

Douglas MacKay
Department of Public Policy
Center for Bioethics
Philosophy, Politics, and Economics Program
University of North Carolina at Chapel Hill

Parenting the Parents: The Ethics of Parent-Targeted Paternalism
in the Context of Anti-Poverty Policies

Abstract

Governments often aim to improve children's wellbeing by targeting the decision-making of their parents. In this paper, I explore this phenomenon, providing an ethical evaluation of the ways in which governments target parental decision-making in the context of anti-poverty policies. I first introduce and motivate the concept of *parent-targeted paternalism* to categorize such policies. I then investigate whether parent-targeted paternalism is ever pro tanto wrong, arguing that it is when directed at parents who meet a threshold of parental competency. I next explore the factors that affect the degree of pro tanto wrongness of paternalistic anti-poverty policies targeting parents, and provide an account of the conditions under which such policies are on balance permissible, and when they are not. Finally, I illustrate the plausibility and usefulness of my framework by considering a case.

Keywords: Paternalism; Ethics of Parenting; Poverty; Welfare State; Basic Income.

In recent years, scholars have suggested that governments act paternalistically not only when they (1) ban or mandate the use or purchase of particular products, or (2) structure choice contexts to “nudge” people to make certain choices, but also in the ways they design welfare or anti-poverty programs (Mead 1997; White 2003; Anderson 2004; Schubert and Slater 2006; Fiszbein and Schady 2009; Zwolinski 2014; Molander and Torsvik 2015; and MacKay Unpublished). The placement of conditions on access to benefits, these scholars argue, aims to direct citizens to lead ‘traditional bourgeois lives;’ and the provision of in-kind goods and services rather than cash expresses the judgment that recipients cannot be trusted to use cash transfers wisely to promote their interests. Matt Zwolinski (2014) puts the point nicely:

The conditional welfare state is not only invasive, it is heavily *paternalistic*. Restrictions on eligibility are imposed in order to encourage welfare recipients to live their lives in a way that the state thinks is good for them: don’t have kids out of wedlock, don’t do drugs, and get (or stay) married. And benefits are often given in-kind rather than in cash precisely because the state doesn’t trust welfare recipients to make what it regards as wise choices about how to spend their money.

While these scholars focus on the ways in which governments aim to promote *adult recipients’* wellbeing by designing welfare policies through the use of conditions and other interventions, governments also use a similar set of measures to improve the wellbeing of recipients’ *children*. That is, governments also design welfare or anti-poverty policies in ways that influence parents to make decisions that are in *their children’s* best interests. For example, Brazil’s *Bolsa Familia* cash transfer program places a number of conditions on low-income parents’ receipt of cash transfers that aim to incentivize them to make decisions that promote their children’s wellbeing – e.g. enrolling them in school and ensuring they receive regular health

and nutrition check-ups. Similarly, in the U.S., the *Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)* provides food assistance to pregnant and postpartum women, infants, and young children, but places significant restrictions on the food parents may purchase with WIC benefits.

In this paper, I explore this phenomenon, providing an ethical evaluation of the ways in which governments target parents' decision-making in the context of anti-poverty policies. I refer to such policies as examples of *parent-targeted paternalism*, by which I mean laws and policies that aim to promote children's wellbeing by targeting the decision-making of their parents. My aim is to identify the conditions under which the use of such interventions in the context of anti-poverty policies is on balance permissible, and when it is not.

In part 1, I provide a definition of parent-targeted paternalism and provide an example of a policy that satisfies it. In part 2, I investigate whether parent-targeted paternalism is ever pro tanto wrong, arguing that it is when directed at parents who meet a threshold of parental competency. In part 3, I explore the factors that affect the degree of pro tanto wrongness of paternalistic anti-poverty policies targeting parents. In part 4, I provide an account of the conditions under which such policies are on balance permissible, and when they are not. Finally, in part 5, I illustrate the plausibility and usefulness of my framework by considering a case.

1 Parent-Targeted Paternalism

One might question the basic premise of my paper on the grounds that the concept of parent-targeted paternalism (PTP), at least with respect to anti-poverty policies, is likely to be empty. After all, paternalistic laws and policies are traditionally understood to involve

interference with people's liberty, and anti-poverty policies, at least on prominent understandings, do not have a prohibitive or restrictive structure. For example, according to Gerald Dworkin's (1972; 2017) influential understanding of paternalism,

X acts paternalistically towards Y by doing (omitting) Z if and only if:

1. Z (or its omission) interferes with the liberty or autonomy of Y.
2. X does so without the consent of Y.
3. X does so only because X believes Z will improve the welfare of Y (where this includes preventing his welfare from diminishing), or in some way promote the interests, values, or good of Y.¹

Anti-poverty policies don't seem to satisfy (1) since they *provide* people with goods and services – e.g. cash, food, health insurance, housing assistance, etc – rather than restrict their choices.

If interference with liberty is understood to be a necessary condition of paternalism, PTP is likely to be an empty box, at least in the context of anti-poverty policies. However, a number of scholars have persuasively argued that interference with liberty is not a necessary condition of paternalism. First, some scholars argue that it is enough that an action or policy is *motivated* by a negative judgment about people's decision-making abilities to count as paternalistic (Shiffrin 2000, 218; Quong 2011, 80; Groll 2012, 718; Tsai 2014, 86-87; Le Grand and New 2015, 22-23; and Cholbi 2017, 127). For example, suppose my friend asks for a \$5000 loan to start a small business. My financial position is such that the loan is inconsequential to me, but I refuse because I believe my friend will make a mess of the opportunity and so be worse off as a result.

¹ A number of scholars offer competing conceptions of paternalism, including Bernard Gert and Charles M. Culver (1976, 49-50), Dan Brock (1983, 238), Seanna Shiffrin (2000, 218), and Jonathan Quong (2011, 80).

