

PATERNALISM AND INTIMATE RELATIONSHIPS

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1 Introduction

Does being in an intimate relationship make a normative difference to the moral assessment of paternalistic interference or intervention? In particular, does it make a difference to the moral acceptability (or permissibility) of such interference? Roughly, paternalistic interventions involve intrusions on the other's sphere of agency for their own sake. To treat someone paternalistically is to relate to them in a way that limits their exercise of agency or their options, out of a beneficent concern for their welfare, good, or interests.¹ Might paternalistic interference that would otherwise be morally unjustified be justified, in virtue of one's friendship or loving relationship to the other? Could the fact that one stands in some such relationship to another provide one with more reason to interfere in their affairs and limit their autonomy for their own good? Could an intimate relationship remove or cancel reasons one would otherwise have not to intervene?

Most discussions of the primary factors that justify an otherwise unjustified paternalistic intervention concentrate on the following considerations:

- (1) What's at stake? That is, how severe or substantial is the potential welfare loss, injury, harm, or setback to the target in the case of non-intervention?
- (2) How rationally or cognitively impaired is the target? That is, do they possess the capacity for voluntary action, or satisfy some sufficient threshold of it?

With regards to consideration (1), it is often thought that the more that is at stake – that is, the greater the likelihood of serious harm to the target of non-interference – the stronger the justification for the paternalistic intervention. The comparative harm of interference is also relevant. That is, in determining the justification of paternalistic interference, the harms (and benefits) faced by the target in the case of non-interference should be weighed against the harms (and benefits) faced by the target in the case of interference.²

With regards to (2), it is often thought that the greater the degree of cognitive or deliberative impairment suffered by the target, the greater the justification for paternalistic intervention. The conditions that limit the capacity for voluntariness have been widely theorized. The list of factors that circumscribe the voluntariness of actions is typically taken to include intoxication,

ignorance, and serious psychological disorders as paradigm cases. Joel Feinberg has argued that the list should also include “powerful passion[s], e.g. rage, hatred, lust, or a gripping mood, e.g. depression, mania” (1986: 115).³

Both (1) and (2) are relationship-independent considerations: they make no mention of anything about the target’s relationship to the one who is paternalistically interfering, or who might be in a position to do so. In this chapter, I explore the possibility that the following is also relevant to the justification of paternalism:

- (3) What is the nature of the relationship between the target and the paternalistic intervener? That is, who is the person doing the intervening, and specifically what relationship (if any) does she stand in to the paternalized agent?

In particular, I want to explore and uphold the general claim that the closer, more intimate the relationship between the relevant parties, the stronger the overall moral justification for paternalistic intervention. The presence of a relationship may generate additional or stronger reasons for interference. Or put more precisely, perhaps, even if a relationship does not in itself provide one with an additional reason to interfere, it might still have normative significance in defeating or canceling some of the presumptive reasons one would otherwise have *not* to interfere.⁴

In addressing whether one’s participation in an intimate relationship can make a normative difference, I begin with general reflections on the nature of intimate relationships (in Section 2), as well as paternalism and its normative significance (in Section 3). I also discuss some important normative differences between paternalism in the institutional and interpersonal contexts (in Section 4). I then argue (in Section 5) that intimate relationships can make a normative difference to paternalism, in virtue of some of the constitutive elements of intimate relationships. These difference-making elements include shared history, mutual knowledge and understanding, joint identification and projects, and reciprocated trust and vulnerability. The presence of these elements can make a normative difference to whether paternalistic interference involves the wrong-making features of paternalism (when it is wrongful). 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. This does not mean, however, that intimates can never act objectionably or wrongfully paternalistically. It is still possible, I maintain, for one to treat a friend or lover in a way that is wrongfully or objectionably paternalistic.⁵

2 Intimate relationships

Paradigmatically, *intimate relationships* include close friendships, romantic or committed relationships, and the relationship between parent and adult child. They may also include relationships between siblings, colleagues, and neighbors. Our ordinary usage of the term “intimate relationships” probably also covers the relationship between parent and young child, but in this discussion I set to the side the adult–young child case and focus on intimate relationships between autonomous adult persons. This is because I do not want to overly complicate matters, as the moral consideration of respect for the other’s agency and autonomy may be differently relevant or weighty in the deliberative situation (the situation wherein one faces the question whether to paternalistically intervene or not), depending on whether the person one is relating to is a young child or is a fully able-minded, competent adult. In the case of the young child – and much hangs on what is taken to count as a *young child* – the person is typically taken as not fully autonomous, or at least as comparatively less autonomous than the adult.

