Paternalism Is Not Less Wrong in Intimate Relationships

Andreas Bengtson and Søren Flinch Midtgaard, Aarhus University

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Abstract: Many believe that paternalism is less wrong in intimate relationships. In this paper, we argue that this view cannot be justified by appeal to (i) beneficence, (ii) shared projects, (iii) vulnerability, (iv) epistemic access, (v) expressivism, or (vi) autonomy as nonalienation. We finally provide an error theory for why many may have believed that paternalism is less wrong in intimate relations.

1. Introduction

Paternalistic acts in intimate relations are standardly considered to be if not innocuous (or even required) then at least *less* wrong than similar acts undertaken outside the intimate circle (Birks, 2021; Enoch, 2016: 34; Tsai, 2016; 2018).

In this paper, we shall argue that this standard view is false. We will show that the reasons appealed to in explaining why paternalism is less wrong in intimate relationships, such as beneficence, shared projects, and vulnerability, fail to justify that conclusion. Indeed, on their most plausible construal, they justify neither the conclusion that paternalism is *always* less wrong in intimate relations than in non-intimate relations nor the conclusion that paternalism is *generally speaking* less wrong in intimate relations than in non-intimate relations. Since many have believed that paternalism is less wrong in intimate relations, we end the paper by providing an *error theory* as to why many might have thought so—a theory which appeals to consent, collective projects and coordination.

Our argument is significant for several reasons, three of which we mention here. First, it is significant in itself that the standard view is false. This, we hope, will also become evident throughout the paper. Second, in discussions of paternalism, the question is sometimes raised whether we should adopt a *unified* account of the wrongness of paternalism, according to which paternalism is wrong for the same reason independent of context, or a *non-unified* account, according to which paternalism is

wrong for different reasons depending on context. Our investigation lends indirect support for the unified account in that the wrongness of paternalism does not differ between intimate and non-intimate relationships. Perhaps there are other contextual factors which make a difference, but the one under consideration here is not one of them. Third, our argument raises new questions regarding the wrongness of paternalism in intimate and non-intimate relations. If we are right that the standard view is false, we are left with two views: paternalism is equally wrong in intimate and non-intimate relations (the Neutral View) or paternalism is more wrong in intimate than in non-intimate relations (the Reverse View). Settling whether the Neutral View or the Reverse View is correct is beyond the scope of this paper. Yet some of the reasons we discuss which have been proposed in favor of the Standard View may surprisingly, as we will see, support the Reverse View instead. In this sense, our investigation will hopefully be a first step in deciding between the Neutral View and the Reverse View.

Three preliminary points before we proceed. First, in discussions of paternalism, it is common to distinguish between *institutional* and *interpersonal* paternalism (e.g., Enoch, 2017: 24; Husak, 2003). Institutional paternalism refers to paternalism by the state towards its citizens whereas interpersonal paternalism refers to cases in which an individual paternalizes another individual. While authors seem to agree that it is a least an open question to what extent we can make inferences regarding the nature of paternalism from one to the other of those forms of paternalism, a specific thesis about the relative wrongness of the two forms is not, to our knowledge, defended. Yet this is not the distinction that we are interested in in this paper. Here we are interested in the related but different distinction between *intimate* and *non-intimate* relations.[1] By *intimate relations*, we have in mind romantic relationships, close family relationships, friendships and the like. These, we will

[1] While intimate relationships are interpersonal, not all interpersonal relationships or interactions are intimate (e.g., an agent X acting paternalistically towards a stranger Y). On the other hand, institutional paternalism is non-intimate.

assume, are relationships of which we want to say that the involved parties not merely *stand in some relation* to one another, but that they *have a relationship* with one another (Kolodny, 2003). They are relationships which constitutively involve *interaction*: "the mutual shaping and modification of attitudes, dispositions, and behavior between members [of the relationship]" (Tsai, 2016: 168). And, importantly, that this interaction is taking place over time (ibid.). Additionally, they involve *mutual affection*: the parties care about each other, and they care that they care about each other (Cohen, 2009: 34-35). Finally, we will assume that they are *non-professional* in the sense that one of the parties is not paid to take care of the other party. This excludes relationships such as a commercial therapist-patient relationship. We will take *non-intimate* relations, on the other hand, to be relations that do not satisfy these conditions. It will include relationships such as those between co-citizens and doctor and patient.

Second, how to define paternalism has been heavily debated in the literature (see, e.g., Begon, 2016; Bullock, 2015; Coons and Weber, 2013; Dworkin, 2020; Grill, 2007; Quong, 2010; Midtgaard, 2021; Scoccia, 2018; Shiffrin, 2000). Our aim in this paper is not to define paternalism (cp. Enoch, 2016: 21), but to discuss whether it is less wrong in intimate relations. For this reason, we will simply assume a standard definition of paternalism according to which A acts paternalistically towards B if and only if (i) A interferes with B; (ii) A circumvents or by-passes B's agency or judgment; and (iii) A is motivated by promoting B's interests, good, or well-being.

Third, we will exclusively be focusing on relationships between autonomous adult persons. This excludes, for instance, relationships between parents and young children. We do so, not because we do not believe that paternalism towards children raises interesting issues—it clearly does (see, e.g., Anderson and Claassen, 2012; Bengtson, 2022; Grill, 2018; Mullin, 2014; Pedersen, 2023)—but simply because we do not want to overcomplicate matters. After all, new questions with regard to the

morality of paternalism arise when the paternalized agent is not fully autonomous. We prefer here to focus on the 'cleaner' case of relationships involving autonomous adults.

2. Is paternalism in intimate relationships less wrong than elsewhere?

In this section, we will present and discuss several arguments for why paternalism is less wrong in intimate relationships than it is in non-intimate relationships. But it is important first to clarify the exact nature of the claim(s) that we are investigating. Consider the following thesis:

> *The Universal View*: Paternalism is *always* less wrong in intimate relationships than in non-intimate relationships.

This view says, not only that paternalism is usually less wrong in intimate relationships, but that paternalism is *always* less wrong in intimate relationships. Presumably, this is due to features constitutive of intimate relationships which are absent in non-intimate relationships. We believe that most of those who have discussed the issue of paternalism in intimate relationships have had this view in mind. The most well-developed argument in the literature—the one proposed by Tsai (2018)—takes this form. As he says,

> Aspects of intimate relationships that help to constitute it—such as mutual concern, joint identification and shared projects, trust and vulnerability, relationship history and idiosyncratic habits, mutual knowledge and understanding—can make a normative difference to whether paternalistic interference involves the wrong-making features of paternalism (when it is wrongful). In virtue of these constitutive elements of intimate relationships, paternalistic interference that would be wrongful if performed by non-

> intimates may be morally acceptable (or less morally unacceptable)—and even morally admirable or obligatory—if performed by intimates (Tsai, 2018: 355).

In pointing to these constitutive elements of intimate relations, Tsai defends the Universal View. It is not merely that features that are generally present in intimate relations make paternalism less wrong in such relations. It is that features which are constitutive of such relationships—and which are absent in non-intimate relationships—make paternalism less wrong.

And Raz (2001: 122) also seems to be defending the Universal View when he says,

> Even where the cogency of the paternalistic reasons for coercion is not in doubt one may well object if a stranger, let alone a potentially hostile stranger, takes it upon himself to coerce one for one's own good. The point reflects the nature of trust—a central element in all those relationships in which it is appropriate to speak of people as being loyal or disloyal to each other or to the relationship. Trust involves relaxation of the normal standards of vigilance and independence (though, of course, not their complete abandonment).