Scholars committed to the motivational view of paternalism hold that my action is paternalistic since it aims to promote my friend's wellbeing and is motivated by a negative judgment about his decision-making abilities. In virtue of my motivation, I am treating my friend like a child who cannot be trusted to manage his affairs, and whose will, at least with respect to the decision at hand, should be replaced by my own.

Still others argue that it is enough that an action or law *express* a negative judgment about people's self-governance abilities to count as paternalistic. Nicholas Cornell (2015, 1316), a proponent of this view, motivates it with the example of a father who buys a business suit for his daughter, thinking she will enjoy it. However, the daughter has no need for such a suit, and does not aspire to have a life in which she would have need for such a suit. Cornell (2015, 1312) argues that the father's action is paternalistic since, regardless of its motivation, it expresses a negative judgment about his daughter's ability to make good life choices.

Scholars committed to either the motivation-based or expressivist account of paternalism therefore reject (1), replacing it with something like (1*):

Z's implementation is motivated by or expresses a negative judgment about Y's decision-making abilities – i.e. practical reasoning, emotional management, and willpower.

Although many anti-poverty policies will not satisfy (1), they may satisfy (1*). The fact that many parent-targeted anti-poverty policies do not restrict people's liberty is not therefore a reason to think that the category of PTP anti-poverty policies is an empty one.

However, there is still the remaining problem that parent-targeted anti-poverty policies do not satisfy (3). While many such policies are motivated by or express a negative judgment about

parents' decision-making abilities, such policies do not aim to promote parents' good or wellbeing but instead the good or wellbeing of their children.

Fortunately, Seanna Shiffrin (2000, 217-219), a prominent proponent of the motivational view, argues that (3) should be revised to accommodate cases like this. She claims that a park ranger who does not permit a mountain climber to tackle a risky climbing route due to concern for the climber's spouse, not the climber's wellbeing, still acts paternalistically (Shiffrin 2000, 217-218). The key point here, she argues, is that the park ranger's action is motivated by a negative judgment regarding the climber's decision-making abilities, and so still treats the climber as a child who cannot be trusted to govern her life on her own. Similarly, in the case of WIC, the U.S. government arguably treats parents as lacking the decision-making abilities to make nutritious food choices for their infants or young children.

Shiffrin has a compelling point here. If the defining feature of paternalism is one agent's treatment of another as a child – i.e. as an agent whose decision-making abilities are deficient in some respect – then it follows that agents act paternalistically whenever they treat others in this way, regardless of the aim of their action. After all, parents do not only direct the actions of their children so as to promote their wellbeing, but also to ensure that their children treat others appropriately.

Still, some scholars suggest that Shiffrin's rejection of (3) stretches the concept of paternalism too far. Indeed, although I find Shiffrin's line of argument largely persuasive, I think there are methodological reasons against expanding the concept of paternalism in the direction Shiffrin suggests. Historically, the concept of paternalism has identified a type of intervention that concerns a person's self-regarding actions and so has a high justificatory burden. As such, it

has served a valuable methodological function in identifying a set of laws and policies that are particularly controversial and often hard to justify. By contrast, laws and policies that force people to treat others appropriately – e.g. respect their rights – are much easier to justify.

On the one hand therefore, Shiffrin’s proposed revision is reasonable and would allow us to identify many parent-targeted anti-poverty policies as examples of PTP. On the other hand, Shiffrin’s proposed revision risks expanding the concept of paternalism too far.

My solution to this set of considerations is to introduce a stand-alone conception of parent-targeted paternalism. This conception revises the traditional definition of paternalism in accordance with the recommendations of Shiffrin and other proponents of motivational or expressivist conceptions of paternalism.

Parent-Targeted Paternalism: Government A acts paternalistically towards parent B by implementing law or policy C if and only if:

- I. C aims to improve the good or wellbeing of B’s children;
- II. C is implemented without B’s consent; and,
- III. A’s implementation of C is motivated by and/or expresses a negative judgment about B’s decision-making abilities in the parental sphere.

According to this definition, PTP policies aim to improve the wellbeing of children by targeting the decision-making of their parents; and are motivated by and/or express a negative judgment about parents’ decision-making abilities. The WIC program in the U.S. would appear to satisfy these conditions since it places significant restrictions on the food parents may purchase with WIC benefits with the aim of promoting their children’s health. This policy’s use of food

restrictions also expresses – and is likely also motivated by – a negative judgment regarding parents’ decision-making abilities regarding nutrition.

By presenting this concept of PTP as a “stand-alone” concept, I mean to separate it from ongoing debates concerning the nature of paternalism, debates that I cannot hope to resolve here. The concept is “stand-alone” to the extent that it is not understood to be a species of some broader conception of paternalism. This solution, I think, gives adequate weight to the above-mentioned considerations. On the one hand, it recognizes the theoretical reasons I cite above for extending the concept of paternalism in the direction that Shiffrin suggests. On the other hand, it expands the concept in a limited and principled way. The extension is limited, since it only concerns the state’s laws and policies governing how parents treat their children. The extension is principled since it only extends the concept to govern an additional sphere of action in which people are granted a good deal of freedom and discretion. Although parental decisions are not self-regarding, parents are granted a wide range of discretion regarding the decisions they must make regarding their children and how they are raised. It is thus common to refer to both self-regarding choices and parental decision-making as belonging to the ‘private sphere.’ Parent-targeted laws and policies, like laws and policies governing self-regarding decisions, are thus also typically understood to face a high justificatory burden.

My definition of PTP does not take a position on the debate amongst motivational and expressivist paternalists. I don’t deny that this debate is an important one, however I simply don’t think it is necessary to resolve it for the purposes of identifying policies that satisfy PTP. The reason is that with respect to laws and policies (rather than the actions of individuals), there is likely to be a strong overlap between the *motivations* for a particular policy, and the judgments that it *expresses*. As Cornell (2015, 1318-1319) himself recognizes, to identify the judgment that

a particular law or policy expresses, we need to examine the possible reasons legislators may have had for enacting it. That is, we need to look to the *motivations* of legislators.