One useful, rough test for whether two people count as having an intimate relationship in the relevant sense is whether it is apt to say of them not merely that they *stand in some relation* to one another, but that they *have a relationship* with one another. When we say of two people that they *have a relationship*, we typically mean more than that they stand in a relation in the thin, logical sense of relation involved whenever two people satisfy some two-place predicate (Kolodny 2003). T.M. Scanlon suggests that a relationship such as friendship just is “a set of intentions and expectations about our actions and attitudes toward one another that are justified by certain facts about us” (2013: 86). While the constitutive conditions of a friendship certainly include its members’ intentions, expectations, and dispositions, Scanlon’s account seems to leave out the crucial element of *interaction* and *mutual shaping*.

David Owens does a better job capturing these interactive and reciprocal aspects of relationships when he characterizes relationships he calls “involvements” as involving “a dynamic syndrome of attitudes, of behaviour that expresses (or purports to express) those attitudes and of norms that govern both attitudes and behaviour.”⁶ He observes that these essential elements of “attitude, behavioral disposition, and applicable norm all evolve in tandem: people who start to keep in touch, begin to want to keep in touch and come to feel they ought to keep in touch, all of a piece” (2012: 98).

Dean Cocking and Jeanette Kennett (1998) argue that friendship is partially constituted by the mutual willingness to be directed and interpreted by the other. A crucial dimension of intimate relationships is the mutual shaping and modification of attitudes, dispositions, and behavior between members in the relationship. What makes the adult relationships I want to focus on “intimate” in the relevant sense is a certain robust shared history between the individuals in the relationship – some sufficient degree of engagement, interaction, regard, and mutual shaping between them over time.

3 Paternalism and our objections to it

My focus is on the sort of *interpersonal* paternalism that occurs between adults in ordinary exchanges and transactions in intimate relationships: the kind of paternalism that occasionally occurs in common life in interactions between friends, family members, loved ones, spouses, and acquaintances. Thus, my discussion leaves to the side often discussed forms of *institutional* paternalism, such as paternalism by the state toward its citizens, and by doctors toward patients. This scope restriction is important, for there are interesting and often overlooked differences in the character of the normative significance between interpersonal and institutional paternalism. (I shall develop this point further in the next section.)

In describing an act as paternalistic in the relevant interpersonal contexts, I am not committing to the *pro tanto* wrongness or impermissibility of the act. That is, I do not presuppose that paternalism is presumptively morally unjustified.⁷ My adoption of a normatively neutral conception is mainly for ease of exposition, since my concern is whether actions or activities that interfere with another’s agency (or limit their autonomy), performed out of a concern for their welfare, can be morally justified, partly in virtue of the fact that the person doing the interfering is in an intimate relationship with the interfered with person (i.e., their friend or lover). In calling a token interpersonal interaction or transaction *paternalistic*, then, I commit only to its conforming to the broad pattern of interference or limitation of another’s agency, performed out of other-regarding concern for the other’s welfare. The description of an act as *paternalistic* could be taken as mere shorthand for the act’s fitting the broad pattern. The question is whether, and why, interference that conforms to the broad description is sometimes objectionable (or

more objectionable) if one is not a friend or lover to the target, but not objectionable (or less objectionable) if one is a friend or lover.

More generally, why is paternalism objectionable, when it is objectionable? What is central to our normative reactions to being treated paternalistically, particularly in cases where we reasonably *resent* it, find it *objectionable*?⁸ I believe our objections to paternalism (when it is objectionable) typically concern one of two things (or both):

- (1) the distrusting attitude of the paternalist agent manifest in the paternalistic action, and
- (2) the autonomy-limiting aim (or intended effect) of the paternalistic action.

Though these two aspects are often linked in practice, they should be separated conceptually.

Consider the attitude of distrust of the paternalist as manifested by their action. Recipients of objectionable interpersonal paternalistic treatment often feel patronized and condescended to by the paternalist, whose behavior betrays the *thought* or *judgment* that they cannot be trusted to effectively advance their own interests in some deliberative domain or situation. More precisely, paternalist distrust by A toward B can consist in A's judgment that B is insufficiently competent to advance B's own interests, or that B is less competent than A to do so. Moreover, A may distrust B's capacity to judge correctly what is in her good, or distrust B's capacity to act effectively to practically implement or secure her good, or distrust both. The person who has acted objectionably paternalistically typically sees herself as better suited to judge or implement that which is in the target's interests (with respect to some deliberative domain or situation) than the target.