In saying that trust is a "central element in all those relationships in which it is appropriate to speak of people as being loyal or disloyal to each other or to the relationship," and that "trust involves relaxation of the normal standards of vigilance and independence," it seems that Raz, like Tsai, defends the Universal View.[2]

But there is also a weaker view:

[2] We thank an anonymous reviewer for pushing us to say more about the place of the Universal View in the literature.

The General View: Paternalism is *generally speaking* less wrong in intimate relationships than in non-intimate relationships.[3]

That is, this view does not say that paternalism is *always* less wrong in intimate relationships. It says that paternalism *generally speaking* is less wrong in intimate relationships. In this way, it is open to the possibility that there might be exceptions to the general claim. For this reason, it requires more to show that the General View is false than to show that the Universal View is false. Indeed, *one* example in which we could show that paternalism is not less wrong in an intimate relationship would suffice to falsify the Universal View, but it would not threaten the General View. To challenge the latter, it seems, we need for example to show that when we compare standard examples of paternalism in intimate relationships with the staple of examples of paternalism in non-intimate relationships (for example helmet and seat-belt mandates), the former emerges as being less problematic or *pro tanto* wrong than the latter does. We will therefore assess both the Universal View and the General View in relation to the different arguments for why paternalism is less wrong in intimate relationships in what follows (although, as we saw above, both Raz and Tsai defend the Universal View).[4] With this clarification, let us proceed to presenting and canvassing the arguments.

[3] There is also an even weaker view, namely that paternalism is *sometimes* less wrong in intimate relationships. But this view does not say much. Indeed, it is compatible with paternalism sometimes being *more* wrong in intimate relationships and thus, ultimately, that the intimate/non-intimate relationship distinction is not particularly relevant to the wrongness of paternalism. For this reason, and because this is clearly not the view that people have discussed in the literature, we set it aside.

[4] There might also be the view that intimacy always matters, but only *pro tanto*. We focus on the Universal View because it has played a prominent role in the literature, and we consider the General View because it is an alternative to the Universal View with a similar shape, i.e., speaking to the wrongness of paternalism within the realm of an intimate relation compared to a non-intimate relation). But two remarks in relation to the *pro tanto* view. First, we still need to explain why intimacy always matters *pro tanto*, and there the reasons we consider throughout the paper should be relevant. And, second, we show in relation to these reasons that the *pro tanto* claim is not true, or at least that not enough has been said to establish that it is true. Note also that the Universal View and the General View are also pro tanto views in the sense that they speak to wrongness in relation to paternalism, but there are of course other considerations that we need to take into account when making an *all things considered* judgment of whether we should paternalize another. We thank an anonymous reviewer for raising this issue.

A. Stronger demands of beneficence

According to the first argument, we plausibly have stronger reasons of *beneficence* in intimate relationships. That is, A has stronger reasons of beneficence towards their intimate relation B than they have towards those with whom they do not have an intimate relation. Beneficence can mean different things, but what we have in mind here is reason to care about and promote the well-being, good or interests of others. Enoch expresses this idea: "But she [my wife] is also under special obligations, compared to strangers, to promote my wellbeing … This is why, whatever you may think about her hiding the candy (in order to promote my wellbeing and protect me from my own akrasia), surely you think it would be much more morally objectionable for a distant colleague of mine to do so" (Enoch, 2016: 34; see also Tsai, 2018: 355).

According to Enoch and others, then, reasons of beneficence are stronger in intimate relationships. Thus, paternalistic acts of the kind Enoch alludes to that aim to protect others from akrasia and similar phenomena threatening to reduce their well-being are less morally wrong (if wrong at all) when they are performed in intimate relationships than when they are performed in non-intimate relationships. Let us refer to this as the *Argument from Beneficence*.

There are the following problems with this argument. First, even if is true that there are stronger reasons of beneficence in intimate relations than in some relationships (say, between mere strangers),[5] that is not distinctive of intimate relations. Indeed, there are several non-intimate relations of which it is true that there are stronger reasons of beneficence. Think, for instance, of the relationship between therapist and patient.[6] In that case, there are clearly stronger reasons of beneficence than in

[5] But one might also ask: why is it the case that there are stronger reasons of beneficence in intimate relations? If this is because we implicitly assume that *consent* to certain acts is present, or because it is apt for reasons of *efficiency* or *coordination* that we have special obligations and responsibilities to those near and dear, this does not explain why paternalism is less wrong in intimate relations (as opposed to explaining why we might have thought that paternalism is less wrong in intimate relations). We say more about this in the final section of this paper.

[6] One may object that even though we have taken the therapist-patient relationship to be non-intimate, it seems that the kind of intimacy about which it is interesting to say that it is relevant to the wrongness of paternalism is also present in this kind of relationship. We have the following responses. First, it does not seem to be the kind of intimacy that proponents of the Universal View in the literature have in mind. Tsai says: Indeed, "part of what we value in valuing

relationships between mere strangers. If the patient is a threat to themselves—indicating, say, that they might commit suicide—the therapist has a stronger reason to protect their well-being than a stranger does. Similar stronger reasons of beneficence exist between doctors and patients. And for a paramedic in rescue situations: they have stronger reasons of beneficence—stronger reasons to save the person's life—than a mere stranger. Thus, the issue of reasons of beneficence cuts across the distinction between intimate and non-intimate relations and thus cannot explain why paternalism is less wrong in intimate than in non-intimate relations.

One may respond that even if it is true that the degree or strength of reasons of beneficence is the same in intimate and non-intimate relations, there is a difference in the kind of beneficence in the two types of relations, e.g., the kind of beneficence exhibited in, say, a romantic relationship is different from the kind of beneficence exhibited in, say, a relationship between therapist and patient. This could justify the Universal View and the General View.[7] We have the following responses. First, it is not sufficient merely to say that there is a difference in the kind of beneficence in intimate and non-intimate relations. One must provide an argument for why there is this difference. And we suspect that many of the reasons that one might appeal to here are some we discuss as we move along in the paper (such as mutual vulnerability). So we will respond to these in due course.

Second, even if we assume, for the sake of argument, that there is a difference in the kind of beneficence, that is still not sufficient to vindicate the Universal View or the General View. The reason is that even if there is a stronger duty of beneficence, paternalism might not be a permissible means of satisfying this stronger duty. It could be that paternalistic considerations are simply silent

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intimate relationships is being in a trusting relationship: a relationship in which the participants are mutually vulnerable to one another in part because they have placed their trust in one another" (Tsai, 2018: 356). Note that Tsai points to the participants in intimate relationships being *mutually vulnerable*: A being vulnerable to B and B being vulnerable to A. This is not the case in therapist-patient relationships. Although the patient may, in some sense, be said to be vulnerable to the therapist, the therapist is not vulnerable to the patient. Mutual vulnerability is not a constitutive part of such relationships. Second, if you believe that therapist-patient relationships fall within the intimate camp, you may simply replace that example with a lawyer-client, doctor-patient, case worker-client or some other relationship when we mention therapist-patient relationships. We thank an anonymous reviewer for raising this objection.

[7] We thank an anonymous reviewer for raising this objection.

in this context (see, e.g., Grill, 2015; Groll, 2012), irrespective of how strong the duty of beneficence is. The paternalistic considerations could still be irrelevant, as it were. This is to say that there is a jump from saying that there are stronger reasons of beneficence in intimate relationships to saying that therefore paternalism is less wrong in intimate relationships. The Argument from Beneficence does not justify this jump. So at least more needs to be said to justify the Universal View or the General View.

