change? Is it our obvious duty to help a man who hurts himself – does our inaction harm him? We are not as certain as Mill that harm is self-explanatory.

The second implication refers to the question – can we limit someone’s liberty if his behavior does not harm but only increases the risk of harm? Mill here claims that if “there is a definite damage, or a definite risk of damage... the case is taken out of the province of liberty, and placed in that of morality of law”(1909, 139). This approach is rather risky since it opens the possibility that a wide range of behaviors can be considered under its umbrella. The final implication we would like to examine is collective or public harm. Public harm is identical to what some authors term the Collective Benefit Principle; thus, the principle will not be discussed separately. In previous cases, we have been concerned with direct harm, or in other words, whether A harms B. But what about cases where A does not harm B but if a number of citizens do the same as A, person B would be harmed? The most cited example is tax evasion: if only one citizen does not pay taxes, we doubt that any of his fellow compatriots would be harmed but if the entire region does not pay taxes to the state, that is harmful to their compatriots. Lord Patrick Devlin makes a thought-provoking point:

You may argue that if a man’s sins affect only himself it cannot be the concern of society. If he chooses to get drunk every night in the privacy of his own home, is any one except himself the worse for it? But suppose a quarter or a half of the population got drunk every night, what sort of society would it be? You cannot set a theoretical limit to the number of people who can get drunk before society is entitled to legislate against drunkenness (1975, 14).

We do not disagree with Devlin regarding drunkenness and tax evasion, but we feel that the Harm Principle can be stretched too far when it comes to public harm. Let us shift from tax evasion to homosexual acts. The logic remains the same: if only a few people engage in homosexual behavior there is no damage to society but imagine if the entire population engages in homosexual acts. A similar argument can be applied to compulsory voting. Does it mean that we should ban homosexual acts and promote compulsory voting? There is ample support for the claim that there is no reason to believe that many people would engage in homosexual activities and ignore their duty to vote even if they had a chance. Considering the previous cases, we need to be aware of limitations and misapplications of the public harm principle.

Although the Harm Principle is hardly a “very simple principle”, it seems plausible to claim that the state can justifiably limit someone’s liberty on the grounds of harm caused, of course with consideration of six implications previously discussed. Let us now explore whether the state can legitimately interfere with individual liberty when behavior cannot be viewed as direct or public harm to others.

THE OFFENSE PRINCIPLE

The Offense Principle claims that state coercion should be implemented to prevent A from offending others even if they do not harm them. No doubt, there are many harmless but unpleasant human experiences where state protection is required. In certain cases, such as mental distress, it is difficult to decide whether the behavior is harmful or offensive.

However, the question here is not to make a distinction between harm and offense but rather to examine whether the state can justifiably interfere if a person is engaged in offensive but harmless behavior. The argument in favour of the Offense Principle runs as follows: person A has no right to engage in offending behavior even though they do not harm anyone. It seems that even Mills himself supports the Offense Principle: “there are many acts which, being directly injurious only to the agents themselves, ought not to be legally interdicted, but which, if done publicly, are a violation of good manners, and coming thus within the category of offenses against others, may rightfully be prohibited” (1909, 166-167). The main objection to the Offense principle is the claim that what is sacred for A is a mere joke for B, as Dudley Knowles states: “in multicultural society... offensiveness cannot be avoided” (2001, 121). It might be true that offensiveness cannot be avoided but does it mean that the state cannot limit A’s liberty if B has been mentally abused by A? There is no magic formula for deciding whether some behavior is offensive or not but Wertheimer convincingly identifies six criteria our society might use:

Avoidability. The easier it is for people to avoid being offended, the more difficult it is to justify prohibiting offensive behavior. If one doesn’t want to see nudity, then don’t go to a nudist beach.

Pervasiveness. The more widespread the tendency to be offended, the easier it is to justify interference. We should not restrict behavior that a minority or even a slight majority find offensive.