An autonomous agent has reason to resent other's distrust of her agency, insofar as it is being undervalued or not respected.⁹ It is appropriate to feel insulted when you are treated in a way that conveys that you are insufficiently capable of advancing your own interests. To be clear, what is objectionable is a certain form of *treatment* – being treated as incompetent, related to as someone incapable of looking after your own good. What is objectionable is not simply *feeling insulted*. For it is possible for someone to suffer this kind of *experiential consciousness* due to psychological causes that have nothing to do with how one is being treated objectionably by others.

Autonomous agents also have reason to object to the objectionably paternalistic action to the extent that it aims to limit or diminish (in some way) the legitimate exercise of their agency. That is, the objectionably paternalistic action's attempt to *take over* – to interfere with, intrude on, circumvent, supplant, or replace – some aspect of the autonomous person's sphere of agency is also objectionable (absent special justification). The paternalists in these cases overstep their bounds, arrogating to themselves something that should be properly left to the other's control. Autonomous agents have reason to resent the paternalistic action, insofar as it is intended to preclude them from exercising their agency fully, as a competent person may reasonably expect to do (or be allowed to do) in the situation.

4 Interpersonal and institutional paternalism: some normative differences

In the previous section, I argued that our objections to paternalism are typically directed toward two aspects: (1) to the paternalist's display of distrust and insulting treatment, and (2) to the paternalist's intrusion on our sphere of agency.¹⁰ That is, what is morally distinctive about wrongful paternalism is that it insultingly or disrespectfully conveys that the target is insufficiently capable of advancing her own good, and/or that it inappropriately intrudes on the target's sphere of agency.

This rather broad characterization of our objections to paternalism reflects my sense that different cases of wrongful paternalism need not be always wrongful in exactly the same way. For example, it seems to me inaccurate to say that all forms of (wrongful) paternalism are morally insulting – or morally insulting in the same way. While I find a motive-based, insult-conveying characterization of paternalism compelling in application to interpersonal paternalism, it seems to me to fit less well with paternalism in the larger-scale institutional context, where our concerns with paternalism are primarily to do with its liberty-limiting effects.

There are important differences between our normative reactions to interpersonal and to institutional paternalism. In particular, I believe the primary driving force behind our moral aversion to most paternalistic social policy is not the sense that our capacities and powers as rational agents are deemed to be untrustworthy by social authorities, but rather the sense that our choices over matters that we deeply care about and wish to have control over are being limited. In the case of government paternalism, we commonly think that, as Peter de Marneffe puts it, “paternalism matters because the moral limits to government authority over our choices matter” (2006: 76). The idea is that we care about paternalistic government policies and legal restrictions primarily because they constrain our lives in ways that we do not want to be constrained. This is what is central in our moral objections to paternalistic legal restrictions and (many forms of) paternalistic medical interventions. But it seems untrue to the phenomenology of our moral experience to claim that what is central in our normative reactions to *all* paternalistic government policy (and paternalistic institutional actions and policies, more generally) is the feeling that our rational capacities have been devalued or insufficiently respected by the government or other social institutions.

In contrast to larger-scale institutional cases, the perception that our capacities and powers as rational agents are being undervalued *is* very much at the core of our normative reactions to being treated in a paternalistic manner by friends, loved ones, relatives, colleagues, acquaintances, and so forth. It is toward persons in an interpersonal context (rather than toward institutions in the social and political context) that we tend to get most emotionally exercised in the special way tied to the perception that our ability to judge and to act to implement our own good has been insultingly underestimated in being deemed untrustworthy by another. Anger and resentment over the notion that “the government thinks we are too stupid to run our own lives” – though I do not deny that individuals can sometimes have these responses toward their government (often because they’ve been stirred up by the rhetoric of politicians and political pundits) – are not normally the primary reactions that individuals have to laws and policies that they do not like, but which they understand were put in place out of a concern for their good.

Our different moral concerns about paternalism in the interpersonal and institutional contexts may partly be explained by the different *means* by which the paternalistic interference is typically realized in the two contexts. That is, paternalistic government policy and paternalistic interpersonal treatment are often different in the way they go about limiting our liberty or choice options. For instance, while the government might ban harmful products such as cigarettes, individuals cannot unilaterally do this. Out of paternalistic concern, a friend might refuse to drive me to the corner store to buy cigarettes or hide my cigarettes. In so doing, my friend may be limiting my choice options, but my friend is not threatening to fine or imprison me.