Third, even if we were to suppose that an argument could be provided to bridge this jump, this might still not justify either the Universal View or the General View. This is the case because even if there are stronger reasons of beneficence, because it is an intimate relationship, there might at the same time be considerations pulling in the opposite direction, such as a stronger duty to respect the autonomy of the other. To illustrate, Enoch (2016: 34) says that "it's important to note that the moral norms that govern intimacy may work in both directions. Thus, perhaps my wife is under special obligations not to think ill of me [in the way one would do if one were to think that paternalism would be needed]. But she is also under special obligations, compared to strangers, to promote my wellbeing …" And these considerations may cancel out each other such that paternalism is actually not less wrong in intimate relationships after all, even if there are stronger reasons of beneficence. A similar argument could be made in relation to respecting autonomy: that precisely because you are in an intimate relationship, you have a stronger duty to respect the autonomy of the other. And this stronger duty might cancel out the presumed stronger duty of beneficence. This might explain why you would react more strongly to your partner signing you up to a fitness center because it would be good for you compared to your doctor signing you up for the same reason.[8] In any case, even if we assume,

[8] We borrow this example from Bengtson (2022).

for the sake of argument, that there is a stronger duty of beneficence in intimate relations, this might still not justify either the Universal View or the General View. More needs to be said.[9]

B. Shared projects

Tsai (2018) argues that it is due to constitutive features of intimate relationships that paternalism is less wrong (or not at all wrong) in intimate relations.[10] One of these features is that intimate relations such as romantic relationships are in part characterized by the partners *pursuing shared projects* such as raising children, travelling together, renovating a house together, etc. Tsai argues that such shared projects open the door to more justified paternalism amongst those who share such projects compared to what may be permissible between persons who do not have common projects of this kind. As he says:

> The successful pursuit of these shared projects and aims are clearly connected to both one's own well-being as well as the welfare of the intimate with whom one shares the projects and aims. Thus, there will be cases where one has project-based reasons to do X (or forbear doing X) that may involve interfering with an intimate's agency (or limiting her choice options). That is, furthering the success of a project that one shares with an intimate, B, may involve acting in a way that circumvents B's agency but does not objectionably intrude on B's sphere of agency. The success of the project may be welfare promoting for both oneself and B. Since the shared project is partly one's own project,

[9] Compare (an argument that we provide later in the paper): even if there is better epistemic access within intimate relationships, such that persons within intimate relationships have more evidence to justify their paternalistic interferences, paternalism might still not be less wrong within intimate relationships because more evidence might be needed to justify paternalistic interferences, e.g., because more is at stake or because of epistemic partiality.

[10] He conceptualizes paternalism in a morally neutral way: a paternalistic act, according to him, involves A interfering with or circumventing B's agency for B's own sake where such interferences need not be morally objectionable (Tsai, 2018: 350-351, 356).

> one may have project-based reasons to act that others who are not part of the relationship (and so do not partake in the shared project) do not have (Tsai 2018: 356).

He mentions an example of A and B who are co-parents with a shared project of "raising the kids well" (Tsai, 2018: 356). A interferes with B's self-harming behavior (e.g., B's drinking problem) on the grounds that this will interfere with B's abilities as a parent, and hence presumably with their common project. The way in which Tsai develops this case is rather odd, though. He stipulates that "A's motive is not purely other-regarding" (ibid.) In fact, he says that "A's motivating concern is that B's behavior would lead to A's having to "pick up the slack." As Tsai himself points out, on this description of the case it is clear that one may wonder whether it is a case of paternalism at all.[11] Yet there are alternative descriptions of the case in which this is much less of a concern, if at all. And to assess the "shared project" case for the Universal and General theses, it would be useful to have such a description in front of us.

Our suggestion is the following. A again interferes with B's drinking problem. For example, A refrains from passing on a message from B's drinking buddies that they would like B to know that they "are going out tonight and were hoping that B might join." A prevents B from getting this message in part out of consideration for B's well-being. Presumably, B is committed to the joint project of raising the kids well and have (on a par with A) critical interests in it succeeding. Indeed, that the kids are raised well and that this happens as a result of a collaboration between A and B is part of B's (and A's) critical interests.[12] Yet B suffers from weakness of will, presentist bias or some

[11] Even more puzzling is that Tsai apparently does not consider this a serious problem. The crucial point "morally speaking," as he says, is that "there is greater overall justification for intervention in virtue of the shared project to raising the children" (Tsai, 2018: 356). Two comments. First, this allegedly crucial point is somewhat opaquely put. Second, Tsai seems here (at least as concerns the "shared project" consideration) to give away the game of trying to point to features of intimate relationships that may make *paternalism* less problematic.

[12] *Critical interests*, according to Dworkin (2000: 216), are interests in things or beings and doings that we should or ought to want, for example, an interest in having a good relationship with our children (if we have children). In contrast, *volitional interests* are interests in having or doing what we happen to want, for example the ability to complete a marathon in less than four hours.

such similar phenomenon—decision-making foibles that may lead B astray with respect to their critical interests. This is A's cue for acting in the paternalistic way A does by seeing to it that B is not presented with the tempting invitation to join B's buddies on a night out. Thus specified we seem to have a clear case of paternalistic interference by one intimate partner in the affairs of the other or in their common affairs.

Yet the specification that the project is common raises another concern about the (non)paternalistic nature of the cases under consideration. The potential problem is that pursuing shared projects is a *collective*, and not an *individual*, endeavor. But this means that if one is interfering with an intimate's agency in relation to a shared project, say, one parent interferes with the other parent's agency because they thereby better fulfil the shared project of raising their kid well, the interference will be based on it being beneficial for their shared project—their collective endeavor. For that reason, it seems that it is not really a paternalistic interference. A paternalistic interference, as we explained earlier, requires that X is motivated to promote Y's interests, good, or well-being. It must be motivated, that is, by expected benefits accruing to the *individual* that is interfered with.[13] So even if the fact that they are pursuing shared projects provides intimates with more room for interference to further their shared projects—something which we do not have to take a stand on given our purposes in this paper—the Argument from Shared Projects does not show how this makes paternalism less wrong in intimate relations (irrespective of whether we assume the Universal View or the General View).[14]

[13] One may suggest that matters are more complicated here. Suppose that someone intervenes with my actions, out of a motivation to improve my wellbeing, but only because they promised my mother to so care. Might it not be a paternalistic interference even if wanting to improve my wellbeing is not the paternalistic agent's ultimate motivation (cp. Shiffrin, 2000)? At least it seems fair to say that this is not the standard view. But, in any case, since we are assuming that it is a paternalistic interference (see the next paragraph), we do not have to settle this question about the understanding of paternalism. We thank an anonymous reviewer for raising this issue.
[14] We return to this issue later in this section.

Yet in principle one can disaggregate the collective endeavor, and the benefits that accrue to those taking part in it, in such a way as to allow for paternalistic acts being taken by one of the parties to a shared project. That is, we may emphasize that A, with respect to their interference in B's self-harming act, is motivated in part by B's well-being. Indeed our revised version of the case suggests as much; and even if, say, the goods realized given that A and B keep their shoulders to the wheel take a collective form reflecting something that the parties do together which cannot meaningfully be reduced to individual contributions and benefits, A may be concerned with B's interest in being a part of the realization of such an irreducible collective good. Accordingly, A may treat B paternalistically in the fashion indicated in our revised case—a case that is undeniably taking place between people that are in an intimate relation. The question then is whether the fact of shared projects affects the permissibility of paternalistic acts, specifically whether it makes them less wrong in intimate contexts.

