The Theories of Paternalism and Criteria for Justification
— Focusing on ‘Autonomy-Respecting Paternalism’ —

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Abstract
This paper focuses on ‘Paternalism’ which has been negatively interpreted in social welfare context. I classified the criteria for justification of paternalism into five categories through a review of previous studies and theories. The most remarkable criterion was ‘Autonomy-Respecting Paternalism’ which has been discussed in the aspect of autonomy for recipients of paternalistic interventions. According to this criterion, interferers can avoid oppressive interventions and develop the autonomy of the interfered recipients. Therefore, it can be adapted to social welfare paradigm. Although the justified paternalistic interventions have been discussed in many studies, the meanings of paternalism are not fully understood in our society. The negative aspects of paternalism can be summarized as three meanings. Moreover I revealed the difference between the necessity and the criticism for paternalism.

However ‘Autonomy-Respecting Paternalism’ cannot be justified, because the theory of autonomy has diverse meanings and value judgments. In conclusion, the criterion of ‘Autonomy-Respecting Paternalism’ is likely to be abused oppressively by interferers under the name of autonomy-respecting.

Key Words
Paternalism, Justification, Autonomy, Beneficence, ‘Autonomy-Respecting Paternalism’

I. Introduction
Paternalism is an important concept in social welfare. This study aims to clarify the theories of paternalism from two positions. The first is the reconsideration of the theories of paternalism, which are often interpreted negatively in the context of social welfare; the positive aspects of paternalism will be underscored in this study. The second position is the rethinking of the relationship between autonomy and paternalism, which are believed to be contrary concepts; it will be shown that these two concepts are not always opposed to each other.

At one time, social work studies and practices paid little attention to their suppressive interventions to their clients. Scholars and professionals easily justified their practices because they believed they were protective, benevolent, and necessary to their clients.

However, after the 1960s, consumerism and the Independent Living Movement claimed that oppressive practices were being carried out by professionals. Therefore, social work studies have developed postmodern approaches, whose theories focus on autonomy and respect for the client. Professionals are currently required to reflect on their exclusive practices. Similarly, service users are required to decision-making about available services. It is said that, in recent years, social welfare has come to value the autonomy and self-determination of the client.

In the context of current institutional studies, professionals’ paternalistic actions are interpreted negatively as a violation of a client’s autonomous lifestyle. It is commonly believed that the theory of paternalism conflicts with the ethics of autonomy. Hence, respect for the autonomy of a client’s lifestyle is an important
issue in the context of social work.

Although theoretical effort has been made on current studies in this regard, social welfare studies assume that some paternalistic interventions are indispensable in particular situations; for example, helping a victim of domestic violence (DV), an anorectic self-neglected elder, or an overactive psychiatric patient. When someone is exposed to serious crisis, as in these situations, justifiable (helpful) paternalistic interventions are thought to be necessary. However, are paternalistic interventions always justified? What types of interferences in a person’s private life can be rationalized?

To investigate this dilemma, it is necessary to examine one of the basic themes of social welfare and consider the concept of paternalism and its justification. Although many studies in bioethics and law have discussed the ethical problem between paternalism and autonomy, little is known about these studies in the social welfare area. Since social work practices are often confronted with vital and emergent themes, it is meaningful to learn from previous studies in other fields.

This article is presented as follows. First, previous studies are reviewed, in order to reveal the theories of paternalism and its criteria for justification (section III). Then, the criticisms of paternalism are summarized (section IV). Finally, the most remarkable criterion, “Autonomy-Respecting Paternalism,” and its problems are reconsidered (section V).

II. Terms and definitions

In this argument, the terms “interference” or “intervention” are used to refer to paternalistic performances without negative implications. Previous studies, such as Kleinig and VanDeVeer, did not use these terms to indicate value judgment. The term “interferer” is used interchangeably with “professional” and refers to a person who acts toward the “interfered.” The term “interfered” means “client” or “recipient” interchangeably, and it does not involve value judgment.

The main concern of this study should be defined. “Paternalism” can be defined as “an idea or an action that intends to confer a certain protection or good towards an interfered person. However, sometimes the idea or the action may affect against the will of the interfered person.”