I also recognize that there is a further question here regarding the conditions under which a law or policy can be said to be motivated by a particular judgment. The puzzle is that law and policies are often motivated by any number of considerations. Fully addressing this question is beyond the scope of this paper. However, I do develop an account elsewhere (MacKay Unpublished). In brief, I suggest that for individual legislators and policymakers, a law or policy counts as paternalistic if a negative judgment about people's self-governance abilities makes a significant and decisive contribution to their support for the law or policy. For legislative bodies, a law or policy counts as paternalistic if such a judgment makes a significant contribution to a significant number of legislators' support for it, and if the law or policy would not pass absent this judgment.

Regarding condition (II), I suggest that people consent to a law or policy when they authorize it, that is, voluntarily endorse it by means of some explicit act. People authorize a law or policy, I suggest, when they vote in favor of it in a referendum, or, vote for a political representative explicitly promising to work to implement it if elected. This way of understanding consent, I suggest, is the political equivalent of the notion of valid consent that is used in interpersonal settings. In the latter, after all, *valid consent* is widely understood to involve an explicit act of authorization – i.e. giving a token of consent (Faden and Beauchamp 1986, 274-275).

Many state policies would no doubt satisfy the above definition of PTP. However, our focus here is anti-poverty policies, by which I shall understand policies and programs that aim to raise people's standard of living or quality of life above some poverty threshold. Anti-poverty

policies may therefore provide impoverished people with cash transfers, housing, health care, food vouchers, job training, and education. Importantly for our purposes, anti-poverty policies need not be limited to raising people's standard of living or quality of life above some poverty threshold in the short term, but also in the long term. Anti-poverty policies can therefore include educational interventions aimed at low-income children which aim to ensure that they have the human capital necessary to be successful in the labor market as adults.

Let me now turn to an example of an anti-poverty policy that arguably satisfies the definition of PTP: Brazil's *Bolsa Família Program*. Bolsa Família is a *conditional* cash transfer program, that is, a policy that provides individuals or households with a cash transfer that is conditional on their satisfaction of certain requirements – e.g. school attendance. *Unconditional* cash transfer programs, by contrast, simply provide low-income individuals or households with a cash transfer. There is currently a lively debate about whether unconditional or conditional cash transfers are more effective in realizing certain outcomes. However, I hope to show that there is also an important question regarding the ethics of conditional cash transfers, given that the imposition of conditions would seem to be motivated by a negative judgment about recipients' ability to use an *unconditional* cash transfer wisely.

Bolsa Família was created in 2003 by the first Lula administration through the merger of four pre-existing cash transfer programs (Lindert et al. 2007, 6). The objectives of the program include: (1) alleviating current poverty and income inequality; and (2) breaking the inter-generational transmission of poverty (Lindert et al. 2007, 15). To achieve (1), Bolsa Família offers *extremely poor* families a base unconditional cash transfer (Lindert et al. 2007, 16). To achieve (1) and (2), it offers *extremely poor* and *moderately poor* families cash transfers that are variable on the number of children in the family and whether the mother is pregnant or breast-

feeding; and conditional on family members satisfying the following requirements (Lindert et al. 2007, 16-17):

1. For all children ages 0-7:
 - a. Compliance with vaccine schedules; and
 - b. Regular health check-ups and growth monitoring.
2. For all children ages 6-15:
 - a. Enrollment in school; and
 - b. 85% minimum daily school attendance.
3. For all women pregnant or lactating:
 - a. Pre-natal check-ups;
 - b. Post-natal check-ups; and
 - c. Participation in locally-offered educational health and nutrition seminars (Lindert et al. 2007, 17-18).

The aim of these conditionalities is to promote investments in human capital. Although the assistance unit is the family, Bolsa Família requires that payments be made preferentially to female rather than male heads of the family on the grounds that female heads are more likely to invest additional income into the health, education, and welfare of the family (Lindert et al. 2007, 17).

Bolsa Família is an example of an anti-poverty policy that likely satisfies PTP. Bolsa Família satisfies (II) since not all parental recipients of the program publicly authorized it. One might argue here that recipients of this program authorize it simply by enrolling in it. However the problem with this suggestion is that acceptance of a program's benefits is not sufficient for authorization. In the context of anti-poverty policies in particular, people may enroll in them not

because they think the policy is a good one and so deserving of implementation, but because they are desperate for the benefits. For example, participants of Bolsa Família may be in urgent need of the cash transfer, but object to the imposition of conditionalities on them.

Whether Bolsa Família satisfies (III) depends on legislators' reasons for implementing it, since, as I note above, a policy's motivation and the message it expresses is ultimately a function of policymakers' reasons for implementing it. I shall not perform the empirical legwork necessary to conclusively identify these reasons. However, on one highly plausible understanding of the justification for the conditionalities of Bolsa Família, the program would seem to satisfy (III). On this understanding, the conditionalities are intended to *incentivize* decision-makers to make certain choices. If legislators think that family heads will not, for example, vaccinate their children even if they have the resources to do so, then they may think that family heads will vaccinate their children if doing so promises a cash transfer. If the justification for Bolsa Família's use of conditionalities is of this nature, then Bolsa Família clearly satisfies (III) and so counts as an example of PTP. In this case, the design of Bolsa Família as a *conditional* cash transfer program is justified by a negative judgment about at least some recipients' ability to make good decisions regarding the welfare of their children. If legislators were not relying on this judgment then it would make sense to design Bolsa Família as an *unconditional* cash transfer.