There are certainly aspects of A having a shared project with B that would seem to affect the permissibility of various paternalistic acts that the parties may undertake towards each other. For example, by virtue of A having this shared project with B, A may be more knowledgeable than outsiders are concerning B's commitment to the project and regarding B's critical interests in its success. Yet this is a reason of the wrong kind if one is interested in showing that intimate relations in themselves make a difference for the permissibility of paternalistic acts. It suggests that intimate relations are relevant to the permissibility of paternalistic actions in that intimacy carries a (contingent) relation to epistemic access, that is, people who are in an intimate relationship, all things equal, know more about each other than do outsiders. For example, they tend to have a more reliable and fine-grained idea of each other's interests. That is, what ultimately affects the permissibility of paternalism here is epistemic access (cp. Scanlon, 1975), not intimate relations as such.[15]

[15] One may object that, as we point out in the paragraph, there is a distinction between intimacy *ultimately mattering* and intimacy *merely mattering* (though not necessarily ultimately), but that there is no reason to think that defenders of the received opinion have the former in mind, and that we, in this sense, implausibly inflate the target thesis. But as we explained in Section 2, Raz and Tsai do have in mind the view that intimacy ultimately matters for the wrongness of

To see whether there is a reason of the right kind—one that shows that intimate relations qua shared projects being a constitutive feature make a difference to the (im)permissibility of paternalistic acts—we should focus on a clear case that brackets the typically better *epistemic access* that an intimate paternalizer has to for example the interests of an intimate other and to how to promote those interests relative to the epistemic access of a stranger.[16] Here is a simple case where we assume that those who stand in an intimate relationship do not have superior knowledge of each other's interests and of how to promote them relative to the knowledge possessed by benevolent strangers or acquaintances (or the case brackets such differences): in one version, A and B are in an intimate relationship and share the project of removing plastic from turtles' habitats (plastic the turtles may swallow and which may do them harm); in the other, in contrast, A and B are not in an intimate relationships (e.g., they are mere acquaintances) and do not share the project of removing plastic from turtles' habitats. Yet B is engaged in the project. In both cases, B has a drinking problem that threatens to detract from B's contribution to the good cause; in both cases, A paternalizes B by not passing on a message from B's drinking buddies. The question is whether it affects the degree of wrongness of the paternalistic action that in the former case A and B are intimates and have a shared project whereas this is not so in the latter case.

We submit that this is not the case. Indeed it seems to us that regarding wrongful paternalism, the two cases are similar. That is, they appear equally problematic or unproblematic depending on your conception of paternalism and its wrongfulness. True, in the former case B might be letting A down if B lets their drinking affect A and B's common cause, and this may give A an agent-relative reason to act so as to keep B's shoulder to the wheel. Yet, as noted above, if A's reason for doing so is to protect A themselves from being let down by B or from the consequences of B not doing their

paternalism. And later we will also consider arguments of the form that intimacy merely matters in virtue of something else mattering (when we discuss epistemic access and expressivism). We thank an anonymous reviewer for asking us to clarify this issue.

[16] We return to the issue of epistemic access in Section D.

part, A's act is not paternalistic, and the mentioned agent-relative reason does not show that paternalism is easier to justify between intimate others with a shared project than it is in other cases. This is an important point. We believe that much of the intuitive appeal of the shared projects argument stems from conflating such interferences with paternalistic interferences.[17] Of course, A could be concerned about the impact of B's well-being related to B acting so as to let down A (e.g., in terms of B feeling shameful etc.). This would qualify A's act as a paternalistic act, and if the reason for A interfering is unique to the case of intimate others and the projects they share, this could suggest a reason for finding paternalistic interferences in the context of intimate others with shared projects less problematic than paternalistic interferences would be in other contexts. Yet the consideration alluded to is not unique to the former context. That is, A who is neither in an intimate relationship with B nor engaged in a shared project with B could be concerned with B letting down others with whom B shares the project and specifically with how this would affect B's well-being negatively. Indeed, this might often be (part of) what is going on when the state paternalizes its citizens (a non-intimate relation). And we also, cf. our earlier remarks, still need an explanation of why having shared projects make a difference to *paternalism*'s wrongness, as opposed to making a difference to the wrongness of interferences in collective projects or for the benefit of the one interfering. The upshot is that we find it difficult to see how the Argument from Shared Projects in itself can explain why paternalism is less wrong in intimate relations.

C. Vulnerability and trust

Another constitutive feature of intimate relationships, according to Tsai (2018; see also Tsai, 2016), is that the parties are *mutually vulnerable*. Being in an intimate relationship is in a sense to expose

[17] We return to this point in Section 3, where we present an error theory for why many may have thought that paternalism is less wrong in intimate relationships.

oneself to the other: to put forward one's vulnerabilities and insecurities. Indeed, "part of what we value in valuing intimate relationships is being in a trusting relationship: a relationship in which the participants are mutually vulnerable to one another in part because they have placed their trust in one another" (Tsai, 2018: 356; Cp. Baier, 1995: chs. 3, 6-7). This greater vulnerability paves the way for justified paternalism according to Tsai. As he says, "the fact that friendship and loving relationships typically entail greater vulnerability is non-accidentally related to the fact that it is often not simply unobjectionable or admirable to paternalistically intervene as a friend but also a requirement of being a good friend or lover" (Tsai, 2018: 356). And insofar as vulnerability and trust are not constitutive features of non-intimate relationships, this may explain why paternalism is less (or not at all) wrong in intimate relationships.

Vulnerability, on Tsai's account, implies in part that partners in an intimate relationship are transparent to each other in the sense that they are aware of the fears, weaknesses, susceptibility to certain temptations, etc., of the other. Relatedly, they are not afraid of exposing such features to each other: they feel safe in doing so and understood in a way that would not be the case were they to expose themselves in similar ways to strangers. That intimate relationships are in part characterized by mutual vulnerability and trust of this kind implies, according to Tsai that "when intimates treat us paternalistically—that is, are moved out of beneficent concern to limit our agency, seeing that we need help, that we are not self-sufficient, that we are vulnerable and fallible in the relevant deliberative situation—their motivating concerns about our ability to adequately help ourselves on our own are often not experienced as insulting or disrespectful" (Tsai, 2018: 357). Let us refer to this as the *Argument from Vulnerability and Trust*.

An initial problem with Tsai's argument might be the following. Note that Tsai points out that paternalistically interfering may be "a *requirement* of being a good friend or lover" (emphasis added). But if it is a requirement of being a good friend or lover, and a friend or lover interferes in the affairs

of an intimate other because they want to live up to this requirement, then we might not be dealing with a paternalistic intervention. This is because the intervention in question may not in a transparent and primary manner be motivated by its tendency to promote the paternalized's interests, good or well-being; it may be motivated by the paternalizer's wanting to be a good friend or lover or by their discharge of their duty to act as friends or lovers do (for duty's own sake and/or for fear that one will face punishment or sanction if one refrains from acting as friends and lovers do).[18] Still, the friend or lover *could* paternalistically interfere (i.e. their primary motivation in interfering in the affairs of the other may be to promote the well-being of the latter). Hence let us consider the argument on the presumption that this is the case.