The term “self-dependent” implies economic and physical independence. The details of the term “autonomy” will be considered in section IV; at this stage of the paper, the terms “self-determination” and “autonomy” are used interchangeably because they are used in the sense of “self-control.”

III. Theories of paternalism

1. Investigation of previous studies

First, the theories of paternalism that have been analyzed in previous studies will be discussed.

(1) Mill’s work in On Liberty: harm principle and paternalism

Some studies assume that Mill’s work in On Liberty (1859) is the starting point of the study of paternalism. J.S. Mill does not use the term “paternalism” in his work, but describes it as both necessary and unnecessary. His objection to paternalism has been known as the “harm principle.” He wrote the following: “That the only purpose for which power can be rightfully exercised over any member of civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant” (13). “...but he himself is final judge. All errors which he 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” (93). This part of his argument is well known to indicate his strong antipaternalism.

On the contrary, Mill assumed that some people who are “in a state to require being taken care of by others must be protected,” “nonage” (13-4), “child, or delirious, or in some state of excitement” (117) should obey paternalistic interventions.

In short, he thought that freed person was to be fully self-independent, rational, and mature.

(2) Dworkin’s work in “Paternalism” and other studies

The first scholar who gave attention to paternalism
was Gerald Dworkin. His work in “Paternalism” (1971) inspired many similar studies in the 1970s, since his work was an epoch-making study in this field. In this pioneering study, he defined paternalism as follows: “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” (1971:108).

His definition can point out three issues: (1) interference should be regarded as an act of being “coerced”; (2) he argues that the aim of paternalism is to provide happiness, good, etc.; and (3) the definition involves the notion of “justified.” Some criticism has arisen over this third point. For example, Fotion (1979) and Nakamura (1981a) note that it is improper to include the notion of justified in the definition. However, because of Dworkin’s work, the theme of paternalism has been extensively discussed by other scholars.

N. Fotion (1979) likens paternalism to the relationship of a father to his children. It is not necessarily a coercive intervention, but a father acting to provide for the children’s best interests, needs, or to prevent a child from harming himself.

B. Gert and C.M. Culver (1982) examine paternalism from the viewpoint of a doctor-patient relationship. They discuss the ethical problem of paternalism in the dimension of a violation of moral rules by doctors. They believe that the doctor’s violation can be justified if it prevents more evil than it causes to the patient. The justification of paternalism involves “informed consent of the patient,” and if the patient is not fully rational, the doctor’s paternalistic intervention might be easily justified. However, they do not describe the criteria for rationality in detail.

T.L. Beauchamp and J.F. Childress (1979, 1983) also examine paternalism in biomedical issues. They consider that the ethical question of paternalism arose out of the conflict between the beneficence of doctors and the autonomy of clients. They define paternalism as “the overriding of a person’s wishes or actions for beneficent reasons” (1983:171). They discuss whether paternalism is justified by balancing an action of beneficence against invasion of autonomy, and insist on justification from the viewpoint of beneficence.

After Dworkin’s argument, paternalism studies were advanced by many scholars. Several studies divided the notion of paternalism into theories, justification, and its problems. And these focused on the factors of paternalism, such as coercion, interference, rationality, interest, and beneficence.

(3) Several studies focusing on autonomy

An important advance in paternalism studies appeared between the 1980s and the 1990s. Remarkable studies were presented by J. Kleinig (1983), D. VanDeVeer (1986), and J. Kultgen (1995). Their common argument for criterion of paternalism necessitates respect for the autonomy of the interfered person. These studies still affect the mainstream of paternalism study today.

J. Kleinig (1983), who was influenced by John Rawls’ work in A Theory of Justice, explores the suitable criteria of paternalism within the liberal tradition. He argues several approaches to justification and appeals to the notion of “personal integrity.” He argues that justifiable paternalism is benevolent interference with no violation of personal integrity, and that it could mature the core identity, life-plan, autonomy, and authenticity of those interfered (1983, xi:64-8).

