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The Moral Consequences of Paternalism

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Picture a man gobbling a second helping of chocolate cake, or chain-smoking a pack of cigarettes, or injecting heroin into his vein. Is there a crime being committed? Is aggression or violence being done to an innocent person?

In a sense, yes. A fleeting, short-term self that enjoys chocolate, nicotine, or heroin is working his will on an enduring self that pays the cost. Although we may fancy ourselves a fully integrated and consistent being, it might make more sense to describe ourselves as a bundle of multiple selves, selves that overlap, intermingle, and sometimes conflict.

Although you may not think of yourself as plural, the idea of multiple selves is really familiar. It is common for people to say that heavy drug users don't know what they are doing, that anorexic young girls are self-destructive, that people perpetrating violence suffer from "temporary insanity."

Some people recognize a dark self—a Mr. Hyde—that lurks within, and act strategically to defeat him. The reformed smoker will flush cigarettes down the toilet. Compulsive spenders put their savings in a Christmas Club account that levies a heavy penalty for early withdrawal. And some people, like myself, don't subscribe to cable television, not because we wouldn't use it, but because we would use it *too much!*

If such personal tactics are insufficient in subduing the Mr. Hydres that lurk, perhaps the government can lend a helping hand. After all, subduing bad guys is what the government is all about. This reasoning underlies numerous paternalistic laws in our country.

Anyone can suffer a fine for motorcycling without a helmet, or for driving a car with seat-belts unbuckled. States limit gambling to keep the poor from falling into bad habits. To help people preserve the family circle we have proscriptions on sexual commerce. Laws help us not to overuse a huge variety of substances, from heroin to penicillin. Other laws protect us from buying on impulse, from hiring incompetent plumbers or therapists, from not saving for our old age, and from murdering ourselves. All these laws are offered as a service to the erstwhile partaker.

Yes, people sometimes do things they regret. You'd be ridiculous to say that you never make mistakes, that you never do things to excess. But does that mean the government should step in and protect us from ourselves?

One good reason to reject paternalism is that public officials, acting in some remote government office, do not in fact know better whether an activity is detrimental to our enduring self. Passing blanket restrictions on behavior rides roughshod on individuality. Some people drink too much, or gamble too much, but many others do not.

Another reason to reject paternalism is that it sets a nefarious precedent. Up to what point does the government get to play nanny? Where does it end? Sometimes it is the government that seems to suffer addiction-addiction to power and it is the one that needs to show restraint. Furthermore, the justification of "it's for their own good" is bound to be abused. It will be used to justify all manner of special-interest plunder, such as excessive licensing laws.

But the chief reasons for rejecting paternalism do not deny irrationality in the private individual, nor even wisdom and benevolence in government stewards. The chief reasons to reject paternalism are its moral and spiritual consequences.

The Meaning of Life

What is it that gives one's life meaning? Meaning flows from narrative, from the drama of the story. But any old story won't give our lives meaning. It must be *one's own* story, a story that one feels is *of his own making*. To achieve a profound sense of *meaning*, one must be free to choose his behaviors. Hence, as Thomas Szasz has

explained, paternalism is demeaning to the individual because it de-means his existence. It makes existence a happening rather than a willful action; it makes the story arbitrary and alien, rather than purposive and personalized.

The autonomous individual admits his inconsistencies, his contradictions, his be-deviling impulses, but insists nonetheless: Grant me the *dignity* of choosing which behaviors define my being, and charge me with the responsibility for the Mr. Hydes that lurk. If you suspect that some Mr. Hyde seeks to undo me, then I say, go ahead and let him try.

A first moral consequence of liberty, then, is dignity, the romantic sense of being the captain of one's soul and relishing the drama of one's existence.

There is a second moral argument against paternalism. To give our existence beautiful meaning, to make ourselves becoming, we must learn *how* to manage our troublesome impulses. But how do people learn self-command? The best teacher is liberty herself. The second moral argument is that liberty breeds responsibility (in the sense of trustworthiness or dependability, *not* in the sense of accountability). How does liberty teach responsibility? Return to the intimate contest of self-command.

Often hubris prevails. Beforehand we say we won't gamble at all, we won't get angry, we won't watch TV, we won't, we won't! We forget that the mood and vision in which plans are laid may vary greatly from the mood and scenes experienced as the course is traveled. So hubris produces unhappy experiences and a feeling of regret. From experience we gain awareness of the need for better self-command and a will to defeat our entrenched impulses.

Sometimes it is not our own outrageous fortune that sets us in search of better impulses, but the pleasing fortune of someone else. Nothing awakens our soul like the image of one we admire. As Matthew Prior wrote in 1708:

Examples draw where precept fails,

And sermons are less read than tales.

Rather than leaving the individual free to learn from experience and example, paternalism deprives him of these moral opportunities. By pre-empting choice, it weakens the moral faculty of choosing one's own course. And by presuming that the individual is incapable of choosing competently, paternalistic government may actually make him incapable. Wean a person in a world of decrees and proscriptions, and he may fear personal independence and responsibility (here, in the sense of *accountability*).

In 1792 the classical-liberal thinker Wilhelm von Humboldt came to similar conclusions about paternalism in his book, *The Limits of State Action*. He said: "A society in which the citizens were compelled to obey even the best behaviors might be a tranquil, peaceable, and prosperous one. But it would always seem to me a multitude of well-cared-for slaves, rather than a nation of free and independent men."

Albert Jay Nock argued similarly in his great essay, "On Doing the Right Thing": "The practical reason for freedom, then, is that freedom seems to be the only condition under which any kind of substantial moral fibre can be developed."

Two moral arguments against paternalism, then, are dignity—that is, our desire to belong to a culture of proud and romantic individuals and responsibility our desire to belong to a culture of decent and self-reliant individuals.

If a Mr. Hyde sometimes puts too much chocolate cake in my stomach, too much alcohol in my bloodstream, or too much television news in my head, that is *my* problem, and everyday I must practice the art of subduing him and negotiating with him. []

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