Tsai's point has some validity when seen against the backdrop of an influential conception of the wrongness of paternalism—one according to which the key objection to paternalism is that it involves an objectionable *negative belief* regarding the decision-making capacities of the person that is subjected to a paternalistic measure and/or regarding how likely it is that this person is going to use such decision-making capacities optimally in the service of their own good (Midtgaard, 2022; Quong, 2010; Shiffrin, 2000). This belief, proponents of the conception in question suggest, is disrespectful and insulting. Hence this objection may be referred to as the disrespect objection to paternalism (Arneson, 2018). Now, paternalism in intimate settings, like paternalism in general, apparently involves beliefs of this arguably problematic nature (in the absence of beliefs of the mentioned kind, there would be no case for intervention to begin with). Yet in the intimate setting—this being Tsai's important point—such beliefs can hardly be a source of insult in that they are in fact in part constitutive of the intimate relation in question—a relation that the person who is subjected to paternalism is presumably invested in and cherishes. So if one believes that the wrongfulness of

[18] We are aware that matters are more complicated here because of the distinction between *de re* and *de dicto* moral motivation (see, e.g., Carbonell, 2013; Field, 2022; Smith, 1994). But since our argument does not rely on the argument suggested in this paragraph—we assume that the interference is paternalistic—we can set this problem aside. We thank an anonymous reviewer for raising this issue.

paternalism pertains to (and only pertains to) beliefs of the mentioned kind, this objection appears indeed to be defused by the intimate setting.

Yet there is a compelling challenge to such an account of the wrongfulness of paternalism irrespective of whether it is applied to intimate or non-intimate relations. The challenge is this. As Enoch (2016) has pointed out, it is unclear how *beliefs* of the indicated sort may in themselves be wrong (for autonomy reasons).[19] If people are bad decision-makers, which many potentially are, then this is what we ought to believe. Wrongfulness arguably does not enter until an agent *acts* on the basis of beliefs of the kind we have alluded to, that is, negative beliefs regarding the decision-making capacities of the agent subjected to paternalistic measures or regarding the likelihood that they shall exercise such capacities in concrete decision-making contexts. The act in question infringes the autonomy of the intended beneficiary. The autonomy-infringement (perhaps specifically an infringement on the basis of the mentioned kind of beliefs) is what makes paternalism wrong on this view. And note that paternalism involves an infringement of this kind irrespective of it being performed in an intimate or a non-intimate relationship. Accordingly, on this view, there is no difference with regard to the degree of wrongfulness between paternalism in intimate relationships and non-intimate relationships.

This is not the end of the matter, though. Perhaps relevant autonomy rights and constraints are looser in intimate relations. Tsai indicates such a point by saying that "such relationships [intimate ones] enable us to relax the default self-protective strategies that we usually have in life" (2018: 356; Cp. Enoch, 2016: 34). Yet it is not clear that this is a point about more lax autonomy constraints in

[19] The parenthesis is relevant since some believe that beliefs may be wrong in themselves (see, e.g., Basu. 2019; Basu and Schroeder, 2019; Schroeder, 2018; for criticism, see, e.g., Enoch and Spectre, forthcoming; Osborne, 2021). But even if that is true, it is hard to see how they can be wrong qua violating the autonomy of the one figuring in the belief (which is what is at stake when discussing the wrongness of paternalism; we worry about paternalism because we care about autonomy). After all, qua belief there is no infringement of this person's autonomy. And even if we assume, for the sake of argument, that beliefs are wrong in themselves for autonomy reasons, that does not in itself explain why paternalism is less wrong in intimate relations (in fact, more evidence may be needed in intimate relations for justifiably believing that the other is bad at promoting their own good or interests).

intimate relations; rather, judging from the context, it pertains to his main point that in intimate relationships, we are more open regarding our vulnerabilities etc. However, Joseph Raz is explicit when it comes to endorsing the view that relations of trust "involve relaxation of the normal standards of vigilance and independence (though, of course, not their complete abandonment)" (2001: 122) and connects this directly to the justifiability of paternalism. Indeed he suggests that an apparently reasonable paternalistic intervention where the good intentions seem impeccable is justifiable when undertaken by someone whom the person subjected to the paternalistic coercion in question trusts, but not so if undertaken by a stranger (where trust is lacking). Thus, the "relaxation of the normal standards" is derivative of there being trust in the first place (this is why we discuss the former as part of the Argument from Vulnerability and Trust).

Yet Raz's claim here seems to be obviously too strong and, relatedly, it is unclear that it supports an asymmetry regarding the wrongness of paternalistic intervention in intimate and non-intimate relations. Say that A is aware of her friend B's proclivity to fall in love with "bad boys" and that this typically (if not universally) results in B's heart being broken. A is painfully aware of B's tendencies in this regard—indeed it is part of their valuable bond that they can speak about such matters, and B feels safe in exposing her vulnerabilities in this regard to A. The question then is whether this relationship warrants, in a way that a non-intimate relation does not, A in for example intercepting a message to B from what strikes A as a bad boy with a view to preventing B from another predictable heart break? We do not think so; If B found out, we think that she would be justified in responding along the following lines: "what on earth were you thinking! I know that I often make a mess of things when it comes to romantic relations; indeed we talk about it all the time, and I am very grateful for lending your ear in that regard and for the support you offer. But how dare you meddle in the way you have just done in my love life. It is after all *my* love life (messed up as it is)." Our point should be clear: completely standard and strong anti-paternalistic reactive attitudes may be released in the

wake of A's action towards B, and while the strength of such attitudes, or how morally weighty such are, may vary in accordance with one's views on paternalism, it is unclear that they vary across intimate and non-intimate relations. Indeed, it is in general not clear that vulnerability and trust call for more, as opposed to less, paternalism. Indeed, given their vulnerability, one might think, as indicated earlier, that a paternalistic interference is even more threatening to the status and relationship of intimates (cp. Fox, 2019). And the trusting character of the relationship may mean that the parties particularly trust that they do not paternalize each other. That A in the case just canvassed breaks B's trust in this regard is plausibly a part—and perhaps even a particularly important part—of the grievance the latter may have. In short, for all that has been said, the Argument from Trust and Vulnerability does not provide an explanation for why trust should make paternalism less, as opposed to more, wrong (or, for that matter, for why it should make any difference to the wrongness of paternalism at all). Thus, it is unclear why the facts of mutual vulnerability and trust make paternalistic interferences less wrong in intimate relationships.

Raz's brief discussion of these matters suggests that there might be another arrow in the quiver with regard to trust and vulnerability considerations. That is, he suggests that "purely paternalistic coercion is normally justified only if used by friends or others whose good intentions are beyond doubt (e.g., the person's doctor)." He connects this to the paternalistic act in question being justified by compelling reasons by which he means that the loss in independence by virtue of the interference in question is outweighed by the gain in well-being accruing to the person interfered with (Raz, 2001: 122). Yet as is already indicated by the way in which this consideration is put, the ultimate concern at issue is not trust, but that the paternalist transparently acts for good reasons, and this is at best contingently related to people being in intimate relationships (think, again, of doctors, lawyers, paramedics, etc.).