D. VanDeVeer (1986) propounds a theory of ‘Autonomy-Respecting Paternalism’, in which intervention toward not only incompetent but also competent people can be justified. He defines permissible paternalistic intervention toward a competent adult as follows: the interfered person gives currently operative valid consent to the interferers before any action is performed, and the interferers intend to promote a benefit or prevent harm to the interfered person. He also discusses the aspects of the interfered person’s benefit: autonomy and identity (1986:22-3, 41, 87-9).

J. Kultgen (1995) further develops the idea of autonomy-respecting and beneficence for interfered people. He shows a resemblance between the natures of “parentalism” and “care.” Each should nourish the autonomy of the recipient.

The three authors, discussed above, made several important statements on the nature of paternalism. First, they distinguished its concept and justification.
Second, their definitions used the terms “intervention,” “interference,” and simply “doing,” instead of using “force,” “coercion,” and “compulsion” in order to avoid oppressive implications. Third, they focused on the positive aspects of paternalism: matured autonomy, life-plan, interest, and welfare for recipients.

2. Criteria for justification of paternalism

Having examined these previous studies, the five justifications for paternalism can be examined. The criteria and the problems with those justifications are considered here.

(1) Judgment ability-based justification

The first point to be discussed is the criterion of judgment ability by the interfered person. This criterion was derived from Mill’s On Liberty, which distinguishes between people who are maturely independent adults and those who should be cared for and protected. That understanding easily justifies interference for children and persons with disabilities who are assumed to have less judgment ability. If interferences are necessary for adults, the discriminating point is whether they have ordinary judgment ability or not. In this criterion, problematic paternalism is the interference to abilities (hard paternalism), but not to inabilities (soft paternalism).

This criterion proposed two debatable points: the level of judgment ability is ambiguous and how the actions to those with inabilities should be restricted.

(2) Rationality-based justification

The next argument for justification is the criterion of rationality. This criterion assumes some interference would be justified, such as when a normally rational adult becomes irrational due to intoxication, impulsive desire, carelessness, or inadequate information. Gert and Culver refer to rationality as common sense or social conventional wisdom.

On these grounds, it is possible that interferers may expand their justification because the meaning of rationality can be arbitrarily interpreted. The meaning of rationality can differ in societies, times, and nations. The criterion of rationality cannot be overestimated.

(3) Consent-based justification

Let us consider the argument of consent-based justification. This argument can be divided into “prior consent” and “subsequent/anticipated consent.” The argument of prior consent means that the interventions are justified as long as they are explained to the recipients and agree to beforehand. The theory of informed consent was developed from this argument.

There is room for further investigation as to how to provide this information to recipients. Professionals may be able to control their recipients if certain information is restricted or hidden; therefore, the recipient’s decision-making may be steered in a direction that suits the professional’s intention.

On the other hand, justification by “subsequent/anticipated consent” remains controversial. From this argument, paternalistic interferences would be justified as long as the recipients agree in the future or after the interferences, even if they do not agree to them in advance. Some authors regard that interventions can be justified in particular situations, such as when unconscious patients are confronted by vital risk or innocent infants need to be trained.

There are problems with this argument. If a recipient disagrees after an intervention (especially irreversible intervention) is carried out, this argument must lose its justification. This argument is not actually for justification but for the evaluation of the consequences.

(4) Justification from promoting benefit

This argument provides justification when an interferer has benevolent intentions and intends to promote the interest, good, beneficence, and welfare of the interfered person.

From Mill’s viewpoint, if a person throws away his freedom, preventing interventions are justifiable in order to protect his welfare. Beauchamp and Childress justified almost all interventions if the interferer’s actions provided beneficence to the recipient. Gert and Culver also considered this justification. They compared the benefit and predictable harm of the recipient. Referring to the recipient benefit, they justified paternalistic intervention that could promote a better life for the recipient.

There is room for argument on this perspective. Almost all current paternalistic interventions, which are generally assumed problematic, can be justified when
the interferer strongly believes that his or her actions will contribute to the recipient’s welfare. These interferences are more easily justified when the professional emphasizes his or her beneficence and kindness to the client.