The *particularity* of the paternalistic interference – to whom it is directed or addressed – may also explain differences between our moral reactions to institutional and interpersonal paternalism. Interpersonal paternalism can seem to be a more insulting form of treatment than paternalistic laws and policies because the former is typically targeted toward a specific person, whereas the latter has a more generalized target.¹¹ It is one thing for a government official to come out

and say, “Americans need to save more money.” It is another when your significant other (or in-law) tells you that you need to save more money. These considerations – of *means* and *particularity* – help to explain why concerns about giving the government authority over our choices are more salient in cases of paternalistic government policy, and why concerns about respect for our competence as agents are more salient in cases of interpersonal paternalism.

To be sure, there are some exceptions. Some cases of institutional paternalism are presumptively wrong in part because they devalue the target’s rational capacities. Consider a case of medical paternalism: A patient consents to receive a certain medical treatment, but not another. Because the doctor judges that the patient’s choice is imprudent, the doctor administers to the patient the second treatment (perhaps while the patient is under general anesthesia, to which she consented) without the patient’s knowledge or consent. Here, the patient would be reasonable to object on the grounds that the doctor should have trusted him to make his own decisions. Consider also government policies that provide people aid “in-kind,” or restrict the ways in which they can use assistance (e.g., the government offers economically disadvantaged people food stamps, but does not allow them to be used for unhealthy food). Because this policy expresses an objectionable form of distrust – a condescending judgment about recipients’ abilities to handle their own affairs – it is reasonably interpreted as insulting treatment.¹²

My general point is that there are important differences between why paternalism matters in different cases where paternalism matters. I believe these differences have been overlooked because standard discussions of paternalism often proceed by first clarifying the concept of paternalism, connecting it with other notions such as “interference,” “freedom,” and “welfare.” This approach usually involves offering up a generalized moral definition of paternalism, a moral definition meant to apply to different forms of institutional paternalism as well as to interpersonal forms of paternalism. There is, of course, nothing in principle wrong with offering a general moral definition of paternalism. Such a definition can be helpful in drawing our attention to what morally relevant features paternalistic social policies and legal restrictions have in common with interpersonal paternalistic behavior and the actions of individuals toward other individuals. At the same time, however, we should not be too quick to assume that there are not important moral differences between paternalism exercised by the state (or any other social institution) and paternalism on the part of individuals toward other individuals in the interpersonal context – differences that a general moral definition may be obscuring or overlooking. Among the things that a general moral definition may lead us to oversimplify are the differences that exist between our normative reactions to interpersonal and to institutional paternalism. The common tendency to offer general moral definitions of paternalism as a starting point to investigations about paternalism in a particular context may explain the failure to notice that in different contexts of paternalism, different strands in our normative reactions to paternalism can be more or less central. A better approach, then, adopts different characterizations of paternalism, depending on the context and the normative issues in question.¹³

5 Why relationship is relevant to paternalism

Consider some familiar cases of paternalism in intimate interpersonal contexts:

- A and B are friends. A hides B’s cigarettes out of concern for B’s health.
- A and B are romantic partners. A discards the credit card offer addressed to B because A thinks B will subject herself to punishing interest rates.
- A and B are siblings. A ignores B’s request to stop by the liquor store because A does not want B to develop an alcohol dependence.

- A and B are married. A replaces the cardigan that B has packed in his suitcase with a blazer just as B is about to leave for the airport, because A believes B is better off wearing the blazer to his job interview.
- A and B are roommates. A decides not to tell B that B's abusive ex-boyfriend has dropped by to see her because A worries that B will get back together with him.¹⁴

I submit that in each of these cases, the special relationship that obtains between A and B can make a difference to whether A acts *objectionably* toward B. That is, an act that is *pro tanto* wrong on paternalistic grounds may turn out *not* to be objectionable *at all* in virtue of the special relationship between A and B.¹⁵ On the other hand, if A and B do not stand in a special relationship (friendship, marriage, etc.), then A acts in a way that is (*pro tanto*) wrong. If relationships are normatively significant in this way, what is the basis of the normative significance?

The question rests on the assumption that standing in a valuable intimate relationship may justify paternalistic interference. Someone skeptical of the assumption might hold that what makes a normative difference to the overall moral justification of paternalistic intervention depends entirely on *non*-relationship facts. These include facts concerning the *welfare* of the potential target of the paternalistic interference: what aspects of the target's interest are at stake, how likely the target is to suffer a setback, and how substantial the target's losses will be, in the case of non-interference. They might also include psychological facts about the target: that is, the mental condition or deliberative capacity of the paternalized target, and in particular, whether the target is able-minded, is a responsible agent, has the "capacity of voluntariness," or some such. The welfare and psychology of the potential target are non-relationship factors, insofar as they can be understood without reference to the potential intervener's identity (and specifically, their identity with respect to the target: e.g., *wife of the target*, *sister of the target*, *friend of the target*).