Both Tsai and Raz seem to us to put more weight on trust than it can bear (with regard to its relevance for the justifiability of paternalism). For example, Raz suggests that consent is of relevance to the justifiability of coercion because (and to the extent that) it indicates the presence of trust (2001: 122). But this seems to put the cart before the horse. We provided an example where trust and mutual vulnerability were high but where this did not seem to make coercion, deception or other forms of autonomy-infringing behavior more justifiable. Yet let us presume that during a conversation between the friends A and B regarding B's proclivity to end up with bad boys, B indicates something of this sort: "I wish you would stop me before I got too deep into such relationships." While much would need to be established to be able to confidently say that it would be acceptable for A to interfere in the development of a relationship between B and a new bad boy (including things having to do with A and B's relationship—things that might speak against interference despite the fact that B has consented to such measures in the hands of A), it would seem to us that *consent* here would have if not a magical effect then affect significantly the justifiability of an intervention of the indicated sort performed by A in the direction of making it more rather than less permissible (Owens, 2012). But this is due to consent being given, and not because of trust.

So, in sum, it is unclear why the facts of mutual vulnerability and trust—when we conceive of them such that they are exclusive to intimate relations—make paternalistic interferences less wrong in intimate relationships. Accordingly, the Argument from Vulnerability and Trust fails to support either the Universal Thesis or the General Thesis.

D. Epistemic Access

Earlier we put aside arguments from epistemic access because we were looking for reasons that paternalism might be less problematic in intimate spheres than it is in non-intimate spheres due to constitutive features of intimate relationships. From that perspective, epistemic reasons were reasons

of the wrong kind. Yet instead of looking at constitutive features of intimate relationships, perhaps we should consider contingent features such as the epistemic access that parties in an intimate relationship have in relation to each other. The idea might go as follows. Typically, intimates, compared to strangers, have better epistemic access to relevant facts about each other such as knowledge of each other's life plans, well-being, psychological states, etc. (cp. the case with two friends talking about love relations). This privileged epistemic access increases the likelihood of success of a paternalistic interference—that one in fact benefits the person interfered with—and this makes a difference to the wrongness of paternalism. Thus, the better epistemic access between intimates compared to strangers makes paternalism less wrong in intimate relationships. Let us call this the *Argument from Epistemic Access*.

The idea that epistemic access might affect the permissibility of paternalism is certainly valid to some extent: benefitting the person whose autonomy is infringed is indeed a precondition for a paternalistic intervention to be justifiable (and, all else equal, the larger the benefit, the more justified the paternalistic act is); and if the paternalist knows well the agent they paternalize then—all things equal—the chances that the act in question will benefit this person are better (in that the paternalizer has a very good idea of what would benefit the person in question). Yet the Argument from Epistemic Access runs into the following problems.

First, it does not support the Universal Thesis. We can clearly imagine situations in which a stranger—say, one with a highly effective algorithm—has the same (or even better) epistemic access to the intended beneficiary than an intimate of this person has. In that case, paternalism is not, for reasons having to do with epistemic access, less wrong in the intimate relation (see also Tsai, 2018: 354). Still, it might be true that it is generally the case that intimates have privileged epistemic access, so this argument might not threaten the General Thesis. But there are further problems with the Argument from Epistemic Access which also threaten the General Thesis.

Second, even if it is true that there is better epistemic access in intimate relations than in some other relationships (say, between mere strangers), that is not distinctive of intimate relations. Indeed, there are several non-intimate relations of which it is true that there is better epistemic access. Think, for instance, of the relationship between therapist and patient. It is clearly true that the therapist has privileged epistemic access. Indeed, it may even be that therapists in general have better epistemic access than intimate others. The same may be true of lawyers in relation to their clients. And doctors in relation to their patients. And so on. The issue of privileged epistemic access seems to cut across the distinction between intimate and non-intimate relations and thus cannot explain why paternalism is less wrong in intimate relations.

One might respond that perhaps it is a matter of the kind of epistemic access rather than the degree. One might think that we have a different kind of epistemic access to ourselves than to others, and this explains why we can permissibly act paternalistically towards ourselves. The same may be true with respect to intimate others. But when it comes to non-intimate others, we do not have that kind of epistemic access, and the ways of gaining the relevant evidence relevant to paternalistic interferences might then be impermissible.[20] We have the following responses. First, it is not clear that we have this different kind of epistemic access to ourselves. We know from cognitive science that people are prone to a range of cognitive biases (see, e.g., Kahneman, 2011). But, interestingly, there is a self/other asymmetry in relation to these biases. Mengarelli et. al. (2014) show that "loss aversion bias was significantly reduced when participants were choosing on behalf of another person compared to when choosing for themselves." A similar result is found by Andersson et. al. (2014). That the decision is made from an external point of view makes it less susceptible to these cognitive biases. So it is not clear that we have a different kind of epistemic access to ourselves. And the same may be the case in relation to people in intimate relationships compared to people in non-intimate

[20] We thank an anonymous reviewer for raising this objection.

relationships: it may be that decisions in the latter case, because they are made from an external point of view, are less susceptible to these cognitive biases. That the relation is more intimate may actually be a disadvantage, epistemically speaking.

Second, suppose, for the sake of argument, that it is true that an intimate partner has better epistemic access than a stranger. Still, this does not necessarily settle the matter of whether paternalism is less wrong since it may at the same time be true that more evidence is needed for a paternalistic intervention to not be wrong in an intimate relation than in a non-intimate relation, e.g., because more is at stake (Fox, 2019: 331) or because of epistemic partiality (Stroud, 2006; remember the quote from Enoch discussed in relation to beneficence). In brief, the latter consideration is that in the case of your friend or your partner, stronger evidence is required for justifiably believing that they, for example, would not be able to refrain from overeating if the candy were readily accessible to them (and perhaps for you to act on the basis of such beliefs), than is required for you to believe something similar regarding a mere acquaintance or a stranger (and perhaps for you to act on the basis of such beliefs) (Enoch 2016; Stroud, 2006). With regard to the former consideration—having to do with stakes—the thought is that the risk involved in the case of paternalism is higher in the sense that it in intimate relationships carries the risk of jeopardizing a valuable egalitarian relationship. So even if there is privileged epistemic access, paternalism may still not be less wrong in intimate relations (because more evidence is needed due to (i) the intimate nature of the relationship, and (ii) more being at stake here). The fact that more evidence is needed may outweigh the better epistemic access enjoyed by an intimate partner, as it were. This means that more is needed for the Argument from Epistemic Access to support the General Thesis.

E. Expressivism

Some argue that paternalism is wrong due to its *expressive meaning* (and not primarily because of the paternalizer's intention or the effects on the paternalized[21]). Cornell (2015) defends this view: "Paternalistic actions imply that the actor knows better than the subject with regard to a matter within the subject's sphere of control, and paternalistic actions are impermissible insofar as this expression is offensive. That is, paternalism is impermissible to the extent that it expresses something insulting" (Cornell, 2015: 1314-1315). Whether it expresses something insulting is a contextual matter (Cornell, 2015: 1317); something which must be determined "in light of the community's other practices, its history and shared meanings" (Anderson and Pildes, 2000: 1524-1525).[22]

We might use this to create an argument for why paternalism is less wrong in intimate relations. It might be argued that what a paternalistic act expresses depends partly on the type of relationship within which it takes place. Because of the nature of intimate relationships—the constitutive features we discussed above—paternalism may express less insult in intimate relations than in non-intimate relations (Tsai, 2018: 357). For this reason, paternalism is less wrong in intimate relations than in non-intimate relations. For example, while a paternalistic intervention in part expresses that the agent that is subjected to paternalistic measures is vulnerable, has certain weaknesses, etc., and does so irrespective of whether it takes place in intimate or non-intimate relations, the expression in question may not (for reasons parallel to those indicated in connection with the trust and vulnerability argument) be insulting while it would be so in relationships that are not intimate. Let us refer to this as the *Expressive Argument*.