(5) Justification from “autonomy-respecting”

As seen above, Kleinig (1983) argued the notion of “personal integrity” for justifiable paternalism. This notion wholly involves respect for the character, favor, purpose, and value of the individual. It was thought that if interferers adopted this idea, they could avoid compelling recipients to their value judgment (Kleinig, 1983:67). Nakamura (2001) developed this idea a little further; he argued that paternalistic interventions are justified when they could help achieve or support the autonomy of interfered people. He considered the imperfect aspects of people who might err in the decision-making process, and who therefore, need support in correcting their decision. He called those supportive interferences “good paternalism,” and he thought that those interferences respected the autonomy of weak individuals.

These arguments, which focus on the autonomy of the recipients, can be called “Autonomy-Respecting Paternalism.” Some important issues of this argument should be examined more closely. The autonomy-respecting theory argues that if the natural will of the client differs from the professional’s will, priority should be given to the client’s will. If the client’s decision seems to be irrational, although it is indeed his real autonomous decision, the professional should examine it carefully before rejecting it. Therefore, this theory justifies paternalistic interventions that could support the recipient’s autonomous life and that avoid oppressive actions. As mentioned above, it seems that VanDeVeer (1986), Kultgen (1995), and Dworkin (1983, 1988) regarded justification for paternalism from the perspective of respect for autonomy.

The theory of autonomy-respecting paternalism is taken up later in (section VI); however, this theory is a most remarkable justification, and it seems to be effective in social welfare studies and practices. The justification of paternalism should not be attributed to only one idea, such as benefit or rationality. A careful investigation into the true will of the client is necessary.

3. Suggestions for social welfare

Arguments in bioethics and philosophy of law studies provide many important issues for social welfare studies. It should not be assumed that clients or service users are irrational or nonautonomous. It should be assumed that they are suffering from disadvantages and that they have the ability to become autonomous. The arguments that explore the justifiable paternalism criteria, especially autonomy-respecting, are available to social welfare studies. Recent studies on paternalism, for example, Kultgen (1995) and Nakamura (2001), have discussed the similarity of the notions between care and paternalism; hence, the theory of autonomy-respecting paternalism should be given more attention by social work studies.

However, unlike bioethics and philosophy of law studies, social welfare studies regard paternalistic interferences as natural professional duties.8 When clients suffer from life-threatening conditions, social work tends to regard interferences as natural, and not a problematic issue. We need further suitable consideration on this point in a social welfare context.

Moreover, as the next debatable point, social work usually deals not only in emergency situations, but also with the support of a client’s ordinary lifestyle, such as rehabilitation. However, when social workers interfere in a client’s lifestyle, strong objections arise from service users. The Code of Ethics in social work emphasizes respect for autonomy of the client, but its practice has been criticized frequently for obstructing the autonomous life of the interfered person. The objections to factors about paternalistic interventions to lifestyles will be considered below.

IV. Argument of antipaternalism

The studies examined above discussed the positive aspects of paternalism.9 The authors thought that paternalism was necessary for professionals to provide helpful action to their clients.10 This section will explore the inadequacies of the familiar version of paternal-
ism. In the following versions, the term paternalism is understood to be unjust or a violation of personal, autonomous decision-making. The main criticisms of paternalism are that it is "patriarchal" or a "control by professionals." The critiques can be divided into three types.

1. Critiques of "authoritarianism"

When some clients and authors negatively describe paternalistic interventions, they indicate "patriarchal relations" or "judgment by fiat" by professionals. A professional's authenticity is derived from his skills and specialties, but whenever he abuses his abilities, he is reproached as authoritarian by his clients. Knowledge and power in a caring relationship are occupied by professionals. If the interferers ignore the wishes of their clients and force them to follow a treatment, their attitude is criticized as authoritarian.

One of the criticisms of paternalism in our society is that it seems to represent authoritarianism within a caring relationship.

2. Rejections of "maternalism" under the cover of kindness

The term "maternalism" implies father-likeness, because pater means father in Latin. This term suggests coercive interventions. On the other hand, "maternalism" means mother-likeness, which brings to mind the kindness and affection that mothers show to their children. Maternalistic interventions do not convey controlling attitude; therefore, it is difficult for us to feel oppressive intentions and express objection to it.

