

HOPE I DIE BEFORE I GET OLD OR YOU'LL THANK ME FOR THIS
ONE DAY: AN EXCEPTION TO MILL'S PRINCIPLE

My research interest bridges the fields of political science, political theory and policy analysis. It centres on paternalistic intervention in legislation: laws for the individual's own good. Whilst there may be political reasons for finding some particular forms of intervention attractive, the justifications offered are numerous and need to be examined.

There is a temptation to conduct this debate in terms of example: that a law that one approves of has paternalistic motives but is justified on non-paternalistic grounds. Such a law is then seen as a justification of paternalism in other forms.

One of the explanations offered may be of interest to a Social and Political Thought group: more so perhaps than a political science paper. In order not to stray too far from this particular issue, I shall, first of all, illustrate what I will NOT be talking about.

[paternalistic]

Justification for intervention falls into two camps; one is paternalistic, whilst the other has non-paternalistic reasons.

The paternalistic side has concerns that, it is felt, override the libertarian principles on matters of degree. Whilst it is held that the state has a duty to protect children and the mentally incompetent from doing themselves harm by irresponsible action, this does open up the possibility for some level of elasticity on the part of whoever is in the position of judgement.

This position of judgement in a democracy invokes JS Mill's tyranny of the majority and includes an element of cultural dominance.

In stretching principles by degrees, there inevitably appears a set of scales to balance a loss of liberty against a gain in some other sense. If the overwhelming

majority have no interest or disapprove of a certain activity, then the value attached to it will be negligible, far less, presumably, than the actor involved would value it. On the other side, the benefit gained by the actor in terms of health or longer life are, I argue elsewhere, often founded on popular wisdom and the weight of evidence necessary to tip the scales is dependant on the cultural and numerical status of the actors affected.

A further justification for intervention is the notion, so effectively denounced by Isiah Berlin, that we may coerce individuals in the name of a particular goal that they would pursue themselves were they more enlightened. Once we take the view that we know their objective interests better than they do themselves, we may, Berlin argues, “bully, oppress, torture them in the name and on behalf of their ‘real’ selves”.

[non-paternalistic]

On the other side of these justifications, the non-paternalistic argument accepts Mill’s claims to liberty with regard to actions that harm no other but is rather more generous in the term ‘harm’ in other words it challenges the claim that a particular action is truly self-regarding.

The first claim to this would cite the burden on state funded health care resulting from irresponsible action on the part of individual actors. It may be claimed that this argument is used most where the effects are least and that measures providing a REAL reduction in health care costs would not be politically acceptable. Secondly, the state has made an investment in people as working units and are entitled to a productive return and not have that life rashly curtailed. This economic argument, when extended, suggests that the state’s obligations to pensioners are reluctantly made promises and that a shortening of life reduces the number of pensioners and is not necessarily a bad thing.

The third case is that premature death or injury affects loved ones and those that may have to care for them. This can be taken to mean that the state is to protect everyone from the effects of another's actions and that in the end nothing is self regarding.

This brings us to this afternoon's subject: the argument, put simply, that as one's character changes over time, and especially as a result of traumatic experience, there are those who would suggest that each change in character constitutes the creation of a fresh identity and therefore, a later self. This argument suggests that your later self is, for the purposes of Mill's basic premise, another, and thereby denying claims to the act being self regarding.

I shall try to describe the theory in the terms of Derek Parfit, whose work on personhood and identity describes this in some detail.

Future self argument

The argument, put simply, that as one's character changes over time and with traumatic events, each change in character constitutes the creation of a fresh identity and therefore, a later self. This argument suggests that your later self is, for the purposes of Mill's basic premise, another, and thereby denying claims to the act being self regarding. It is interesting to note that acceptance of the principle is used to argue both for and against intervention.

We seem for instance to believe that, whatever happens, any future person must be either us, or someone else. (Parfit, 1973, p137)

The psychological link between ourselves now and what we were some years ago is in its nature one of varying degrees. Some views we hold or targets we seek may be identical and others may be quite different. If however we take the view that each day we live is directly connected with the previous one and, barring an attack of total amnesia, we are for all purposes the same person, then we speak of a continuity

that makes us the same person at all times. Derek Parfit, in 'Later Selves and Moral Principles' describes what he calls the complex view which holds that although the continuity view is an all or nothing assessment, it involves 'connectedness' of the first type and therefore will be a matter of varying degrees.

There are three cases of moral claims that Parfit suggests could be considered differently depending on whether the simple or complex view is held. These are desert, commitment and distributive justice. None of these are direct examples of coercion on a paternalistic motive but are useful for elaborating the concept of the future self as a justifying concept and, as we shall see, highlight an inconsistency if this theory is extended to other moral claims.

DESERT

The complex view on desert may suggest that a criminal whose psychological connection with the crime deserves less punishment. John Locke has suggested this in *An Essay Concerning Human Understanding* (book II chapter XXVII section 26).

For supposing a Man punish'd now, for what he had done in another Life, whereof he could be made to have no consciousness at all, what difference is there between that Punishment, and being created miserable. (Locke, 1690)

In 'Justifications for Paternalism', Donald Regan presents us with the example of an embezzler who, discovered after ten years, fully regrets what he has done and has a different set of values. It could be argued that he is so much a different person that it would be unfair to treat him as the sort of person who would embezzle. Furthermore, if they were to be also guilty of a separate crime – Regan's suggestion is a violent assault – which has not been psychologically separated, then there is no way of treating them as different people for the purposes of inflicting a punishment.