There is an important kernel of truth in this argument—one akin to the grain of truth in the argument from trust and vulnerability. It is this. If the expressive objection is that paternalistic acts are wrong because (and to the extent that) they express that the agent that is subjected to paternalistic

[21] We say "primarily" because the paternalizer's intention may partly determine what the act expresses (Scanlon, 2008: 53; Schemmel, 2012: 138).
[22] For more on expressivism, see, e.g., Anderson and Pildes (2000); Hellman (2008); Scanlon (2008).

measures have various vulnerabilities, weaknesses, decision-making foibles, etc., then paternalism in intimate relations, as opposed to paternalism in non-intimate relations, appears morally unproblematic. It does so because intimate relations are in part constituted by a mutual awareness and understanding amongst the parties to the relationship of such vulnerabilities and weaknesses. Hence the expression of such by virtue of paternalistic measures or otherwise is not a source of insult.

Yet as suggested by our analysis of the friends bonding over the troubled love life of one of them, more might be at stake, also expressively speaking, when a helpful friend intervenes paternalistically in response to the weaknesses and vulnerabilities that their friend gladly reveals to them. By virtue of their paternalistic act, the helpful friend expresses that their friend is not only a friend with various weaknesses and faults (specifically, in our case, a proclivity to end up in hopeless relationships with bad boys)—weaknesses that the helpful friend is well aware of and has often discussed with their friend—but that their friend, because of their weaknesses, is incapable of running their own (love) life and that the helpful friend has to step in. This is hardly a respectful message, and perhaps particularly because of the stakes involved in the form of a highly valuable relationship.[23] So it seems that the argument from expressive content does not necessarily establish an asymmetry between paternalism in intimate relations and paternalism in non-intimate relations.

And there are further problems with the expressive argument. Consider contemporary societies, such as the US, in which there is not only a history of racism but in which racism is still prevalent (see, e.g., Anderson, 2010). Now, consider interracial intimate relationships between whites and black in such societies, e.g., a marriage comprised of a black person and a white person, or a friendship

[23] Consider also the following case mentioned above: your romantic partner signing you up for a fitness center because they believe it is good for you versus your doctor signing you up because they believe it is good for you. It seems that the former carries the more insulting message. It is true that stakes may be high in another sense which may make interventions more palatable: for example, the risk involved to the person interfered with may be of such a magnitude that it would take a somewhat insensitive friend to ignore them ("why didn't you intervene? You knew what I was getting myself into, and look where I am now") (cp. Pedersen, 2021). Yet in the absence of some form of consent to interferences in each other's private lives, the reasons to refrain from interfering (out of respect for the relationship, for example) appear to us more compelling.

comprised of a black person and a white person. When the white person paternalizes the black person in such relationships, it may, given the standing between the two groups in society, generally speaking express insult towards the black person (even if that is not the paternalizer's intention). Indeed, it may express that the black person is morally inferior (cp. Hellman, 2008).

For example, a white partner may act so as to try to keep their black partner away from a certain type of drugs. The former does so purely out of consideration for the well-being of the latter, both health-wise and relationship-wise (on the presumption that their partner's well-being, just as their own, would suffer if their relationship were to deteriorate, and that the drug abuse of one or both of them may hamper their relationship). Yet because the substance in question and its use and abuse in society rightly or wrongly is associated with blacks, the imagined paternalistic act of the white partner may carry the indicated problematic expressive content. It seems that in such circumstances, it would be different (i.e. less problematic) if a black stranger treated the black person paternalistically instead. In that case, it would not, or at least not to the same extent, express insult, e.g., that the black person treated paternalistically is morally inferior. It would for that reason be less wrong according to the standards of the Expressive Argument. And this would not only be true in this instance, but in general.

Moreover, it is not only the case when it comes to interracial intimate relationships. The same argument can be made in relation to intimate relationships comprised of men and women. Given not only the history of sexism, but also the current sexism from which women suffer in many contemporary societies, paternalistic treatment by men towards women in such relationships may, like in the interracial case, express insult towards the women: that they are morally inferior (even if that is not the men's intentions). For example, say that the male partner paternalizes their female partner to reduce the amount of hours they work (Cornell, 2015: 1305). While the partner may be concerned merely with the well-being of their partner (fearing for example that she will suffer a burnout if she continues working as hard as she presently does), his act may express the view that

women should not spend too much time away from home. It would seem to express less if any insult in this sense if the women were paternalized by female strangers instead. So it does not seem that the Expressive Argument supports the General Thesis (and thus neither the Universal Thesis).[24]

F. Autonomy as nonalienation and autonomy as sovereignty

As indicated in our discussion of the argument from vulnerability and trust, we worry about paternalism (at least in part) because we care about autonomy. As Enoch (2017; 2020; 2022) has helpfully argued, we must distinguish between at least two different autonomy values: *autonomy as nonalienation* and *autonomy as sovereignty*. Autonomy as nonalienation is to be the author of one's life. As he expresses it, "you're autonomous in the sense of non-alienation vis-á-vis an action or a decision that concerns you to the extent that the relevant matter is determined by your values, or your deep commitments" (Enoch, 2022: 144). Autonomy as sovereignty is different. It is simply to have the last say on a given matter; to be able to shape one's life according to one's *choices*. Enoch (2017: 31-32) illustrates the difference between the two through an example in which his daughter refuses to pass him the salt at the dinner table after he has asked for it. He insists and explains to her that he knows the health risks but that it is *his* body, *his* life, and that he would like to have the salt. If his daughter continues to refuse to pass him the salt, this is an affront to his autonomy as sovereignty since he is not given the final say on the matter. But she does not offend his autonomy as nonalienation since neither his deep commitments nor his ability to write his life story in accordance with them are

[24] A more general problem with the Expressive Argument is that it seems to locate the wrongness of paternalism in the wrong place. Presumably, paternalism is wrong because it wrongs the paternalized person (e.g., by negatively affecting their autonomy) (cp. Darwall, 2006). But the Expressive Argument does not locate the wrongness with the paternalized; the wrongness is instead located in the message that is sent by the act. It is the message which is wrong. For this reason, the Expressive Argument does not seem to capture the phenomenology of the wrongness of paternalism, including in intimate relations, since we usually believe that it is the one that is paternalized who is wronged. If true, the Expressive Argument might not be of much help to begin with.

threatened by his daughter being unwilling to pass him the salt. In this way, such an interference may violate one autonomy value, but not the other.

Now, Enoch argues that although autonomy as nonalienation is the more basic autonomy value, there are contexts in which autonomy as sovereignty gains independence and is the most important autonomy value. This is particularly the case in *politics*. In politics, the state should treat people's choices as *politically conclusive evidence* for their deep commitments (Enoch, 2022: 156). So even if their choices are not in line with their deep commitments, the state must still proceed as if they are. As Enoch argues, some matters are simply not the state's business, and inquiring further into people's deep commitments, when it comes to politics, is simply not the state's business (Enoch, 2022: 158). The second reason why autonomy as sovereignty is the most important autonomy value in politics is that people are thereby treated as *responsible active agents*; by focusing exclusively on their choices, they are held accountable as responsible agents (Enoch, 2022: 159-160).