However, the Independent Living Movement by people with disabilities exposed instances of blind coercion covered with kindness, as pointed out by Okahara (1990). They have claimed that professionals' attitudes have disturbed their independence. When professionals act with benevolent intentions, it is difficult for us to recognize that they may be disturbing their clients' autonomous decision-making rights. Further, affectionate care may be regarded as good and right for disabled clients (1990:82-3). Also, as Onaka (1990) points out, there have been particular oppressions committed under the cover of kindness in welfare services, which he describes as "excessive benevolent welfare." (1990:112).

Maternalist may say "I will act for your best interest," "I think it is good for you to do so," or "whenever you want something, you can make the choice (as long as I accept it)." These soft controls can steer the will of the interfered people. Maternalistic control is ambiguous and covered with good intentions, and hence, it may compel an interfered person to feel guilty when he or she refuses it. Moreover, that guilty feeling may prevent clients from making decisions, as they might feel fear and anxiety in conflicting with the professional.

One of the criticisms of paternalism is that paternalism, which is benevolent control, steers the autonomy of the interfered person.

3. Objections against "exclusion from self-determination"

Lastly, the most remarkable objection to paternalistic interventions is that they violate the right of self-determination. Over the years, many clients have been excluded from their decision-making processes, because they had been suspected as being irrational or having lesser abilities. Their treatments were directed by parents and professionals, and there was no opportunity for self-determination.

Objections were made against these situations of exclusive determinate processes by interfered people. Nakanishi and Ueno (2003) wrote Individual Autonomy. They sternly criticize that professionals often occupy those determinate processes and that interfered people eagerly want to regain their rights of self-determination.

Clients with disabilities or illness have been deprived of the opportunity to express their will by interferers, under the name of a professional assessment or the necessity of preventing a dangerous situation. However, clients with disabilities assert that they wish to maintain their dignity and their rights of self-determination and autonomy.
V. Differences between the supporters of paternalism and the antipaternalists

1. Differences between supporters and antipaternalists

In the previous section, the notion of paternalism is usually regarded as a negative concept. However, in our society, there are many paternalistic interventions in different areas such as law, education, medicine, families, and social work. Let us now attempt to examine the differences between the supporters of justifiable paternalism and the critics of paternalism (antipaternalists). The question resolves itself into two points, which are discussed below: interpretive differences concerning autonomy, and the different assessment points of process and outcome.

(1) Interpretive differences concerning autonomy

Both the supporters of paternalism and antipaternalists value the principle of autonomy-respecting. However, there is room for qualitative interpretation in the term “autonomy.” What kind of autonomy is to be restricted? How should the social environment be improved so that autonomy can develop? These are debatable points.

In social welfare studies, we have emphasized the principle of autonomy-respecting. As Biestek (1957) describes in his seven principles, we have learned that it is important to respect our clients’ self-determination.

However, from Biestek’s perspective, the notions of autonomy and self-determination should be restricted and selected by professionals. It is his opinion that professionals should assess the needs and abilities of clients, and in some cases, they could restrict clients’ wishes (Biestek 1957). If professionals assume that clients’ wishes are irrational or do not seem to come true, they will not present or take account of several choices.

The Independent Living Movement states that professionals should not select clients’ determinations in accordance with their own tastes. Activists protest that professionals misuse the idea of autonomy-respecting. They insist that their right of self-determination should not be restricted by anyone. Furthermore, they appeal that it is a political responsibility to improve our environment for achievement of autonomous decisions.

In the ethics of social work, clients’ autonomy and self-determination are important issues. However, based on the perspectives presented, it can be seen that the idea of autonomy is interpreted differently by professionals than it is by people with disabilities.

(2) Different assessment points: “process” and “outcome”

Another debatable point is the difference between focusing on the positive outcomes derived from paternalistic interventions and the process of determinations claimed by antipaternalists.

Antipaternalists value autonomous decision-making processes in some aspects. They think that the expression of the client’s will should not be disturbed and that society should improve the environment for autonomy. They insist on the importance of client participation in the decision-making process.