In rejecting the assumption that there is something normatively significant about specific kinds of relationships (such as friendship and love) *per se*, one might maintain that the normative significance of relationships actually resides in the better *epistemic access* intimates have to the relevant facts about paternalized target's welfare and psychological state. True, friends and lovers typically have better information or knowledge about us, but in principle they needn't be the only ones. Imagine, for instance, a mere acquaintance or stranger who somehow had all of the relevant information about you: knowledge that you are likely to suffer a substantial welfare setback or lack the psychological capacity to act voluntarily. Such an acquaintance or stranger could in principle be justified in paternalistically interfering with you, according to this argument. Conversely, a friend or loved one who does not possess all the relevant information or justified beliefs would not be justified in paternalistically interfering with the other person. As I shall argue, however, it is not simply contingent epistemic access that is typically (but not exclusively) available in intimate relationships that makes a normative difference. Rather, what accounts for the normative difference is the set of important constitutive features of intimate relationships.

A different explanation of what provides the justification of paternalistic interference toward intimates appeals to the notion that consent and promises are "normative powers" that alter our "normative relationships."¹⁶ Acts of consenting and promising are normative powers in that they alter how we may permissibly treat each other, or the rights that we may hold against each other. In application to intimate relationships like friendship, the suggestion is that we have, in the course of being friends, consented (tacitly) to our friend's potential interference in our lives. Or we have promised (tacitly) to interfere in the lives of each other: to help the other when they are in need of help, including when help is needed but unwanted by the other.

However, it seems to me untrue to our experience of friendship – or the process through which we become friends with another – to say that we consent or promise to being paternalistically interfered with. For in most intimate relationships (with the exception of marriage), we do not strictly consent to entering into the relationship or promise to be in one, though it is true that in many cases we do enter into relationships of our own choosing, deliberately or voluntarily.

Owens writes that, “One need not intend to become someone’s friend but if one does become their friend, one does so intentionally” (2012: 102). To support this, he gives the following example of the role of choice in the emergence of a friendship:

I find myself taking the bus home from work with a certain colleague. Perhaps this colleague isn’t someone I would have singled out from the others for special intimacy; friendship with him is not something I’m aiming for. Still in the course of our conversations and exchanges of small favors, a friendship grows up between us. We’re not soul mates but we get along well enough and the mere fact of having spent time together changes things between us. With more or less enthusiasm, I become his friend. . . . This result could have been avoided; I could have taken a less convenient bus or contrived not to meet him at the bus stop and so forth. In deciding not to do these things, I allowed a relationship to develop which imposes various obligations on us both.

(Owens 2012: 102)

Owens goes on to describe these obligations as “owing various forms of aid and concern,” and I would argue that among the forms of aid and concern that we owe to our friends are paternalistic ones (2012: 102). At any rate, the key point is that, if, indeed, we (typically) do not intend to be someone’s friend (though we do become someone’s friend intentionally), then *a fortiori* we also do not consent or promise to be someone’s friend.¹⁷ In other words, we should not stretch the notions of promising and consent and distort the phenomenology of friendship in the service of upholding a philosophical view, by insisting that we perform an act of consenting or promising to enter into a friendship (or other intimate relationship).

I shall now argue that it is not simply consent or promising that gives relationships their normative significance with respect to paternalism. 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.

Just as we might appeal to these aspects of friendship to explain why friends are permitted (perhaps obligated in certain circumstances) to ask us personal questions or call us very late in the evening or take liberties with our belongings, so we can also appeal to them to explain why friends are permitted (perhaps obligated in certain circumstances) to treat us paternalistically. In some cases, the presence of a relationship may generate additional or stronger reasons of beneficence for interference that are tied to considerations of love and partiality.¹⁸ We may thus have stronger reasons of beneficence. In other cases, even if a relationship does not in itself provide one with an additional reason to interfere, it might still have normative significance in defeating or canceling some of the presumptive reasons one would otherwise have *not* to interfere.

