

# Paternalism and Irrationality

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## Introduction

In “Paternalism” [1], Gerald Dworkin asks whether or not the state is ever justified in restricting the freedom of a person strictly for their own good. Dworkin thinks the state may be justified in cases where the person is acting irrationally. This paper examines this claim. I begin by defining paternalism and provide a preliminary argument against it. I then examine Dworkin’s proposed justification for paternalism and its implications. I end by providing my own paternalistic principle, arguing that paternalism can only be justified in a very limited set of cases. I believe the extent to which paternalism can be justified is much more narrow in scope than what Dworkin’s theory implies.

## Paternalism

Breatharianism is the belief that food and water are not needed for survival. People adhering to this lifestyle believe that only spiritual forces and sunlight are required to sustain life. A Swiss woman practicing breatharianism recently starved to death [3]. Should the state be allowed to stop

people against their will from participating in self-destructive lifestyles such as breatharianism? Such a law would be paternalistic.

*Paternalism* is the interference with a person's liberty *solely* for that person's benefit. This does not include restrictions intended to protect people from secondary harms. For example, restricting breatharianism to prevent others from being encouraged to participate would not strictly be paternalism. It would be paternalism if the *only* goal was to protect the health of a person who wanted to try it. Deciding whether or not paternalism is justifiable requires weighing the importance of allowing a person to make their own decisions against the duty to protect a person's well being.

Paternalism does not include laws that require a person to be informed. For example, requiring that a person be informed about current medical opinion regarding breatharianism would not be a paternalistic law. Such a law does not restrict the person's liberty, but rather aims to provide relevant information so the person can make an informed decision.

### **Anti-Paternalism**

It can be argued that paternalism is generally not justifiable. Arguments that reject paternalism appeal to the importance of autonomy. Autonomy is a person's ability to act according to their own reasons without external intervention. It encompasses the idea that each person is ultimately in the best position to judge what decisions they should make. Paternalism denies a person their *right* to autonomy. It is perfectly fine to inform a person and

persuade them to make particular actions. However, to require an action is to disregard the value of rational free choice. In order to respect a person's autonomy, there cannot be paternalistic laws. Exceptions can be made for actions that imply a loss of autonomy. Even Mill, a strong believer in anti-paternalism, believed the state could stop people from selling themselves into slavery for example.

### **Dworkin's Paternalism**

Dworkin thinks paternalism can be justified in cases where the person is acting irrationally. He uses the example of a paternalistic seat belt law. I decide to not wear my seat belt. I fully appreciate the risks and truly value convenience above anything else. In this case a seat belt law cannot be justified.

However, I may decide to not wear my seat belt because I am acting irrationally. I don't fully appreciate the potential harm involved and weight it inappropriately when comparing it to potential convenience. If I were given time to reflect, I would decide to wear my seat belt. Even if I do realize that wearing my seat belt is worthwhile, I still might not wear it. In this case I am ignoring what my rational mind tells me.

Dworkin believes that in the above cases, a paternalistic seat belt law is justified and does not conflict with my right to autonomy. My rational self would choose to wear a seat belt. That is my actual preference. The seat belt law enforces my autonomy. The law allows me to fulfill my rational

autonomous desire to wear a seat belt.

Dworkin's paternalistic principle can be summarized: Paternalism is justified when a person makes a decision that imposes substantial risk which they would not make in a completely rational and informed state of mind.

### **The Pragmatic Argument**

The easy response to Dworkin is to reject his claim on pragmatic grounds. Dworkin says that the burden of proof lies with authorities. It is up to the state to prove that the person being restricted is acting irrationally and in a substantially risky manner. This leads to worries that people will have to submit to the state's concept of what is rational and what constitutes substantial risk. Also, laws typically are not administered on a case by case basis. Laws apply to a general class of people. In order for a paternalistic law to be implemented, the state would need to prove that it is impossible for any person to rationally act against the law. This seems theoretically impossible.

This type of opposition to paternalism is common. Take the prohibition of drugs for example. Typical arguments attacking paternalistic drug laws claim that the state misrepresents harms and is oblivious to the fact that many people find great moral value in drug use (especially with regard to entheogens...or so I'm told...). It can be argued that a culture of safe use does more good than absolute prohibition which encourages dangerous practices and misinformation. These are all legitimate reasons to oppose paternalistic

laws in practice. In real life, the state does not have perfect knowledge and cannot perfectly enforce laws. For these reasons, the state should not be allowed to administer paternalistic laws.

### **Dworkin Revisited**

Even though paternalism fails for pragmatic reasons, it is still worthwhile to consider whether Dworkin's justification for paternalism can be challenged on theoretical grounds.

Suppose the state has a futuristic machine that gives it perfect knowledge about the universe in every way. The state goes person by person and consults this machine about whether the individual would choose to carry out a particular act in a completely informed and perfectly rational state of mind. When it is determined that the person would not rationally carry out the action, a paternalistic law is created for that individual. Is the state justified in applying these laws to individuals against their will?