Magnitude. The more intense and durable the offense, the easier it is to justify intervention. We should not restrict behavior that gives rise to only mild or short-lived distress.

Legitimacy. The more legitimate the state of being offended, the easier it is to justify intervention. Although this criterion presents its own theoretical difficulties, it seems more legitimate to be offended by the flasher than, say, by the sight of a homosexual couple embracing.

Social Value. Some offensive behaviors have greater social value than others. Mill argued that the expression of false and offensive ideas has value: ‘the clearer perception and livelier impression of truth produced by its collision with error.’ By contrast, there is little value to indecent exposure.

Individual Integrity. Does prohibiting offensive behavior represent a threat to an individual’s integrity? To ask someone not to expose themselves or make noise does not (I think) ask A to stop being who they are. To ask someone not to express their ideas or to wear different clothing represents a greater threat to individual integrity (2002, 49).

LEGAL PATERNALISM

During our lives, we engage in various stupid things, though we might argue about what “stupid” means. We drink too much alcohol, do not fasten our seat belts, use drugs, smoke cigarettes, have unprotected sex with strangers, and so on. This chapter is meant to answer the question – is it justifiable to interfere in people’s life in order to prevent them from doing foolish things? Before offering an answer, we would like to stress that context is crucial when we are determining whether a policy is paternalistic. If the idea of introducing seatbelts is to cut the cost of hospital treatments then this policy is not paternalistic.

As we have seen, Mill is not sympathetic to this principle: “Over himself, over his own body and mind, the individual is sovereign” (1909, 19). However, Mill’s view on paternalism is not that simple: his doctrine is “meant to apply only to human beings in the maturity of their faculties” (1909, 19). In other words, he rejects the idea of interference in the life of an adult but children are another matter. Let me now paraphrase the question – is the state justified in limiting the liberty of adults for their own good?

The short answer is yes and no. Legal Paternalism has two components: hard and soft. Soft paternalism says that the state can restrict the liberty of adults whose decision-making capacity has been compromised. The best example is given by Mill himself:

[if one 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 (1909, 163-4)

Put simply, we do not compromise a person’s autonomy by limiting their liberty if they lack the capacity to make a rational judgment about the situation. On the other hand, hard paternalism says that the state can limit someone’s liberty when there is no reason to question their competence and rationality. The prohibition of smoking would be the case for hard paternalism. A is rational and able to make a decision to smoke, yet it not only has significant negative health impact for A but also anyone physically close to A. Wertheimer expands Mill’s bridge story with two additional possibilities:

1. The person knows that the bridge is unsafe and is attempting to commit suicide because he is severely depressed.
2. The person knows that the bridge is unsafe, but enjoys crossing rickety bridges (2002, 51).

Wertheimer develops a view that severe depression compromises a person’s rational capacity, thus the first scenario represents a case of soft paternalism. We are not convinced: saying that the state can limit A’s liberty because A is severely depressed is sim-

ilar to suggesting that the state can limit A's liberty because A is addicted to cocaine. This is a case of hard paternalism. The person has autonomy so A knows what they need for a happy life and knows that cocaine is addictive. Putting it bluntly, we all experience weakness of will (for example, eating delicious but unhealthy food, skipping running sessions), but does it mean that the state should limit our freedom whenever we feel miserable? When it comes to the second scenario, things are straightforward. Unless, we are ready to claim dangerous hobbies as irrational, hard paternalism cannot be perceived as a legitimate liberty-limiting policy.

LEGAL MORALISM

The principle says that the state is justified in limiting A's liberty in order to prevent A from engaging in immoral behavior even if A does not harm or offend others. "Even if" is essential: murder is immoral, but we consider it under the Harm Principle.