2 Is PTP Pro Tanto Wrong?

For scholars who adopt the traditional conception of paternalism as liberty-limiting action aimed at improving the wellbeing of its target, paternalism is wrong principally because it is

liberty-limiting. However, those who adopt motivational or expressivist conceptions of paternalism also think paternalism is pro tanto wrong, even though policies need not be liberty-limiting to be paternalistic. For these scholars, paternalistic policies are morally objectionable because they involve government treating competent adults as children, that is, as agents who cannot be trusted to govern their own lives. More specifically, paternalistic policies are disrespectful of people considered as equal autonomous agents. Shiffrin (2000, 220) puts the point this way:

Even if no distinct autonomy right is violated, the paternalist's attitude shows significant disrespect for those core capacities or powers of the agent that underwrite and characterize his autonomous agency... Those who value equality and autonomy have special reason to resist paternalism toward competent adults.

Cornell (2015, 1314-1315) explains the wrong of paternalistic actions in much the same way:

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.²

Shiffrin and Cornell's accounts of the wrongness of paternalism, in my view, are largely correct. They are also relevant to the question of the wrongness of PTP for people exercise their autonomous powers not only when they make self-regarding choices, but also when they decide how to treat others, including their children. Policies directed at people's other-regarding actions can also therefore be disrespectful of them qua equal autonomous agents, just like policies

² Quong (2011, 100-106) and Cholbi (2017, 128) defend similar accounts.

directed at their self-regarding actions. As I note above, parents not only direct their children to act in certain ways for their own good, but also for the good of others – e.g. their siblings.

PTP policies are also therefore pro tanto wrong when and because they are disrespectful of people considered as equal autonomous agents. To put the point in more precise terms, governments that target parents with paternalistic policies disrespect them qua *autonomous* agents, since such policies express the judgment that they lack the self-governance capabilities necessary to make good decisions regarding the wellbeing of their children; and they also disrespect parents qua *equal* autonomous agents since these policies express the claim that the judgment of those in government regarding their children’s wellbeing is superior to that of parents targeted by the policy. To capture these two distinct ways in which paternalistic policies fail to respect people qua equal autonomous agents, Jonathan Quong suggests that such policies involve both a *comparative* and *non-comparative* wrong. The comparative wrong lies in the paternalist’s treatment of their target as having an inferior status, thus failing to accord them equal status (Quong 2011, 101). The non-comparative wrong lies in the paternalist’s treatment of their target as a child, that is, as lacking the self-governance abilities to safeguard their wellbeing (Quong 2011, 101).³ While PTP policies wrong their targets in both these ways, I argue below that some policies may also exacerbate the comparative wrong by singling out certain populations.

It does not follow from this however that all policies that satisfy the conditions of PTP are unjust. As Shiffrin (2000, 220) notes, paternalistic actions or policies are only disrespectful when directed at competent adults. Some policies may satisfy condition (III) of PTP, namely, they may be motivated by or expresses a negative judgment about B’s decision-making abilities

³ Cholbi (2017, 128) concurs with Quong on this point.

in the parental sphere; however, when this negative judgment is warranted, the policies in question are not disrespectful. That is, when a policy satisfies (III) but concerns some sphere of parental decision-making with respect to which the parents targeted by the policy lack competency, then the policy is not *pro tanto* wrong.

I shall use the term *soft* PTP to refer to policies that satisfy the conditions of PTP, but that target parents whose decision-making capacity with respect to the sphere of policy in question is sufficiently impaired to count as incompetent. Hard PTP, by contrast, refers to PTP policies that target parents whose decision-making capacity with respect to the sphere of policy in question is not sufficiently impaired to count as incompetent. Such impairments may be due to a lack of information, deficiencies in cognitive abilities or abilities to understand and/or reason about central features of the decision in question, or deficiencies in abilities to carry out a chosen plan of action. To count as soft PTP, all parents targeted by the policy must lack capacity to make the decision or decisions in question. To count as hard PTP, all parents targeted by the policy must have capacity to make the decision or decisions in question. This means that the vast majority of policies will count as neither soft nor hard PTP, but rather as mixed policies.

3 Degrees of Wrongness

Policies that satisfy the conditions of PTP and are non-soft – i.e. apply to at least some competent parents – are therefore *pro tanto* wrong. In this part of the paper, I explore the principal factors that affect such policies' *degree* of wrongness. Policies may be more or less wrong for a variety of reasons and so the following discussion is not intended to be exhaustive. I

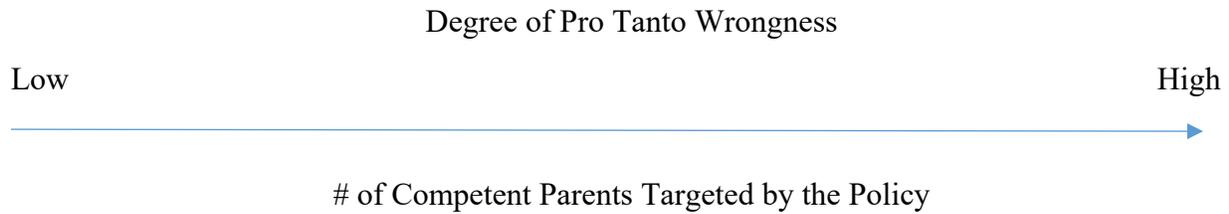
focus here on the factors that concern the distinctive wrong these policies involve qua examples of PTP.

This investigation matters since a policy that is pro tanto wrong may be on balance permissible if the wrong in question is outweighed by competing considerations – e.g. welfare gains to the children targeted by the policy. If policymakers are to make accurate judgments regarding the on balance permissibility of particular policies, they therefore need some principled way of determining exactly how pro tanto wrong these policies are.