For most people, participation in intimate relationships such as love and friendship is central to leading a satisfying, fulfilling human life. Participation in these relationships is sometimes

described as involving a meshing of selfhood that is bound up with the pursuit of projects and aims that are *shared*, pursued jointly.¹⁹ Examples include raising children and renovating one's home. 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, 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.²⁰

Here one might wonder whether the cases of intervention involving shared projects are best seen as paternalism, since the shared projects partly concern A's interests. For instance, suppose that A and B are co-parents; their shared project is "raising the kids well." A interferes with B's self-harming behavior out of concern that the behavior will lead to the impairment of B's abilities as a parent. Given that A's motivating concern is that B's behavior would lead to A's having to "pick up the slack," A's motive is not purely other-regarding. Moreover, one could argue that the issue in question does not, ultimately, reside wholly within B's sole legitimate sphere of control, but that it resides within A and B's joint sphere. While I acknowledge that this may not be a paradigmatic case of *paternalism*, the crucial point morally speaking is that there is greater overall justification for intervention in virtue of the shared project of raising the children.

Of course, there are cases of justified paternalism in intimate relationships that do not further a shared project with the target. There are also cases of justified paternalism where the target's self-harming behavior falls short of impairing the pursuit of their own project. (An example falling under both categories: intervening to prevent a friend from engaging in foolish and imprudent gambling that is unlikely to result in consequential financial setback for them.) In these cases, the justification of paternalism would have to be grounded in constitutive elements of the relationship other than the fact that there are shared projects, such as vulnerability and trust.

It is virtually a conceptual point that intimate relationships involve vulnerability and trust. Elsewhere, I have argued that valuable intimate relationships (e.g., love and friendship) involve vulnerability essentially, and that the distinctive vulnerability connected with participation in intimate relationships exposes one to harms that can at most be mitigated but not eliminated.²¹ 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. Our friends and loved ones are especially aware of our vulnerabilities and personal insecurities in part because we are more willing to trust them, more open with them about our fears, secrets, and insecurities. This openness is closely connected with the special goods that participation in an intimate relationship makes available, goods such as: care, affection, intimacy, mutual understanding, sense of connection, shared feelings and experiences, shared purposes, and joint activities. Our friends and loved ones are often best placed to relate well to our insecurities and fears – to do things for us that promote our own interests, aims, and goals given our weaknesses.

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. While we do not value placing ourselves in just anyone or everyone's hands, we do value placing ourselves in certain people's hands. We value intimate relationships partly because such relationships enable us to relax the default self-protective strategies that we usually have in life. With friends and loved ones, we are more at ease to reveal

our helpless side and more freely able to acknowledge the fact that we have less control than we like over much of what we care about. Thus, 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. One may call motivating concerns of this kind a sort of distrust or lack of faith, if one wishes. But since such distrust or lack of faith is based on our self-presentation to them as the vulnerable persons we actually are (a self-presentation we do not provide to just anyone but only to special others), the paternalistic motive is not typically disrespectful or insulting, and so the paternalistic intervention is not insulting treatment.

The fact that we are more vulnerable (emotionally and otherwise) to our friends and loved ones – and often we have *made* ourselves more vulnerable to them – is also importantly connected to the general point that the expressive meaning of an act of kindness depends on *who* is performing the act, and in particular, what relationship the person performing the act bears to the person acted on. The act of inquiring about the health of someone may be inappropriate and received as creepy and objectionably intrusive if done by a mere acquaintance, but it may be *an act of love or friendship* – expressive of the kind of concern only friends and loved ones can express toward each other – and received warmly and with the effect of cheering the person up if done by an intimate. Acts (such as a telephone call or hospital visit to a sick person) have a different meaning or significance for the recipient – they are valued or cherished differently by the recipient, and generate in them different reactive attitudes, such as resentment or gratitude – depending on the identity of the agent, and specifically his or her relationship to the person toward whom the act is directed. The same action, then, can have different meaning or significance for different people depending on their relationship to the agent. For whether the act can actually indicate, reveal, or convey a certain kind of welcome concern or intimacy is not something that is equally available to everyone, but only to special others to whom one has made oneself vulnerable. Paternalistic treatment typical of friendships and loving relationships is often just the expression of the kind of intimacy that we cherish.

In previous work, I considered several factors that make a difference to whether the provision of reasons (for example, in offering advice) is disrespectful, intrusive, or insulting.²² Here, I want to focus on one factor: the nature of the relationship or personal history between the person offering the reason and the person receiving it. Applied to the concerns of this discussion, the question is how the nature of the relationship or personal history between the interfering and interfered with persons makes a difference to whether the interference is morally acceptable. My claim is that whether paternalistic interference is intrusive or inappropriate or insulting can depend on whether the relevant parties stand in the right kind of relationship, having cultivated a relationship that involves intruding on one another's sphere of agency in ways that are understood by the participants as permissible (even welcome) or obligatory.²³

Take the case of offering someone advice or providing them with a reason for action, which I have argued is sometimes objectionably paternalistic (Tsai 2014). Whether offering someone advice is objectionably paternalistic or unobjectionably paternalistic depends on the relationship one stands in to the other. For close interpersonal relationships are partially constituted by the willingness of their members to guide and help each other out, as well as normative and psychological expectations that they do so, which are generated by patterns of past behavior. Such guidance and assistance to a friend or family member can often take the form of offering advice, reminders, even warnings.