Legal Moralism has five versions. The traditional version holds that the state can justifiably limit someone's liberty if their behavior is "objectively" immoral. The main issue is defining what is immoral. One group of people may say that homosexual acts or premarital sex are immoral while others strongly disagree. Within these groups of people, there may be differing opinions as to whether the state should prohibit an activity if it is immoral. A second version comes in form of moral paternalism. It argues that "immoral things are bad for people". In other words, every immoral act a person does damages their well-being and ability to establish an upright moral character. But again, who is to say whether eating pork or engaging in homosexual acts are steps forward or backward on the path toward being upright moral characters? A third version is a child from the family of moral paternalism. It holds that the state is responsible for protecting its citizens from injuries. This is a rather weak case. We need to make a space for people to develop their lives even if they make bad choices: we cannot protect them from all miseries of this world. After all, not everyone prefers a long and healthy life to drugs, nor does everyone have the ability to choose between these options.

The next two versions are more challenging. A fourth version maintains that common morality is an important basis for social cohesion, it is legitimate to prohibit behavior seen as immoral regardless of whether that behavior is 'objectively' immoral. As Devlin argues:

What makes a society of any sort is community of ideas, not only political but also ideas about the way its members should behave and govern their lives... Every society has a moral structure as well as a political one... society is not something that is kept together physically; it is held by invisible bonds of common thought (1975, 9-10).

Devlin takes an interesting position that legal moralism requires people not to do things even if they do not see those things as immoral: "A common morality is part of the bondage. The bondage is part of the price of society; and mankind, which needs society, must pay its price" (Devlin, 1975, 10). However, he does not argue that society should prohibit everything seen as immoral; those decisions society would make depending on the urge society feels. It is obvious that he does not see anything wrong in prohibiting homosexual acts or the sale of pork if a significant majority supports it. The question is – are we really ready to let society discriminate against minorities by their gender, race, religious affiliation, etc? The next question is – what happens in practice in a society such as Saudi Arabia that uses this principle where everyone agrees (at least officially)?

The final version of Legal Moralism goes as follows: prohibiting harmless but immoral activities will make it less likely that people will harm others in the future. In other words, if there is activity x that increases the chances that A will engage in prohibited activity y then activity x should be banned. Even though this claim has logical soundness, we are not sure that there is solid evidence that supports the idea that pornography increases men's violence towards women, or that people involved in dwarf tossing are more likely to commit violent acts. However, if there are strong indications that doing x means A will commit prohibited activity in the future then this version of Legal Moralism might be justified. The difficulty is determining what counts as strong evidence.

THE JUSTICE PRINCIPLE

The Justice Principle says that the state can interfere in individual liberty on the grounds of justice. Let us explore four ways the Justice Principle might be justified.

The first one is non-discrimination. A liberty-limiting policy is just if A discriminates against B on the grounds of race, religion, ethnicity, gender, or sexual orientation. One might argue that non-discrimination can be linked with the Harm Principle but Wertheimer convincingly argues in favor of their separation:

We are and should be free to make many decisions that have adverse effects on others. An employer can refuse to hire those she thinks are unqualified or obnoxious or ugly. A landlord can refuse to rent to a smoker, or someone with pets, or to undergraduate students because we think justice prohibits treating people differently on the basis of some criteria, but not on the basis of other criteria (2002, 56).

The art is to decide when justice requires the prohibition of certain discriminations and when it does not. We are free to choose our friends even if we discriminate on the basis of race, religion, gender, and so on but public schools do not have this “luxury”. The second is – equality of opportunity. Equality of opportunity has roughly three different levels. First, if we say that all children should get an education we might support public schools. Second, if we claim all children should have similar educational opportunities we might limit the spending of some communities so all communities would have approximately similar educational opportunities. Third, if we say that people should not start their lives with grossly unequal resources and consequently opportunities, we might support high taxes on inheritance. We believe that equality of opportunity is a matter of the Sufficiency Principle which will be discussed later.