### **An Alternative Paternalistic Principle**

Even under ideal conditions, Dworkin's concept of paternalism is objectionable. Consider the following example. I am playing a game of chess. A chess master is sitting beside me. Occasionally, just before I am about to make a rash move, the chess master will stop me and force me to make another move. As the game progresses I realize that because of the chess master's interventions, the game has become extremely favorable for me. If I had understood

the motivations and perspective of the chess master, I would have made the same moves. Even though I am winning the game and am ultimately happy with the moves that were made, I find the overall experience unenjoyable. This is because chess is about more than making the correct moves. Chess is about making the correct moves *because* I have a developed perspective and a deep understanding of the game.

The chess master's advice should be disregarded. If I end up in a game state that is less than desirable, I can be content that it is authentic and well deserved. The act of making poor moves, although immediately negative, allows me to gain perspective and apply this perspective to future moves. The consequences of my irrational moves contribute to my understanding of the game and enhance my ability to make good rational moves in the future.

This concept extends to the discussion of paternalism. It should not be the rational decisions themselves that are valued, but the perspective that produces them and the perspective that is gained from them. Even if it is known that I would perform an action in a perfectly rational and informed state of mind, requiring me to perform that action makes me do it for the wrong reasons. There is no value in performing an action devoid of understanding.

Forcing me to act in a way consistent with a hypothetical rational perspective potentially interferes with my ability to develop and fully realize that perspective. Mistakes are the best learning experiences. Once I fully realize that perspective, the decisions I make with that perspective have more

integrity. Even if my place in life is undesirable and is the result of irrational choices, it is genuine. The ability to make poor irrational decisions gives meaning to the decisions that *are* rational and advantageous. There is value in irrational decisions because they contribute to my life experience and ability to make good rational decisions for the right reasons.

This idea implies that paternalism is not justified even in cases where it is known what the person would do in a completely rational state of mind. Any action that develops the perspective of the individual cannot be interfered with.

I should emphasize that not everyone needs to or even *should* value irrationality in this way. I'm only claiming that it is reasonable for a person to have these beliefs. If a person consented to paternalism from the state because they wanted their rational desires to be enforced, that would be perfectly acceptable. It is only the application of this type of paternalism against a person's will that is objectionable.

## **Implications**

The above argument rejects paternalism in situations where Dworkin's theory endorses it. Take drug laws for example. Dworkin might think that a law forbidding me to take heroin is justified if I would choose not take heroin in a totally rational and informed state of mind. The addictive and irreversibly destructive nature of the drug is more reason to think the law is justified. Even if I am irreversibly addicted and become at risk for lethal overdose, I

might believe there is more value in the decision to use heroin than in being restricted from using it. There is more value in my regret than there could be in my oblivious well being. If my drug use leads to a premature death, I can be content my life was the result of *my* (possibly irrational) actions just as the chess player takes pride in not receiving outside help even if the player loses the game quickly and might have rationally made other decisions. Suppose I do manage to overcome my heroin addiction. My sober state is so much more meaningful than if I were simply adhering to the law. I am sober because I fully understand the dangers of drug use and have a deep appreciation I could never achieve through paternalistic laws.

This argument does not imply absolute anti-paternalism. An action with either of the following properties may be paternalistically regulated given that it is known that the action would not be made in a rational state of mind:

- The intent of the action is to achieve death or severe irreversible brain damage
- The action, regardless of intent, entails death or severe irreversible brain damage

The reason these types of actions may be paternalistically restricted is that there is no perspective to be gained from them. Using the chess analogy, this is equivalent to purposefully sacrificing your king in an irrational state of mind. Sacrificing the king means game over. An irrational will to end



the game forfeits any appeal that the decision is fulfilling and perspective gaining. Similarly, there cannot be anything gained from irrational suicide, so it is acceptable to paternalistically regulate it.

The above principles are purposefully vague. Any attempt at specificity is bound to fail. The above need not even be interpreted as implying any less amount of paternalism than Dworkin's theory (although I think it does). The primary goal is to create a concept of paternalism that accepts irrationality as a value.

I believe this model fits well with our intuition. Irrational and risky activities contribute profoundly to the life outlook of a person and are instrumental in development. They should not be interfered with. However, when a person seeks to irrationally end their life or cause severe and permanent brain damage, intervention seems appropriate.

## **Conclusion**

Dworkin makes a compelling case that paternalism seems reasonable in the face of irrational action. However, there is value in irrational decisions. Paternalism cannot interfere with the importance of perspective. Only actions that intend to irrationally destroy that perspective can be paternalistically restricted.

## References

- [1] Gerald Dworkin. *Paternalism* (class reading).
- [2] Gerald Dworkin. "Paternalism". *The Stanford Encyclopedia of Philosophy*
- [3] Lyssandra Sears. "Swiss woman starved after 'eating' only light" (4/25/2012).  
*The Local*

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