But although we all want to be cared for to some degree or extent – indeed, care is one of the special goods that intimate relationships make available – there are limits to the care we want

to receive or receive from certain people, even intimates. For example, as we come nearer to adulthood (and especially in the years of young adulthood), mere attempts by parents to benefit us out of love can be experienced as a threat to one's independence. But more generally, not only do we not always want to be looked after by those we love, we may not always want them or others to see us as in need of being looked after. This is because, though we value care, we also value autonomy and a sense of *dignity*, which may be compromised if we are seen as or become in fact overly dependent. The point might also be put in terms of *equality*. Sometimes when one person benefits another, they may, as a result of the benefitting, no longer be equals: there is a subtle alteration of status. The inequality is generated out of the fact that with respect to B's welfare, A has become a surrogate for B's agency, providing what B was not in a position to provide for herself. B has become dependent (albeit in a limited way). And that might be objectionable to B.²⁴

On the other hand, given that in paradigmatic intimate relationships, such as close friendship and marriage, each party will be dependent on the other, there may be less significant concerns about the inequality generated by a token intervention. Thus, one might think it would therefore be easier to justify inequality-generating interventions in these relationships. The inequality-generating interventions would indeed be easier to justify if the following is true: though token interventions generate some inequality and dependency for one party in relation to the other, when *the relationship as a whole* is considered, it is not the case that the interventions are one-sided or leading to a relationship that is structurally unequal, conducted on terms of inequality. Suffice it to say, our interest in holding onto some measure of autonomy and preserving a sense of equality, while balancing this interest with the characteristic dependency and vulnerability in our intimate relationships, is a complicated matter.²⁵

More generally, how exactly are the reasons of beneficence that point toward interference and the reasons of respect that point toward non-interference to be weighed when opportunities for paternalistic interference arise in intimate relationships? Differences in the goals and means of the paternalistic intervention further complicate the question of its overall moral justification. Moreover, unique understandings developed within relationships may modify the standard expectations of participants in such relationships, such that what paternalistic interventions count as permissible, impermissible, or even obligatory can diverge depending on the particular relationship and the personalities of the members of the relationship.

In light of these nuances, complexities, and qualifications, one might wonder how one is supposed to discern in a given situation whether it would be appropriate or respectful to paternalistically intervene. Perhaps we can say that paternalistic intervention is morally justified (overall) when it strikes an appropriate balance between beneficence and respect. But this is probably not going to be terribly helpful in many cases. Yet, we are also not completely at sea, for to understand the nature of respect for other people *just is*, in part, to have some grasp of the kinds of circumstances wherein certain paternalistic interventions would be appropriate. Put differently, judging well whether and how one can justifiably paternalistically intervene in an intimate's life is an art – an aspect of practical wisdom that one can cultivate. But, then again, this is true of treating people with respect and consideration in general.

To summarize: I have identified some constitutive elements of intimate relationships and argued that they help to explain the intuition that paternalism towards intimates is sometimes justified. These elements include joint identification and shared projects, trust and vulnerability, mutual understanding, and shared history. I have argued that paternalistic treatment that would otherwise be morally objectionable (because it constitutes insulting treatment or an unwarranted intrusion into the target's sphere of agency) may be justified in virtue of these

constitutive elements. The fact that A and B are in an intimate relationship can mean that paternalistic treatment by A towards B needn't be understood as involving an objectionable motive of distrust in B's competence, as disrespectfully conveying that B lacks competence, or as limiting B's legitimate exercise of agency. Sometimes, the presence of a relationship generates additional or stronger reasons of beneficence to interfere. In others, the relationship weakens or cancels some of the presumptive reasons of respect one would otherwise have *not* to interfere.²⁶

Related topics

Paternalism and Sentimentalism; Perfectionism and Paternalism.