On the other hand, the supporters of paternalism focus on outcomes. Professionals tend to justify paternalistic interventions that provide benefits and protect clients from harm. In particular, they justify restricting clients’ actions when serious harm to life or to quality of life (QOL) is expected, such as in the case of child abuse. Moreover, if the clients do not have access to necessary information or have predictable abilities, professionals may rightly assume that their interventions are justified.

Thus, both supporters and the antipaternalists value autonomy. However, there are differences between the parties regarding the assessment of the process of determinations and outcome of intervention.

2. Conflict in value ethics: the principle of “respect for autonomy” versus “beneficence”

The differences mentioned above can be explained as a conflict between the principles of “respect for autonomy” and “beneficence” in social work ethics. The principle of respect for autonomy means that professionals should respect individuality and the right of self-determination and give priority to clients’ decisions. The principle of beneficence requires that professionals contribute positively to the welfare of their clients, as in the Hippocratic Oath. The National
Association of Social Workers (NASW) Code of Ethics proposes that the social worker’s primary responsibility is to promote the wellbeing of the client (standard 1.01). However, the Code of Ethics also declares that social workers can limit a client’s right to self-determination from the viewpoint of their professional judgment. If a social worker foresees that a client’s actions or potential actions pose a serious and imminent risk to the client or others, a social worker can limit those determinations (standard 1.02).

There remains the question of how we can estimate serious risk and harm to our clients or others. For instance, when a woman, who has escaped from an abusive husband, insists on returning home again, how should the social worker assess the situation? This is a common, difficult problem in social work practice. Using the concept of paternalism, the dilemma is which of the two principles should be obeyed: autonomy or beneficence? Social work aims to promote the client’s welfare and a practitioner may regret not supporting the benefit of the client. Therefore, social workers, as professionals, are inclined to prioritize the principle of beneficence, along with the belief that a certain level of paternalistic intervention is necessary.

However, in law and bioethics studies, it has already been discussed that priority is given to the client’s self-determination, even if it results in serious harm. As we have seen, the Code of Ethics in social work admits to the limitation of self-determination and a client’s autonomous choices. This issue differs from other previous studies. Recently, scholars have developed individualized approaches, which focus on the autonomy-respecting method (for example, the empowerment and strength models). However, these approaches are often unsuitable when the client’s autonomous decision seems to be of a high-risk or harmful nature. Sometimes, social workers persuade clients out of their own decisions; the autonomy-respecting approaches sometimes require the client to change his autonomous determination.

VI. Considerations of “Autonomy-Respecting Paternalism”

In section III, the criteria for justification of paternalism and the theory of “Autonomy-Respecting Paternalism” were presented. We can now consider possible problems in this theory. Law and bioethics articles adapted the theory of paternalism to serious, life-threatening cases. Social work studies and practices deal with both emergent and non-emergent issues. Perhaps the theory of autonomy-respecting paternalism cannot be simply applied in social welfare. Thus, the notion of “autonomy,” which has different meanings in emergent and non-emergent situations, should be examined.

1. The concept of “autonomy”

The concept of autonomy is inclined to be interpreted diversely. As G. Dworkin (1988) states, different authors define autonomy as follows: autonomous person, responsible for his own decisions, self-rule or sovereignty, and having critical reflection (Dworkin, 1988:5-6). Furthermore, S. Mendus (1989) considered the definitions of autonomy and noted three main points: (1) liberty (or freedom), which is freedom from being threatened, (2) rationality, which means having self-rule, and (3) self-determination, which means making independent decisions. In addition, I divide these three points into two factors: (1) being free from coercions by others, and (2) independent self-determination.

For purposes of this paper, I define the term of autonomy as “being free from coercion by others and being able to act by one’s own will.” Upon reviewing other authors, it appears that the concept of autonomy is thought of as being free from coercion. However, it is necessary to consider in detail that the concept also includes plural concepts such as independence, rationality, and self-rule.

Before considering detailed discussion of non-emergent situations in social welfare, the central concept of autonomy must be discussed with respect to two points: (a) Should we include society’s responsibility in providing an environment for people to live autonomously? and (b) What kind of value judgment
can we include in the concept of autonomy?