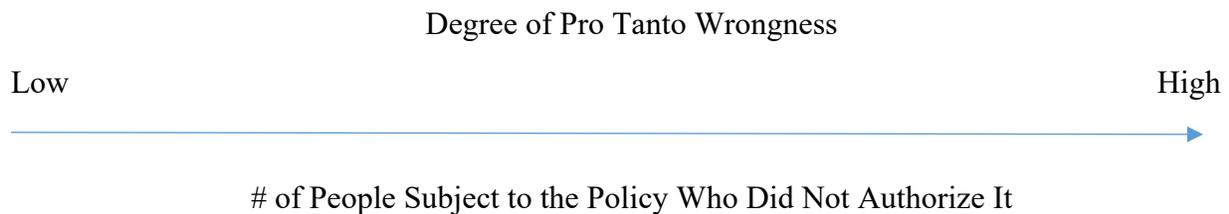
I first discuss factors that affect a policy's wrongness along what I call the *horizontal* dimension, that is, factors that affect the *number* of people wronged by a policy. I then discuss factors along the *vertical* dimension, that is, factors that affect the *intensity* of the wrong committed against those persons wronged by the policy. The underlying idea here is that the wrongness of a policy depends on the (1) the number of people who are wronged by it; and (2) the intensity of the wrong that is committed against them.

3.1 The Horizontal Dimension

There are two chief factors affecting the wrongness of a policy that satisfies the conditions of PTP. The first is the policy's degree of *hardness*, that is, the number of people targeted by the policy who are competent parents. Since soft PTP is permissible, people targeted by a PTP policy are only wronged if they are competent parents. A policy is more wrong, therefore, if it targets more competent parents than less. We can express this point visually in the following way:



The second factor along the horizontal dimension is the number of parents who have *authorized* the policy. For parents who authorize a policy, it no longer satisfies the conditions of PTP, and so is not wrong for that reason. A policy’s wrongness therefore also depends on the degree of *authorization*, that is, the number of parents who have authorized the policy. Only parents who have not authorized the policy are in fact wronged by it.

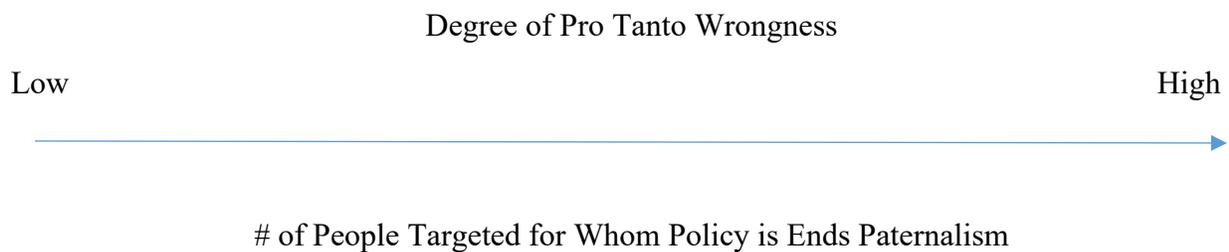


3.2 The Vertical Dimension

The above two factors identify the people who are wronged by a PTP policy: competent parents who did not authorize it. Factors along the vertical dimension affect the intensity of the wrong that a PTP policy commits against these parents.

The first factor affecting the pro tanto wrongness of PTP policies is whether the policies in question are examples of *means* paternalism or *ends* paternalism. Means PTP policies aim to influence their targets to take up those means that will enable them to better realize their chosen

values and goals. Ends PTP policies, by contrast, aim to influence their targets to take up means in pursuit of goals and values that they do not share. Ends PTP is more disrespectful of people qua equal autonomous agents since the choice of ends is more important than the choice of means (Conly 2013, 43; and Cholbi 2017, 137-141, 149-150). The choice of ends is a value-laden choice, and so, as Cholbi (2017, 137-141, 149-150) argues, more closely tied to people’s practical identity. The choice of means, by contrast, is a matter of instrumental rationality. The wrongness of PTP policies therefore depends on:



One important consideration to note here is that for a PTP policy to count as means paternalism, it is not sufficient for the parents in question to share the goal or end the policy is directing them to pursue. The reason for this is that some PTP policies may not only express the judgment that a particular goal is worth pursuing, but also express a judgment about the relative value of that goal compared to others – a judgment that the targeted parents may not share. For example, consider a policy that nudges low-income parents to enroll their children in a free after-school reading program that has the aim of increasing the literacy scores of low-income students. All of the parents may share the goal of increasing their children’s literacy scores, however the policy may still count as an example of ends paternalism for some of them if they judge that this outcome is less valuable than other activities that their children could be pursuing after school – e.g. taking care of younger children, interacting with elderly family members, or simply playing with their friends. For these parents, the policy in question would count as an example of ends

paternalism since the policy expresses a judgment regarding the relative value of the end in question that the parents do not share.

The pro tanto wrongness of a PTP policy depends second on the degree to which it singles out particular populations of parents, for example, groups of parents defined by socio-economic class, race, ethnicity, or religion. By targeting parents belonging to a particular population, a non-soft PTP policy singles these parents out as being deficient in terms of their capacities for decision-making regarding their children. In doing so, such policies express the judgment that the decision-making of those parents targeted by the policy is deficient compared to that of policymakers, but also deficient compared to that of their fellow citizens. As such, these policies exacerbate the comparative wrong of PTP policies and so seriously undermine these parents' status as equal autonomous agents. Cornell (2015, 1327) puts the point nicely:

When a democratic government enacts a general paternalistic policy – for example, seatbelt laws – then at least all citizens are treated the same. And if the government generally respects the autonomy of its citizens, then one or another discrete exceptions may be seen as simply a recognition of certain limited failings that we all have. But when a government policy singles out a certain group for regulation, then the risk of expressing an objectionable lack of respect is significantly higher. This is especially true when the group is already disadvantaged or marginalized.