The third way considers economic transactions. We might think that the state should interfere in citizens’ businesses if their transactions are not just. For example, ticket scalping might be prohibited on the ground that the price is unjust. Ticket scalping might be an appropriate example, but we are rather skeptical about

whether the argument will generally work and we are not alone in this view: “[if it does not work] it prevents the exploited person from advancing her own interests, but if it does work, then we have another justification for interfering with consensual transactions” (Wertheimer 2002, 57).

Finally, some argue that people should do their fair share in providing public benefits, even in cases when the benefit would be provided without their share, i.e. free ride on the contribution of others. Mill develops the view that one “may rightfully be compelled to perform... to bear his fair share in the common defense, or in any other common work” (1909, 21). There is no doubt that this behavior should be prohibited but the question which looms in the background here is whether the free-riding problem comes under the Harm Principle or the Justice Principle. As it is not the focus of this paper, let me only indicate the logic of the puzzle. Non-voters are free-riding on those who sacrifice their time to vote in a different way people who do not pay their taxes are free-riding on those who sacrifice their money to pay. The difference is that in the former case the benefit is provided without compulsion while paying taxes is mandatory for everyone.

THE NEED PRINCIPLE

Wertheimer proposes the Need Principle as the last non-liberal principle. This principle justifies state intervention in A's liberty in order to provide for B's needs. Wertheimer is clear that this does not mean that we should always do what is necessary to meet people's needs: “[i]f B will die unless she receives A's kidney, it does not follow that we should coercively extract A's kidney” (2002, 57). The Need Principle says that the state is justified in interfering with people's business in order to provide for others' needs for medical care, food, education. Wertheimer gives a very convincing example:

Suppose that we need much more blood than we can obtain through voluntary donations or for pay (say, because the quality of commercial blood may be too low), that people will die because there is insufficient blood available. If we can require people to provide money because other people need

goods in order to live, I do not see why we cannot require people to provide a renewable resource such as blood. If we can require people to serve as witnesses or on juries, I do not see why we cannot require people to make easy rescues (2002, 57-58).

The Need Principle discussed by Wertheimer is something we will examine regarding the Sufficiency Principle. We have no objections to the given example but the problem here is the Need Principle does not draw a clear distinction between situations when we should or should not meet people's needs.

THE SUFFICIENCY PRINCIPLE

The Sufficiency Principle says if the state can prevent B's suffering by sacrificing something of A's that has no comparable importance, the state can limit A's liberty. This principle takes as the point of departure the two assumptions from Peter Singer's famous article "Famine, Affluence, and Morality": (a) suffering and death from lack of food, shelter, and medical care are bad; (b) if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought to do it (1972, 3). What he has in mind goes as follows:

If I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing (1972, 3).

However, we are not concerned here with the moral obligation of individuals but the justification of the state authority, thus let us translate the application of the argument. If the state can prevent people's suffering and death by sacrificing nothing of comparable importance then the state is justified to interfere in our liberty. Put it differently, the state should have the power to relocate resources from the richest people in society to those who are in need. But what we have in mind here is not mere survival (food, shelter, and medical care) but rather that everyone has enough to live with dignity. At this point, the Sufficiency Principle overlaps with the Need Principle but they have one big difference: A's need

might differ from B's need but for both A and B what remains in common is what they need to live a life worthy of a human being. Need is a slippery area for two reasons. First, all that matters is which need is stronger. Furthermore, how can we measure it? One might say it is easy to determine which need is stronger when we compare a person with twenty pairs of shoes and a person with none, but what happens when we compare a young girl with five pairs of shoes and an old man with one – can we really say that he needs a second pair more than she fifth? After all, one might argue that he needs a particular car more than a number of people need a third meal every day – can we compare their happiness? Second, as Onora O'Neill notices we do not need only “precise measurements of happiness, but precise prediction of which policies lead to which results” (1987, 144). On the other hand, the Sufficiency Principle overcomes these challenges by not comparing but by setting the same bar for everyone.

