

In his essay entitled *On Liberty*, John Stuart Mill introduced what is now known as the Harm Principle: that an individual may do whatever he or she wants, so long as such actions do not harm any other individual. This principle, knowingly or not, has been used as an argument in support of the decriminalization of many victimless crimes—including drug use, prostitution, and gambling. Such an argument, especially if it has support, would lead to the question of whether the Harm Principle would be a sufficient tool to judge whether a government is authorized to interfere with the actions of an individual.

A government makes laws to protect the people under its jurisdiction. It is generally agreed that there are many factors from which people need protection. However, the Harm Principle only protects people from each other. It does not protect people from themselves or external factors. Yet many people would argue that not protecting people from such other factors would be detrimental to society, or maybe even immoral. Therefore, it becomes quite clear that the Harm Principle is insufficient to use as the sole object of determining whether a government is authorized to limit the liberty of an individual.

In simply analyzing the Harm Principle, it becomes apparent that is too vague and ambiguous to govern alone. Many questions are raised immediately: Must the harm be physical, or can it be psychological? Must the harm be intentional? Is the individual also responsible for a *lack* of action? Does the individual harmed have to be a human being, or can it be of another species or character? What if the other individual desires to be harmed? If one single principle is to be used to govern a state, it cannot raise this many questions.

Furthermore, there are many other principles and concepts that are required to address the aforementioned deficiencies of protection that the Harm Principle affords. For example, a government that wishes to protect citizens from themselves would have to invoke Legal Paternalism (as defined by Joel Feinberg). Also, in order to provide for less fortunate citizens, or to simply create a communal resource, a government might have to invoke Alan

Wertheimer's Collective Benefits or Need Principles.

It may be argued that the Harm Principle is sufficient to govern the people. And it may be true that the most dangerous factors against an individual are other individuals. To further society, it is most important to protect life. Allowing murder would be counterproductive towards such a goal. As such, there is no doubt that the Harm Principle is a crucial portion of an effective governmental policy. However, it is by no means the only ideal necessary—especially without more specific qualifications.

The Harm Principle, as it is currently defined, does not specify what qualifies as harm. It is clear that physical damage is harm that is easily measurable, but psychological damage is less perceptible. The Harm Principle also does not specify whether the individual must intend to do harm in order to be in violation, or if accidental harm is prohibited, as well. Moreover, it does not define whether harm caused by the *inaction* of an individual is also considered an infringement, nor what even constitutes an individual—where do human fetuses and other species fall? Finally, the Harm Principle does not address whether it matters if the individual being harmed desires to be harmed. Even if the Harm Principle were to be the sole standard of which to base government, it would have to be amended to deal with these issues.

As dangerous as individuals are to other individuals, they are not the only factor that would threaten the future of a society. As such, a properly protective government would also have to utilize other principles to create its laws. One such principle is that of Legal Paternalism, which allows the government to protect an individual from harming his- or herself. That is not to say that a government invoking Legal Paternalism should outright prohibit the most extreme example of self-harm: suicide. Assisted suicide is the next most extreme example, but it is less so because it is usually an informed decision with input from trained and certified professionals. Both examples should certainly be discouraged, however, as death—whether by the hand of oneself or another—is still death, and death is generally detrimental to the future of a society.

Other principles that a government would be right to invoke in addition to the Harm

Principle include three of the principles that Alan Wertheimer introduced: the Collective Benefits Principle, the Justice Principle, and the Need Principle. The first would give the government the right to limit individual liberty in order to provide a resource to the people as a whole (though only if there is no other way). The second would give the government the authorization to limit the liberty of individuals in order to do what is just and ensure that all individuals get equal treatment in important areas of life (such as non-discrimination and public schooling). The third principle allows the government to take resources—usually taxes, but possibly also blood donations and other services—from individuals in order to accommodate other individuals in need, through programs such as welfare.

All of these additional principles give a government power that is not available using only the Harm Principle. Some may argue that such power is too much for a government to have and that it limits too much of the liberty of the individual. However, it is necessary for the government to have more power than can be provided by the Harm Principle in order to fully protect the citizens under its jurisdiction. The future of the society cannot be ensured if it is only protected against attacks from individuals within the society.

The Harm Principle can only protect the basic rights of the individual. In order to protect the society as a whole, a government must invoke other principles that are designed to preserve specific areas of society. If these areas—which include those who may wish to commit suicide, as well as those living in poverty—are not protected and preserved using additional assistance from other principles, an important part of the society—its identity, essentially—will be lost, replaced by a uniform construct consisting merely of the most successful members of the original society.

Also, the members of this new society governed only by the Harm Principle would not be to enjoy a communal resource, as there would be no way to pay for it. Without the Need Principle, the people could not be taxed to pay for the new resource. However, even if they were all rich, it is likely that whichever individual was chosen to pay for the resource would be harmed by doing so. Even without Legal Paternalism, it may still be arguable that it is

those in the society that will benefit from this new resource that are harming the donator.

In fact, the economic system of capitalism would not be able to exist in a society governed solely by the Harm Principle, as the core ideal behind it is competition. Economic competition has the potential to cause much harm, putting individuals and families in dire hardships. Failure is unfavorable in capitalism as it is, but it is simply not an option under the Harm Principle. Such a one-sided principle cannot be used to govern reality, as it is inevitable that every individual will fail at something at some point.

Strict compliance with only the Harm Principle and nothing else would lead to an ineffective government. Even barring the situations where harming someone else might be in order, such as in self defense, the Harm Principle as it is defined by Mill is not complete. It contains many ambiguities about important definitions and distinctions and, therefore, cannot be used safely without modification. Amendments must be made to clarify the meaning of the terms used within the principle and to include or exclude specific types of situations under it.

In addition, there are many significant aspects of the protection of life, even in spite of liberty, that are not covered by the Harm Principle. In order to compensate, other principles must be brought in. The Harm Principle is not enough to protect the individual and ensure the future of the society remains bright, as it does not take into account the outside forces acting against the society or the inside forces acting against the individual. It merely considers the inter-individual forces that are often not involved in the damage done to an individual or the society as a whole.

At first glance, Mill's Harm Principle seems like the ideal way to run a government that maintains the liberty of the individual. However, upon further analysis, it becomes clear that some of the liberties of the individual must be abridged or limited in order to ensure the survival of the whole of society. While "do no harm" is a good mantra for an individual to use in governing his or her own actions, it should not be the solitary slogan of a government that wishes to protect its people and help them survive into the future.