Regan's proposals raise several problems regarding desert for different future selves in the same body which, although they are applied to other regarding acts, may also be applied to paternalistic measures in a deeper way as the one who is being

protected is also the one being coerced. CL Ten gives the example of punishing a motorcyclist who has life plans entirely unrelated to the desire to ride a motorcycle without a helmet.

So if the motor-cyclist is likely, after being harmed in an accident, to regret the past act of riding without a helmet and to change his attitude towards risk, then there is a different person who has been harmed. But since a person's attitude towards risk is only one of his psychological characteristics, it is likely that a change here is not accompanied by a change in other psychological characteristics. This leads to a situation in which for some purposes the same person is present at two points in time, but for other purposes there are two different persons. (Ten, 1980, pp120).

Punishing the motorcyclist is also punishing the other person with many other plans who has made promises which may not be kept due to the punishment inflicted.

PROMISES

If we claim to have some commitment to our relations because they are related to us, do we have a lesser commitment to some one who is less closely related? If we follow the complex view we may believe our commitment varies by matters of degree. This assessment might then be applied to the idea of future selves. Promises, however are not easily adapted to a scalar view: you cannot be bound by a promise to a greater or lesser degree, you either are or are not.

Parfit examines the concept of the future self with respect to making promises. If a promise is made to someone now, how much should your future self be bound to it. It seems fair to believe that if you make a promise to someone, your future self cannot release you from it, but the recipient may and therefore the future self of that recipient may also.

If you promise somebody that you will look after a child after their death, you are obviously bound by that promise even though the recipient is not the one to whom the promise was made. There is therefore, no problem in the proposal that you are

bound to a promise made to any future self no matter how psychologically separate they may become.

An interesting scenario is drawn by Parfit as follows. A nineteenth century Russian Socialist, due to inherit land in the future, decides that it should be given to the peasants and draws up a document to that effect. In the event of his socialist ideals changing over the years he makes up the document to say that only his wife can rescind the commitment. He then asks his wife to promise that she will not do so no matter how much he may plead.

When the time comes, he does change his views and pleads with his wife to change the document. Should his wife believe that if his views have changed, then he is surely a different person to the one who she married many years ago and to whom she made the promise. If so, he is unable to release her from that promise.

Alternatively, she may feel that he is the same person and may legitimately release her from her responsibility.

This is not to be confused with 'self-paternalism' mentioned previously which elicits a promise to prevent one from actions that might occur under the influence of addictive cravings or extreme temptation. Examples of these might be a promise not to let me have any cigarettes even if I beg for them or the often quoted case of Odysseus and the Sirens from Greek mythology. These suggest that the one to whom the promise is made is still the same person, but under a predicted duress; in the first, a craving for tobacco which they obviously intend to give up, and in the second, a temptation by the call of the Sirens to dash the ship against the rocks during a temporary diversion from reason.

The case of the Russian noble presents an interesting problem for the complex view of the future self; he may be considered a separate person as his values have changed so much, but the promise was made to cover that very eventuality. Whilst

this gives an example pertaining to commitment, it also shows the opposite view when considering paternalistic intervention. The priority in this example is given to the ideals of the younger man and the values of his later self are considered to be overridden. In using the future self argument in matters of intervention, the paternalist argues that if the consequences of what you do now are likely to be regretted by a future self then they must be curtailed. This is noted by Bernard Williams with regard to the Russian.

Why should I hinder my future projects from the perspective of my present values rather than inhibit my present projects from the perspective of my future values? (Williams p206)

CLTen's argument that dead don't regret.

What I would like to suggest is that it is inevitable that one's values and goals change with age and that to interpret that change as good is to equate age with wisdom. If we accept that the later self constitutes a different person, then any judgement of previous action as regrettable is not valid as the judge has different opinions and values and may be considered a different person. They may even belong to a different culture. He or she is not 'qualified' to judge.

The probably misplaced belief that recreational drug use occurs only amongst the young, reinforces the idea. If people stop using drugs at the age of twenty, they have perhaps, with maturity, judged that activity as regrettable. It is then, with an extension of the assumed irrationality of children, easy to prohibit drugs on the basis of an expected later consent.

If we view policy makers and politicians, we find they are not young; they do have the values of a particular age group, culture and class. We should not be surprised therefore to find their judgement clouded by their own experiences. Take for

example the difference in compulsion when comparing headgear for motorcyclists and horseriders.

Of course, we can never be in a position where the later self and the former self can exist in the same time in order to discuss their values and the weight that might be applied to them. In trying to construct a hypothetical example, I find that one already exists.

It comes from a television programme which, particularly as a sci-fi sitcom, would not normally be taken seriously but does however provide us with a ready made conundrum. In an episode of Red Dwarf, the crew of a drifting space ship learn the secrets of time travel and embark upon a life of luxury: sampling all the experiences offered by different times and places. When they find themselves in need of a spare part for continuence of their life style, they have no alternative but to return to visit their former selves for assistance.

Upon meeting, each group is disgusted with the other, the former selves are appalled that they have apparently abandoned values they hold dear in pursuit of earthly pleasure and vanity and the later selves similarly frustrated at finding that their former selves are not appreciative of their later life goals. This results in the two groups parting without the assistance forthcoming.

So intent are the later selves on persuing their chosen existence that they fire upon their former selves in order to persuade them to part with this essential part; even though killing their former selves would cause them to not exist. The former selves then engage in mortal combat.