UNDERSTANDING POLITICS · CHAPTER 7

Paternalism, Obligation and the Limits of State Intervention

When may the state act for our own good?

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OPENING PUZZLE

Protecting future welfare

Auto-enrolment

Workers join a pension scheme by default but can opt out.

Compulsion

Contributions become mandatory.

Ask: same relationship between state and citizen? Does an opt-out settle autonomy?

DEFINING PATERNALISM

> *“The interference with a person’s liberty of action justified by reasons referring exclusively to the welfare … of the person being coerced.”*

Dworkin, ‘Paternalism’ (1972), p. 65

‘Exclusively’: mixed justifications must be separated.

FORMS OF PATERNALISM

Different interventions, different burdens

Soft

Checks that a choice is informed and voluntary.

Hard

Overrides an informed, competent choice.

Weak / strong

Corrects means, or questions ends.

> *“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.”*

Mill, *On Liberty*, ch. 5

Only when there is no time to warn; otherwise he ‘ought … to be only warned’.

Where Mill draws the lines

Poisons

Labelling may be required: “the buyer cannot wish not to know”.

Slavery contracts

“The principle of freedom cannot require that he should be free not to be free.”

Informing supports choice; prohibiting overrides it.

NUDGES

Changing the choice environment

Definition

Alters behaviour predictably without forbidding options or significantly changing incentives (Thaler and Sunstein, 2008, p. 6).

Tests

Transparency, ease of exit, whose interests are served, room for contest.

A hidden opt-out is not a real one.

UNEQUAL PATERNALISM

Who gets supervised?

Welfare recipients

Conditions, reporting and behavioural requirements.

Wealthier citizens

Incentives framed as support for free choice.

Equal concern demands consistent reasons across classes.

POLITICAL OBLIGATION

Three claims that can come apart

The policy

Is it beneficial?

The authority

May the state decide within limits?

The duty

Must I comply?

Hobbes allows refusal of commands to kill or maim oneself (ch. 21).

> *"A public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government."*

Rawls, *A Theory of Justice*, sec. 55

Each word is a condition; the scope is a broadly just constitutional order.

The school uniform case

The school

Common dress promotes equality and belonging.

The student

A religious head covering is an obligation.

Identify the burden, the public purpose and the feasibility of accommodation.

SEMINAR TASK · 25 MINUTES

Auto-enrolment or compulsion?

1. Group A defends a warning and information only.
2. Group B defends auto-enrolment with easy exit.
3. Group C defends compulsion with affordability safeguards.

THIS WEEK'S ESSAY

Is hard paternalism ever justified?

Plan

Distinguish hard from soft; read Mill ch. 5.

Test

Irreversible harm, addiction, unequal burdens.

Judge

State the conditions and one case that meets them.

1,500 words maximum · Student Pack: essay questions