The pro tanto wrongness of non-soft PTP policies is therefore also dependent on the degree to which they single out particular populations of parents:

Degree of Pro Tanto Wrongness

Low

High



Degree of Singling-Out

The pro tanto wrongness of a non-soft PTP policy depends third on the degree to which those parents targeted by the policy support it. To count as a PTP policy, parents targeted by the policy must not have authorized it. However, even if parents have not authorized the policy, for example, by voting for it in the context of a referendum, they may nonetheless support it. I suggest that a non-soft PTP policy is less wrong if it is strongly supported by the parents who are targeted by it, than if it is only weakly supported or strongly opposed. The underlying idea here is that a policy that is strongly supported by those subject to it is more respectful of them qua equal autonomous agents than one that is strongly opposed.

Degree of Pro Tanto Wrongness

Low

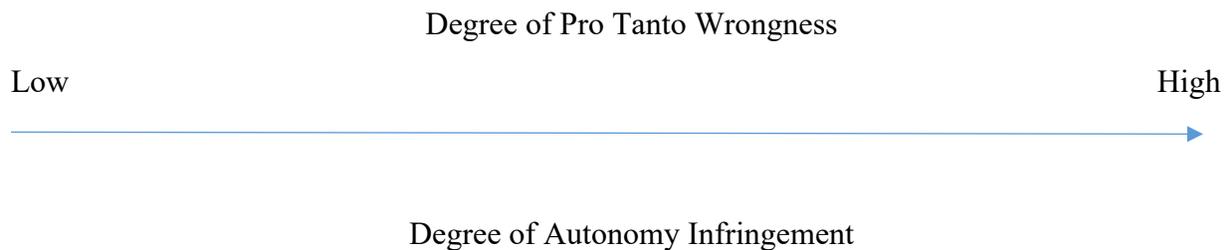
High



of People Targeted who Oppose the Policy

Finally, the pro tanto wrongness of PTP policies also depends on the degree to which they *infringe* people's autonomy rights, that is, interfere with people's exercise of their autonomy within the spheres in which they are entitled to make choices. Since autonomy is the capacity for rational self-governance, the wrongness of PTP policies depends on the degree to which they *control* people's choices through non-rational means. PTP policies may do so through the use of nudges, coercion, or negative incentives. Although it may seem obvious that coercive PTP

policies are worse in this respect than PTP policies that use nudges, I suggest that the pro tanto wrongness of these policies in fact depends on the *effectiveness* of the form of non-rational influence in terms of its control over people’s choice. A highly effective nudge is thus worse than a weak nudge; but may also be worse than the use of a small sanction having very little effect on people’s choices. Importantly, PTP policies are wrong in this respect only when they employ forms of *non-rational* influence. The provision of reasons and information does not infringe people’s autonomy since doing so engages – rather than bypasses – people’s capacity for rational action.



A non-soft PTP policy’s degree of pro tanto wrongness therefore depends on a number of factors. Along the horizontal dimension, it depends on (1) the number of competent parents targeted by the policy; and (2) the number of parents who did not authorize the policy. Along the vertical dimension, it depends on (1) the number of parents for who the policy is ends paternalism; (2) the degree of singling-out; (3) the number of parents who oppose the policy; and (4) the degree to which the policy infringes parents’ autonomy. In the next part of the paper, I investigate the conditions under which non-soft PTP policies, though pro tanto wrong, may nonetheless be on balance permissible.

Before doing so however, it is worth noting that with respect to the factors along the vertical dimension, it would be ideal if one could develop a systematic way to weigh the different factors for the purposes of determining the overall pro tanto wrongness of particular policies. This could be important in cases where a policy scores high on one factor but low on the others. I'm skeptical that such a system of weights can be developed and, unfortunately, do not have the space to fully explore this possibility here. In any case, I hope this framework will be helpful for policymakers in arriving at intuitive judgments regarding the degree of pro tanto wrongness of a PTP policy.

4 Competing Considerations and On Balance Permissibility

Non-soft PTP policies are pro tanto wrong; however, this does not mean that they are wrong on balance. Such policies may be permissible if the pro tanto wrong in question is outweighed by competing considerations (Shafer-Landau 2005; De Marneffe 2006, 81-89; Scoccia 2008, 363-374; Le Grand and New 2015, 147-151; and Cholbi 2017, 125-126).

What are these competing considerations? I suggest that there are two. The first is the PTP policy's expected impact on the wellbeing of the children subject to it. PTP policies target the decision-making of parents with the goal of improving the present and future wellbeing of their children. In the case of anti-poverty policies, the goal is to ensure that children are not raised in conditions of poverty and/or develop the human capital necessary to escape poverty as adults. The goals of PTP policies, particularly those of anti-poverty PTP policies, are thus morally weighty.

The second competing consideration, I suggest, concerns the moral status of the parental decisions that PTP policies aim to influence. More specifically, PTP policies aim to influence parents to treat their children in certain ways, and the treatment in question may be: (1) the subject of a perfect duty; (2) the subject of an imperfect duty; or (3) discretionary.

By (1), I mean specific actions that parents have a duty to perform or refrain from performing. Examples of such actions include the satisfaction of a child's basic needs, including needs regarding food, shelter, clothing, physical safety, and health care; the provision of an education; and providing a physically safe and emotionally supportive home.

By (2), I mean actions that are effective ways by which parents may realize the ends that they have a duty to set and pursue. Examples of such ends may include certain threshold outcomes regarding their child's health, wellbeing, education, and opportunity. Examples of actions that are effective means to the realization of such ends (and that could also be the subject of PTP policies) may include: the purchasing of "healthy" foods; enrollment of children in certain educational or recreational programs; visitation of certain educational institutions such as museums, public parks, or science centers; or moving to a low-poverty neighborhood.