Enoch's distinction may ground a new argument for why paternalism is less wrong in intimate relations (to be clear, this is not an argument that Enoch makes himself). Whereas autonomy as sovereignty is the most important autonomy value in politics, it might be argued that autonomy as nonalienation is the most important autonomy value in intimate relationships. And since paternalism may be conducive to autonomy as nonalienation—given that people are often irrational choosers (see, e.g., Kahneman, 2011)—but not to autonomy as sovereignty, this may explain why paternalism is less wrong in intimate relations than in non-intimate relations. Let us refer to this as the *Argument from Nonalienation*.

The Argument from Nonalienation suffers from the following problems. First, we need an explanation for why nonalienation is the most important autonomy value in intimate relations. It does not suffice merely to claim that this is the case. Indeed, in this context, saying that sovereignty is the

less important autonomy value in intimate relationships comes close to begging the question.[25] And we struggle to see what that explanation could be.

Second, that nonalienation is the most important autonomy value in intimate relations seems to some extent to go against the phenomenology of intimate relations. We typically do not think of our friends as being eligible to paternalize us in line with autonomy as nonalienation. Often, we would maintain that those are *our* decisions to make, and that we thereby think of sovereignty as being the most important autonomy value. This is supported by the case we discussed above involving a friendly intervention in a person's love life.

Third, if this argument has some intuitive pull, we believe it might be because it is assumed that since it is an intimate relationship, *consent* has already been given. This, of course, makes sovereignty take a backward position (relative to nonalienation) at the time of the possible paternalistic intervention. But this is only because it is assumed that sovereignty has previously been asserted (when they entered, and maintained, the relationship). So if this idea is what is driving our intuitions, it does not necessarily show that nonalienation is the most important autonomy value; it is simply assumed that sovereignty has already played its role. But then it might still be that sovereignty is the most important autonomy value in intimate relations. This argument in fact speaks directly to our next, and final, aim: to provide an error theory for why we might have thought that paternalism is less wrong in intimate relations.

3. An Error Theory

As we said, many seem to believe that paternalism is less wrong in intimate relations. We have seen that this cannot be explained by appealing to (i) beneficence, (ii) shared projects, (iii) vulnerability, (iv) epistemic access, (v) expressivism, or (vi) autonomy as nonalienation. Of course, there may be

[25] We thank an anonymous reviewer for this point.

another argument to be found, but we have considered the standard arguments put forward by those defending the standard view as well as some additional, *prima facie* compelling arguments, and we have a hard time imagining what a new argument could look like. But at least the burden of proof is now on those defending the standard view. Relatedly, and given that our argument—that paternalism is not less wrong in intimate relations—is revisionary, we would like to end this paper by reflecting on why people who have given thought to this matter have been inclined to think that paternalism is less wrong in intimate relationships. We believe that there are at least three reasons for why this is the case.

First, we believe that *consent* plays a role (as we alluded to above). Consider again Enoch's (2016: 34) example of his wife hiding the candy versus his colleague doing so. To the extent that we find paternalism less wrong in the former case, we believe this is because we (implicitly) assume that consent is present in the former, but not in the latter, case (cp. Muñoz and Baron-Schmitt, forthcoming: 7). In having entered the marriage, Enoch has consented to being in that relation (but that is not the case when it comes to his colleague), we might (implicitly) think. But this does not explain why paternalism is less wrong in intimate relations since even if it is true that we consent to being in intimate relations (but see Tsai, 2018: 355), it is not clear why we consent to being treated paternalistically.[26] Insofar as consent to paternalism is (implicitly) assumed in intimate relations, and paternalism is not wrong, or less wrong, when consent is involved (if it counts as paternalism at all), this might explain why we have thought that paternalism is less wrong in intimate relations. But it does not explain why paternalism is less wrong in intimate relations. As it happens, intimate relations *might* involve consent even to paternalistic interferences. We considered this briefly in the love life case. Yet if this makes paternalism more justifiable—or, alternatively, implies that the action is not

[26] In the same way that it is not clear why we consent to being treated paternalistically by the state by participating in politics.

paternalistic at all, which is the standard view in the literature—this does not show that intimate relations (or trust or vulnerability for that matter) make paternalistic interferences less problematic (if they are paternalistic at all); it shows that *consent* does.[27] And we already knew that.

The second reason for why we might have thought that paternalism is less wrong in intimate relations, we believe, has to do with *collective projects*. It is obvious that collective projects play a large role, perhaps even a constitutive role, as Tsai says, in intimate relations. One example would be a couple raising their small child. Now, once such collective projects are present in intimate relations, it presumably gives the intimates some rights over each other in relation to these projects. If one of the parties does not help out with the collective project, the other party might have the power to intervene to get them to help. So in that sense, some interferences which would have been wrong in the absence of collective projects may become non-wrong in the presence of collective projects. But we should not confuse at least some of those interferences with paternalistic interferences. Unless the interferences in question are undertaken in part with a view to benefit those whose liberty is interfered with, the acts in question are not paternalistic. The interferences that become non-wrong according to this argument are those undertaken on behalf of their collective project; those necessary to further their collective project. But some of those are different from paternalistic interferences as we saw when discussing the Argument from Shared Projects. So we might have thought that paternalism is less wrong in intimate relations because some interventions—those having to do with collective projects—that are wrong between strangers are (for non-paternalistic reasons) non-wrong between intimates.

[27] The reason we treat consent as part of the error theory, and not as an argument alongside the others we consider, is that the standard view in the literature is that an act fails to be paternalistic if there is consent from the one subject to interference (Arneson 1980: 471; De Marneffe 2006: 73; Dworkin 1972; Feinberg 1984: 12; 1986: 35; Grill 2011: 363). And since we are exploring whether *paternalism* is *less wrong* in intimate relations, consent cannot be used as an argument in favor of either the Universal View or the General View. Yet consent may in part explain why some have tended to regard paternalism in intimate relations as being comparatively unproblematic: they reasonably associate intimacy with consent and take this to imply that there are less strong objections to paternalism whereas strictly speaking what is at issue is that given consent the interferences in question are not paternalistic at all.

A third, and final, interesting contribution to a plausible error-theory is this. Consider a small village in which intimate partners with a certain feature P are likely to drink too much. Here there are good *reasons of coordination* for, say, people in intimate relationships with persons with the property P to be in charge of trying to counteract the health-endangering conduct of the latter. In other words, to address the problem in an effective way, it is important with a clear division of responsibility. The nub is that the apparent special moral permission that partners to over-drinkers enjoy when it comes to paternalizing them may in fact reflect reasons of coordination rather than it being more (or less) permissible that intimate others act in this way or that they have special moral obligations in this regard (to the extent that having special *obligations* and discharging them counts as paternalistic which is, as mentioned above, unclear) (cp. Goodin, 1988).[28]

Thus, we believe that appealing to consent, collective projects and coordination may provide an error theory for why many have believed that paternalism is less wrong in intimate relations than in non-intimate relations. But this, of course, is different from paternalism being less wrong in intimate than in non-intimate relations.

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[28] Of course, one might think that coordination considerations would speak in favor of universal state policies, e.g., a ban on alcohol consumption or at least a very restrictive policy. Yet assume (not unrealistically, see, e.g., Conly, 2012) that this is not a promising strategy. In such circumstances individual efforts are required and coordination of the sort implied by special obligations called for.

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