Along similar lines, the Sufficiency Principle might find the moral principle which can justify the state intervention. Previously we rejected the argument of the traditional version of Moral Legalism on the grounds that no one can determine what is “objective” moral. Similarly, one can argue that the Sufficiency Principle faces the same obstacle. It is my contention that there is a difference between agreeing on the prohibition of pork or homosexual activities and agreeing on the importance of human lives. We cannot simply say to A “you have the right to live” but then leave him without shelter, food, education, a basic income. What we referred to as “enough to live with dignity” is exactly that: people should be provided with the tools which enable them to live. What we need to avoid is to confuse those values with the practices that aim to realize those values. On one hand, the state can sacrifice x in order to prevent A from suffering because A *has a right* to something. On the other hand, human rights are inalienable rights that are exercised *against* the state.

CONCLUSION

This paper has dealt with a distinctly modern question: why and when has the state the right to exercise coercive power over citizens? The immediate dilemma we face is that the individuals

have individual freedom while we still think that the state is justified in using political power. We have tried to answer this question by listing the principles which might be used to justify the state's coercion: Harm Principle, Offense Principle, Legal Moralism, Legal Paternalism, Collective Benefits Principle, Justice Principle, Need Principle, and Sufficiency Principle.

Mill notices that "there is, in fact, no recognized principle by which the propriety or impropriety of government interference is customarily tested" (1909, 17), but he believed he can find only one "very simple principle" to say when it is legitimate for the state to exploit policies that limit liberty. We have argued that his principle is neither simple nor sufficient to determine all the situations in which the state is justified to limit our liberty. Apart from the Harm Principle, Mill was sympathetic to the Offense Principle. However, there is no magic formula for defining whether a certain behavior is offensive or not and the use of each principle depends greatly on the context.

After the Harm and Offense Principles, we explored non-liberal principles. Legal Paternalism can be used only to restrict the liberty of adults whose decision-making capacity has been compromised, otherwise, people are free to choose. We present four versions of Legal Moralism and gave the reasons why the state generally has no business in prohibiting "objectively" or "non-objectively" immoral behaviors. However, we made a compromise when it comes to satisfying basic human needs in the section of the paper. The Collective Benefit Principle has been added to the Harm Principle as we do not see why one should discuss collective and individual harm separately. Further, we put the claim that the state may interfere in individual liberty on the grounds of justice in the four particular cases: non-discrimination, equality of opportunity, economic transaction, and public benefit. The Need Principle is slippery terrain as we cannot measure it and we cannot know which policies lead to which results; therefore, it is better to follow the Sufficiency Principle. The Sufficiency Principle would instead set the bar and avoid measurements of different kinds. In other words, this principle would introduce morality as justification for the state intervention but in a very narrow sense: the state can interfere in someone's life on moral grounds if that will ensure others have a life worthy of a human being.

REFERENCES

- Devlin, P. (1968). *The Enforcement of Morals*, Oxford: Oxford University Press.
- Feinberg, J. (1984). *Harm to Others*, Oxford: Oxford University Press.
- Feinberg, J. (1985). *Offense to Others*, Oxford: Oxford University Press.
- Feinberg, J. (1987). *Harm to Self*, Oxford: Oxford University Press.
- Feinberg, J. (1988). *Harmless Wrong-Doing*, Oxford: Oxford University Press.
- Mill, J.S. (1909). *On Liberty*, The Floating Press [e-book].
- O'Neill, Onora. 1987. "Rights, Obligations and World Hunger." in *Poverty and Social Justice: Critical Perspective: A Pilgrimage Toward Our Own Humanity*, eds. Francisco Jimenez, 86-100. Temple: Bilingual Press.
- Singer, Peter. 1972. "Famine, Affluence, and Morality". *Philosophy and Public Affairs* 1(3): 229-43.
- Wertheimer, Alan. 2002. "Liberty, Coercion and the Limits of the State." In *The Blackwell Guide to Social and Political Philosophy*, eds Robert L. Simon, Oxford: Blackwell.*

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