By (3), I mean actions that satisfy the definitions of neither (1) nor (2). Such actions are discretionary in the sense that parents deserve neither moral praise nor moral condemnation for performing them. Examples of (3) may therefore include buying children certain styles of clothing rather than others; or cooking certain types of cuisines in the home rather than others.⁴

I suggest that under certain conditions, the pro tanto wrongness of PTP policies can be outweighed by these two competing considerations, either on their own or working together. For

⁴ Joseph Millum (2018, 46-77, 107-127) offers a promising account of the rights and responsibilities of parents.

example, suppose that the pro tanto wrongness of a PTP policy is quite low. Suppose further that it promises to significantly improve the wellbeing of those children subject to it, and that the parental treatment targeted by the policy is the subject of a perfect obligation. Although the PTP policy is pro tanto wrong to some extent, it is reasonable to think that it is on balance permissible since it (1) significantly improves children's wellbeing; and (2) prevents parents from wronging their children.

As an example of a policy that satisfies these conditions, consider the policy of making childhood measles vaccinations the default in physicians' offices. Under this policy, physicians would not ask parents if they would like their children to receive the measles vaccine, but would rather treat vaccination as the default, only giving parents the chance to opt-out. That is, physicians would say in the context of clinical visit: "We're going to go ahead now and give the measles vaccination to your child." Such a policy is an example of non-soft PTP since it presumes that parents require a "nudge" to make the appropriate choice for their child. However, it is arguably justifiable since (1) the pro tanto wrong in question, based on the factors identified above, is quite small; (2) parents arguably have a perfect obligation to ensure their children receive the measles vaccine; and (3) assuming the "nudge" is effective, the policy will significantly promote their children's wellbeing.

I recognize that it will be difficult to judge whether a particular PTP policy is on balance permissible. Doing so will require careful consideration of complex normative and empirical considerations. My hope however, is that the normative framework I outline above will help policy makers make such judgments in a sound fashion.

5 A Case

I turn now to consider the permissibility of a particular anti-poverty policy, a proposed revision to the Section 8 housing voucher program that is administered by the U.S. Department of Housing and Urban Development (HUD). The Section 8 program is the federal government's principal program for helping low-income Americans afford adequate housing in the private market. Recipients receive housing vouchers which they may use to rent any housing that meets the requirements of the program. My aim here is not to render a decisive judgment regarding the permissibility of the proposed policy; but is limited to illustrating how policy makers might use the normative framework I develop above to arrive at such a judgment.

From 1994 to 1998, HUD conducted the "Moving to Opportunity Study," a randomized controlled trial evaluating an experimental housing voucher in five large American cities (Chetty et al. 2016, 856). 4,604 families were randomly assigned to one of three interventions. The first intervention was an experimental housing voucher that required families to move to a census tract with a poverty rate of less than 10%. The second intervention was a Section 8 voucher that offered families a standard subsidized housing voucher with no such requirements. The third intervention was no voucher, though families continued to have access to public housing (Chetty et al. 2016, 860).

A number of studies published from 2001 to 2013 found that adults who received the experimental voucher showed improvements in mental health, physical health, and subjective wellbeing (Katz et al. 2001; Kling et al. 2007; Clampet-Lundquist and Massey 2008; and Ludwig et al. 2013). Families who received this voucher were also safer. However, these studies also found no significant impact on the earning and employment rates of adults and older youth. Raj Chetty et al. recently revisited the Moving to Opportunity data, examining the long-term impacts

on children who were young when their families moved to low-poverty neighborhoods. Chetty et al. (2016, 857) find that children who were younger than 13 at random assignment had incomes that were \$1,624 higher on average than those in the control group in their mid-twenties; and were also more likely to attend college, attend better colleges, live in a low-poverty neighborhood as an adult, and not be a single parent (for females). Since only 48% of families assigned to the experimental voucher actually took it up, Chetty et al. (2016, 857) estimate that those children whose families used the voucher had incomes that were on average \$3,477 higher than children in the control group. Children younger than 13 whose families received the section 8 housing voucher experienced outcomes in between those receiving the experimental voucher and those in the control group (Chetty et al. 2016, 857). Chetty et al. (2016, 858) also found that for children who were 13 or older at random assignment, there was no statistically significant difference regarding economic outcomes across the three interventions. Since families receiving the section 8 housing voucher were free to move to a low-poverty neighborhood, Chetty et al. (2016, 857-858) suggest that the experimental voucher's requirement that families move to low-poverty neighborhoods increases the positive impact of housing vouchers on young children's economic prospects.

Would it be on balance permissible for HUD, on the basis of this evidence, to revise the existing Section 8 housing voucher such that recipient families with children younger than 13 would be required to move to low-poverty neighborhoods – i.e. to make the voucher usable only in such neighborhoods? Something like this proposal is currently a live option in the U.S. H.R. 5793, the Housing Choice Voucher Mobility Demonstration Act of 2018, which would authorize the Secretary of HUD “to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand

access to opportunity areas,” has passed the House of Representatives and is currently under consideration in the Senate (U.S. Congress 2018). While this Act does not require the Secretary of HUD to implement the above-mentioned policy as a demonstration project, it would authorize them to do so.

To determine if such a policy is on balance permissible, it is helpful to first identify the degree to which it is pro tanto wrong, if it is pro tanto wrong at all. Consider first that this policy is clearly an example of PTP. Recall the definition:

Parent-Targeted Paternalism: Government A acts paternalistically towards parent B by implementing law or policy C if and only if:

- I. C aims to improve the good or wellbeing of B’s children;
- II. C is implemented without B’s consent; and,
- III. A’s implementation of C is motivated by and/or expresses a negative judgment about B’s decision-making abilities in the parental sphere.

Given the stated aims of the policy, it clearly satisfies (I). The policy satisfies (II) since it would be implemented without the consent of Section 8 recipients; and it satisfies (III) since it is motivated by a negative judgment regarding parents’ decision-making capacities regarding their children’s economic prospects. This is so since there would be no need to revise the existing Section 8 voucher if parents could be expected to move to a low-poverty neighborhood absent a requirement that they do so. The policy is also an example of non-soft PTP since the vast majority of parents targeted by it are likely to count as competent to make decisions regarding where they and their children live. As such, the policy would be pro tanto wrong.