First, the consideration of point (a) brings us to the problem of expanding the interpretation of justifiable paternalistic intervention. If we think that visually impaired people need to live independently and work as acupuncturists or masseurs, then society is responsible for providing education and career services. Also, if we think that an autonomous life means living alone in the community, then society is responsible for providing home services to support elders or people with disabilities.

When point (b) is taken into account, other problems arise that might allow no job choices to people with disabilities and might compel elders to leave from hospitals or nursing homes under the name of autonomous living. It is said that our value judgments of autonomy differs and changes with society, age, and ethnic groups.

The Independent Living Movement demands that various choices are presented in order that people can decide for themselves. They claim a comfortable environment for all people, whether disabled or not, is a social responsibility. Moreover, J. Raz states that the concept of autonomy includes (a) social responsibility and (b) value judgment. He says that autonomy requires that a range of diverse and valuable options be available to all people (1989:779-82).

However, it is possible that the concept might be abused and suited to individual purposes by arbitrary interpretation. For instance, professionals might prepare certain choices and services to manipulate their clients' wishes.

2. Consideration of "Autonomy-Respecting Paternalism"

Now let us return to the theory of autonomy-respecting paternalism. When the theory is applied to non-emergent social work cases, problems may cause as follows.

First, the diverse meanings of the notion of autonomy might be interpreted arbitrarily by individuals. If one regards the term as "self-help" or "financially independent living," he might justify ignoring his client's need for help or financial aid. Moreover, interferers may present selected social services to the interfered people when they intend to manipulate the interfered persons' wishes.

Next, if an interferer regards a certain area of autonomy as desirable, he might persuade his client to his way of thinking. Under the name of autonomy-respecting, he might justify advising a client on an important decision with his own values. "A controlled-autonomous decision," such as in paternalism, may be not assumed as an issue of paternalism.

From the above discussion, it can be seen that justification of paternalism depends on the various concepts of autonomy. Therefore, there is room for further discussion on the theory of autonomy-respecting paternalism.

VII. Conclusion

In this paper, the theories of paternalism and the criteria for its justification have been discussed, and the problems with the criteria of the theory of "autonomy-respecting paternalism" have been examined.

In conclusion, this review encourages contemplation on the fact that the concept of paternalism does not simply oppose the concepts of autonomy and self-determination. Second, the criterion of autonomy-respecting paternalism, which was thought to apply to emergent situations in law and bioethics studies, does not always apply directly in social welfare, which deals with both emergent and non-emergent cases. Third, autonomy-respecting might be interpreted arbitrarily by individuals. Social work studies need careful consideration regarding the balance between the principles of autonomy-respecting and beneficence.
thoughts on paternalism.

3 They explained the violation of moral rules as follows: killing, causing pain, disabling, depriving of freedom, deceiving, and breaking promises, and so on.

4 Personal integrity means the person’s belief, dispositions, attitudes, goals, relations, and life-plan.

5 He substitutes the term paternalism for paternalism to avoid patriarchal overtone and gender bias.

6 See Kleing, pp.55-63.

7 VanDeVeer used this term (1986, pp.87-9).

8 VanDeVeer (1986) dealt with the problem of euthanasia, and Nakamura (1993) wrote on the rejection of blood transfusions by Jehovah’s Witnesses. These were emergent life problems.

9 paternalism has not been analyzed as an academic issue, and therefore, it is necessary for us to logically consider its meaning, necessity, function, and problems. Similar to Setoyama’s thoughts, many previous studies focused on the necessity or propriety of paternalism.

10 I call these advocating arguments “supporters of justified paternalism.”

11 I call these versions “antipaternalism.”

12 Setoyama (1997) wrote that paternalism meant mothers’ excessive nurturing attitude toward their children; hence, the children could not live autonomously without their mothers. Morioka (2005, pp.53-60) described paternalism as a mothers’ benevolent sympathy and interruption of their children’s independence.

13 Beachamp and Childress (1979, 1983), Simizu (2005), and Miyasaka (2005) describe this conflict and the four ethical principle in bioethics.

14 Hitosugi et al. (2005) wrote about recent blood transfusion issues for Jehovah’s Witnesses.


16 According to a policy in Japan, the acupuncture moxibustion and masseur jobs have been monopolized for the visually impaired.

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