Notes

- 1 I shall use the notions of a person's welfare, interests, and good interchangeably in this discussion, though I acknowledge that they are not exactly equivalent in ordinary usage.
- 2 Thanks to Kalle Grill for pressing me to clarify this point.
- 3 Donald VanDeVeer offers a similar list, including such factors as "disease, injury, fainting, drunkenness, drug usage, embarrassment, fear, and so on" (1986: 347).
- 4 Let us suppose that paternalism is morally justified when it strikes an appropriate balance between beneficence and respect. The suggestion is that when A stands in a close relationship to B, the reasons of beneficence for A to intervene may be no different, but the reasons of respect not to intervene may be weaker (or maybe stronger). Thanks to Jason Hanna for this suggestion.
- 5 Throughout this discussion, I shall use the expressions "objectionable paternalism" and "wrongful paternalism" (and their cognates, e.g., "objectionably paternalistic," "wrongfully paternalistic") interchangeably.
- 6 What Owens means by involvements does not exactly coincide with what I mean by intimate relationships. For Owens, "involvements" are "valuable forms of human relationship" that are marked by two features: they are "in some sense chosen" and "entail obligation" (2012: 96). Involvements include relationships between neighbors, acquaintances, guest and host, conversational participants, and friends. But they do not include such relationships as between parent and child, family members, and fellow citizens, insofar as these relationships are not chosen.
- 7 Many discussions of paternalism adopt a moralized or normatively loaded definition of paternalism. Indeed, I adopted such usage (in Tsai 2014).
- 8 This section draws on points advanced in Tsai (2014).
- 9 An interesting question is whether a person's agency is being undervalued if another distrusts her because she really is likely to choose imprudently. See Enoch (2016).
- 10 In Tsai (2014), I argue that there is an important link between the two wrong-making dimensions of paternalism and the motive of the paternalist agent. On the distinction between motive-centered and effect-centered characterizations of paternalism, see Shiffrin (2000: 211–220). On the role of motive in paternalism more generally, see Quong (2011).
- 11 Thanks to Jason Hanna for this suggestion.
- 12 Thanks to Jason Hanna for the examples in this paragraph.
- 13 If this is right, then there is reason to doubt that either a strictly motive-centered or effect-centered account of paternalism can accommodate both interpersonal and institutional forms of paternalism.
- 14 These examples are presented in Tsai (2014).
- 15 I leave open the possibility that some of these cases may also be objectionable on other nonpaternalistic grounds.
- 16 See Shiffrin (2008), Owens (2012), and Dougherty (2015).
- 17 One might argue that if someone does something deliberately and voluntarily, and there is no background pressure or difficult circumstances, then that person automatically consents to the expected consequences. Even if this is right, there is the question of how to understand the relevant "difficult circumstances" in the case of becoming friends with someone. Another important related issue is whether consent requires communication. See Dougherty (2015).
- 18 Many accept that we have stronger reason to care for and promote the interests of those with whom we stand in special relationships. See Scheffler (1997) and Keller (2013).

- 19 In Tsai (forthcoming), I consider the normative importance of shared projects that arise out of the support we offer our intimates pursuing their personal projects. There I write, “When I support you in your projects, your projects become our projects through my investment in your projects.”
- 20 Conversely, non-intimates can also share projects, and these shared projects could be the basis of justified paternalism. Consider an application of the shared projects idea to the case of medical paternalism: a cancer patient’s health and physical well-being could be viewed as a project shared with her oncologist. It is an intriguing notion that some forms of medical paternalism might be justified by appeal to the notion of a shared project. Thanks to Jason Hanna for this suggestion.
- 21 Tsai (2016).
- 22 In Tsai (2014), I discuss five relevant factors: subject matter, mode of presentation, timing, relationship, and epistemic access.
- 23 Or put somewhat differently, if it is not insulting for the paternalist agent so to act – say, because the project is shared in some sense – then maybe the act is not actually an incursion into another’s sphere of agency. (To say that something is within my sphere of agency may suggest that I ought to have exclusive rights to determine what to do, or how to resolve the issue.) The upshot of seeing matters in this way would be normatively equivalent to the construal in the main text, insofar that the act of benefitting in question would be unobjectionable (or not objectionable in the way the act would be objectionable if performed by a non-intimate). Thanks to Jason Hanna for suggesting this alternative construal of the point.
- 24 It may be that the risk of making the relationship less equal as a result of the benefitting is greater in the case where the beneficiary has invited or even requested the benefits from the benefactor. Nonetheless, I think a similar risk of generating inequality in the relationship also exists in the case of uninvited, unrequested paternalistic benefitting (even if the risk is perhaps not as great).
- 25 Thanks to Jason Hanna for raising the concerns in this paragraph.
- 26 I would like to thank Kalle Grill and Jason Hanna for their very helpful written comments on an earlier draft of this chapter.

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