How pro tanto wrong is it? To answer this question, we need to consider the factors along the vertical dimension: (1) whether the policy is means paternalism or ends paternalism; (2) the degree of singling-out; (3) the degree to which the targeted population opposes the policy; and (4) the degree to which the policy infringes parents' autonomy.

Consider (1). Is the proposed policy an example of means paternalism or ends paternalism? I don't doubt that all parents targeted by the policy share its goal of improving their children's economic prospects. However, the policy presupposes that this should be parents' overriding goal when deciding where to live, and I'm deeply skeptical that all parents agree with this judgment of the relative value of this goal. Parents targeted by the policy likely have a number of goals in mind when deciding where to live, and for many of them, these other goals may be as valuable or more valuable than improving the economic prospects of their children. For example, parents may wish to live close to family and friends, parents may wish to live closer to their jobs, and/or parents may wish to live a neighborhood where they "feel at home" – i.e. where people of their racial, ethnic, or socio-economic background are not the minority. In short, when it comes to deciding where to live, parents must make a number of trade-offs regarding their own interests and values and the interests of their children. For the vast majority of parents therefore, the proposed policy is likely to be an example of ends paternalism.

With respect to (2), the proposed policy is also likely to single-out low-income parents to a high degree. To qualify for Section 8 housing vouchers, families must meet a low-income threshold. As such, the proposed policy only targets low-income Americans and, insofar as it expresses a negative judgment about its targets' decision-making in the parental sphere, makes a negative judgment about these parents in particular. With respect to (2) therefore, the proposed policy is also likely to be pro tanto wrong to a high degree.

What about (3)? Are parents targeted by this policy likely to support it? Answering this question of course requires empirical investigation that is beyond the scope of this paper. However, my guess is that parents are unlikely to support this policy, given that it limits their choices.

Finally, with respect to (4), whether the proposed policy infringes parents' autonomy or not is largely a normative matter. One might argue that the policy does not do so since it is simply an offer that parents are not forced to take up. On this interpretation, HUD is offering low-income parents a highly-restrictive benefit and so is not infringing their autonomy in any way. This is too quick however. If Americans have a right to housing, and if the U.S. government is the object of this right – i.e. has a duty to fulfill it – then it is arguable that the proposed policy is coercive. That is, if low-income Americans have a claim on the U.S. government to provide them with housing assistance, then the proposed policy constitutes a coercive threat rather than an offer. In this case, HUD would be threatening to violate voucher recipients' right to housing – i.e. by denying them assistance – unless they use their assistance in the way HUD would like (Goodin 2004, 297). By analogy, suppose you owe me \$1000, and are only willing to pay me back if I do you a favor. In this case, you are coercing me to perform the favor in question since you are threatening to violate my rights if I do not do so.

Now, one might argue that the fact that Americans have a right to housing does not imply that HUD may not place conditions on recipients' use of housing vouchers. For example, if Americans have a right to housing of a certain quality, HUD may require that recipients use their vouchers in a certain way, for example, to rent housing that is safe etc. However, I think it is a stretch to claim that Americans' right to housing is a right to housing in a low-poverty

neighborhood. This would imply that the U.S. government is currently violating the basic rights of Americans living in neighborhoods where the poverty rate is greater than 10%.

Depending on whether Americans possess a right to housing or not, and what the content of this right is, the proposed policy will either be highly pro tanto wrong along dimension (4), or not wrong at all.

Under reasonable assumptions therefore, the policy is likely to score as highly pro tanto wrong on dimensions 1-3. The policy also scores as highly pro tanto wrong along dimension (4) if Americans have a right to housing. For the policy to be on balance permissible therefore, the competing considerations must be significant.

Chetty et al's recent study suggests that the improvements to children's wellbeing are likely to be substantial. If HUD implements the policy, children are more likely to be safer as children, more likely to have higher incomes as adults, more likely to attend college (and a better college), more likely to live in a low-poverty neighborhood as an adult, and more likely to not be a single parent if they are female. While I think it is doubtful that parents have a perfect obligation to move to low-poverty neighborhood given the competing values at stake that I identify above, it is reasonable to think that parents have a duty to set and pursue the goal of improving their child's wellbeing along these dimensions. The policy therefore targets a form of parental treatment that is the subject of an imperfect obligation.

Despite these competing considerations, I am doubtful that the proposed policy is on balance permissible. In my view, the pro tanto wrongness of the policy is such that these competing considerations are simply not sizeable enough. As I note above, I do not intend this to be a definite judgment regarding the permissibility of the policy as much depends on empirical

and normative questions that I cannot fully address here; but this judgment strikes me as a reasonable one.

Importantly, the normative framework I have employed here not only helps us determine whether the policy is on balance permissible, but also how the policy may be improved along this dimension. This is important, since the Housing Choice Voucher Mobility Demonstration Act of 2018 leaves open exactly what form demonstration projects should take. On my analysis, while it may be on balance wrong for the HUD to implement demonstration projects that take the above-mentioned form, it may be on balance permissible for HUD to implement projects that are designed differently. For example, one way to reduce the pro tanto wrongness of the policy is to soften the requirement to move to a low-poverty neighborhood, for example, by making use of nudges, information provision, or incentives. The framework I articulate above provides HUD policymakers with the resources they require to devise a demonstration project that would be permissible.

Conclusion

Governments often implement policies targeting the decision-making of parents with the aim of improving their children's wellbeing. I have argued in this paper that such policies are best understood as a form of parent-targeted paternalism. Exploring the permissibility of these policies in the context of anti-poverty policy, I have provided policy makers with a normative framework to help determine when such policies are permissible and then they are not. As I have illustrated in my case discussion, determining whether such policies are on balance permissible requires careful normative and empirical analysis.

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