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**Permissible Paternalism: Saving Smokers from Themselves –
Robert E. Goodin**

Robert Goodin argues in favor of some paternalistic public policies, maintaining that public paternalism is justified when its intent is to prevent decisions that involve high stakes, have far reaching consequences, and are substantially irreversible. He holds that “public policies designed to deter individuals from acting on their preferences are justifiable, but only if they are grounded in their own deeper preferences.”

Goodin remains focused on ways in which certain public policies that are designed to promote people’s interests might be morally justifiable even if those people were themselves opposed to such policies. He recognizes that notions of “children’s rights” severely limit what even parents may do to their own children (in their child’s best interest but against their will). Goodin decides not to discuss the issue of paternalism of parents, or about notions of rights. Throughout his essay he focuses on people’s interests rather than their rights, and sticks closely to the concerns that motivate today’s rights theorists.

Beginning with the definition of what a right is, Goodin states that the purpose of a right is to have a legally protected interest. However, while you have a legally protected interest, even if that choice actually runs contrary to your own best interests, it is your right and legally protected choice to do so. While these facts lead us to suppose that paternalism and rights are necessarily at odds, there is still some substantial room for compromise between the two.

In the case for paternalism, it is the belief or assumption that public officials might better respect your own preferences better than you would have done through your own actions. In other words, “public officials are engaged in evaluating your (surface) preferences, judging them according to some standard of your own (deeper) preferences.” Goodin believes that the only time public officials should refrain from paternalistic interference is when they are convinced that you are acting

on these 4 types of preferences: relevant preferences, settled preferences, preferred preferences, and your own preferences. Although Goodin claims that these four preferences are reason for public officials to refrain from interfering, in each of the following cases presented he gives reason why paternalism would still be justified.

Goodin presents a scenario where a teenager named Rose begins to smoke at age 16 due to films she had seen where smoking was portrayed as “cool, glamorous, and grown-up.” The girl testifies before a judge that she began smoking Chesterfields primarily because of advertising of “pretty girls and movie stars.” She attempted to quit smoking while she was pregnant, but even then would sneak cigarettes. In 1955, Rose then switched her brand to L&M’s believing the advertising that the filter would trap anything that was bad in the cigarette. Relying on advertisement again, Rose eventually switched to Virginia Slims. In time, Rose developed a smoker’s cough, and eventually developed lung cancer. Several attempts to quit were failed and ultimately her lung was removed. Even after promising her husband and doctors she would quit, Rose was addicted and was not able to successfully stop smoking until she was diagnosed as fatally ill.

Relevant preferences are those that are genuinely relevant to the decision at hand. In Rose’s case, she was led by false advertising to suppose that smoking was safe when in fact it was not. She believed the act to be glamorous when the truth was that smoking might well cause “circulatory problems requiring the distinctly unglamorous amputation of an arm or a leg.” Gooding states that when people make purely factual mistakes like that, it is ok to override their surface preferences (their preference to smoke) in the name of their own deeper preferences (to stay alive and keep their body in tact).

Settled preferences are those decisions that are made as a final decision, after weighing all of the possibilities. Goodin challenges these “settled” preferences by pointing out that what one decides to do now, though they genuinely feel it is what they want, they may actually be in a transitory phase and decide to change their mind later. For example, many teenagers today are aware of the effects of smoking. Many of them would say that they prefer a shorter more glamorous life, and are

therefore more willing to accept the risks that smoking entails. Being that the teenage years are of the daredevil phases we all go through, we can't help but assume they will virtually all grow out of such a decision. Goodin believes that it is "morally permissible for policymakers to ignore one of a person's present preferences (to smoke, for example) in difference to another that is virtually certain later to emerge (as was Rose's wish to live once she had cancer).

Preferred preferences are those in which people want to stop some activity, but find that they are unable to do so. Paternalistic public policy that helps people to do this certainly overrides people's preferences, but Goodin believes that it is hardly immoral if these are preferences that the people themselves wish they did not have.

Finally, ensuring that a preference is your own is important when deciding for paternalistic interference or not. Goodin argues that the whole purpose of respecting people's preferences (or choices) is because we respect them as persons, however if those choices are literally someone else's, then there is clearly no logic in respecting those preferences.

Goodin adds that advertising implants preferences in people in a way that largely bypasses their judgment. Such as in the case of Rose, she made her decisions based on false advertisements that led her to believe that smoking was safe. Goodin would argue that it is possible that due to these advertisements, Rose's judgment was bypassed and her preferences therefore weren't hers to respect in the first place.

Given all of these different types of preferences, Goodin ultimately concludes that paternalism is permissible in almost all cases. In the case of smoking, he believes that practical policy terms would be to ban the sale of tobacco, or possibly turn it into a drug that is available only on a prescription basis. He suggests making cigarettes difficult and more expensive to obtain, especially for youngsters. Though he is aware that such a policy is overriding smoker's preferences, he believes that it is permissible because he believes that most of them do not want to die, especially ten to fifteen years before their time, as they would if they were to continue smoking.

Goodin's arguments are no doubt looking out for the best interest of the smokers themselves, however it is questionable as to how far this best interest should go. Surely, if arguing the rights of children these decisions can be made more easily, because they are still developing and learning how to make choices of their own, but when adults are making incorrect choices of their own, it is anyone's right to override that even if it is in their best interest?

Goodin discusses four different types of preferences and how though a person seems to be making a responsible choice. But suppose a smoker did not mind dying several years earlier before their time, and would rather smoke and be happy until that day comes. Is it really anyone's right to say they are not thinking long-term? I believe Goodin may be going too far with his paternalistic policies.