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Does Anti-Imperialism Entail Anti-Paternalism?

by

Thomas A. Crean

Under the Direction of Andrew J. Cohen, PhD

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

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2022

ABSTRACT

Advocates of systems of coercive paternalism argue that persons are, on average, incapable of or inadequate at achieving their interests. Given this, philosophers like Sarah Conly believe the best route is reducing the number of autonomous choices people must make and providing them only with the options geared most toward their interests. Against Conly, I argue that support for coercively paternalist governance shares structural features with support for imperialistic governance. Because both coercive paternalism and imperialism involve the same structural defects, that is, a lack of equality and reciprocity, political philosophers ought to condemn the former just as they do the latter.

INDEX WORDS: Coercive paternalism, Imperialism, Equality, Reciprocity, Democracy, Political participation

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2022

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DEDICATION

I dedicate this thesis to those in my life who have helped me cultivate the moral virtues that inspired me to study philosophy. I thank my parents, John M. Crean and Carol L. Crean, for allowing and encouraging my academic exploration. I thank my hometown parish priests, especially the Rev. Frs. George Mitchell and Peter Garry, for helping guide my early moral development. Finally, I thank my wonderful partner Anastasiia D. Grigoreva for her unwavering support of my projects and thoughtful comments on this thesis.

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1 INTRODUCTION

In her 2013 monograph, *Against Autonomy: Justifying Coercive Paternalism*, Sarah Conly takes aim at John Stuart Mill and, more broadly, the liberal conception of autonomy, to argue that the state can and should force people to behave in their own best interests. Millian political philosophers have generally accepted that individual agents ought to be secure in their right to make decisions that affect only themselves. Conly moves against this by arguing that forcing people to behave in certain ways is not only permissible but preferable to inviolable autonomy. She calls this “coercive paternalism.”¹

I contend that accepting Conly’s coercive paternalism opens the door to problematic political commitments—in particular, imperialism.² I argue for a conditional thesis: that if one opposes imperialism, one must also oppose coercive paternalism. I do not argue that imperialism is *ipso facto* bad, but I anticipate that many (if not all) contemporary political philosophers will take that to be the case. My arguments simply assume that there is indeed something morally bad with imperialism. Uncovering the relevant bad-making features will allow me to expand the critique to other political arrangements that exhibit roughly the same features – including, I argue, coercive paternalism. I demonstrate that imperialism and coercive paternalism are sufficiently similar in the relevant bad-making features, and that one ought to reject Conly’s position if one rejects imperialism.

My argument is presented in 5 sections. In section 2, I outline the details of Conly’s argument in favor of coercive paternalism. I offer one historical perspective on imperialism in section 3 in order to begin to connect historical imperialism with contemporary paternalism. In section 4, I identify the bad-making features of the imperialistic political association and, in

¹ Conly, 32.

² Imperialism and colonialism are roughly equivalent for the purposes of this paper.

section 5, demonstrate how the features are just as present in the coercively paternalistic political state of affairs. Finally, I deal with objections in section 6.

2 ONLY'S COERCIVE PATERNALISM

John Stuart Mill defends a broad respect for personal autonomy in *On Liberty*, writing that “[a]ll errors which [an individual] is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem good.”³ His harm principle maintains that coercive power may only be rightfully used against the individual person to prevent harm to others; the physical or moral well-being of the individual’s own self is not sufficient justification for interference.⁴ This respect for autonomy is in opposition to paternalism, best defined by Gerald Dworkin as “the interference with a person’s liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of the person being coerced.”⁵

Mill’s anti-paternalism is rooted in a basic respect for autonomy. Smoking is an illustrative example. The man who chooses to smoke a pack of cigarettes each day invites well-known negative health outcomes. Assuming he smokes on his own property away from bystanders, he harms only himself, so on Mill’s view, his choice ought to be respected. This relies on an assumption that adults are rational agents, so the same would not apply to small children or the severely mentally impaired. Herein lies Sarah Conly’s suggested paradigm shift.

Conly believes that we greatly overestimate the degree to which adult human persons are rational agents making autonomous choices. We tend to think that failures of rationality are the

³ J.S. Mill. *On Liberty*, 88.

⁴ *Ibid.*, 11.

⁵ Dworkin, 65.

exception, not the rule. Those making poor decisions merely have different priorities, like valuing pleasure over long-term health in the case of the smoker, but they are not cognitively impaired in a way that suggests we would otherwise restrict their personal autonomy. However, Conly draws on a convincing body of social science to assert that failures in sound reasoning are a typical feature of the adult person's mind.⁶ Her unique contribution is using contemporary empirical work to adjudicate the debate between Mill and Dworkin in the latter's favor. Per Conly, the smoker is likely not choosing to smoke as autonomously as Mill might suggest. The smoker likely misunderstands the actual benefits and downsides to his behavior, and he likely underestimates how much he prefers long-term health to temporary pleasure, for instance. Whether the body of empirical work Conly draws on truly vindicates her position on the failures of reason is an interesting question on its own, but I will grant this premise in favor of drawing out other flaws of her overall argument for coercive paternalism.

Conly's basic argument is as follows:

- 1) Human persons have interests, and it is good for us to achieve our interests.
- 2) Human persons are bad at determining the prudent steps to reaching goals in line with their best interests.⁷
- 3) The state can remove and change options available to persons in order to effectively force them to make choices that better align them with their interests.⁸
- 4) Non-coercive, non-state solutions are insufficient for aligning people with their interests.⁹

⁶ Conly, 21.

⁷ Ibid., 20-23.

⁸ Ibid., 32.

⁹ See Conly's objections to non-coercive and/or non-state solutions where she addresses liberalism (25-29) and libertarian paternalism (32).

- 5) Thus, the state should remove and change options in a way that forces people toward their best interests.¹⁰

In what follows, I simply assume the first two premises are true.

For one simple illustration, we can all understand that pleasure can be one of our interests, and that since many find pleasure in drinking or smoking, those can be components of our interests. However, Conly would note that the average person prefers long-term health to the temporary pleasure of liquor or cigarettes—our best interest here would be our health, which is typically frustrated by indulging in certain substances.¹¹ Given this, Conly believes that efforts made to help us achieve that interest—even coercive efforts when non-coercive efforts are insufficient—would be plausibly accepted.

3 THE HISTORICAL DEFENSE OF IMPERIALISM

At first glance, the connection between imperialism and paternalism seems weak at best. After all, the former is an international behavior typically involving violent domination, while the latter is merely a way of justifying legislating individual behavior. In other words, imperialism is an activity of states directed at other states or territories, whereas paternalism is an activity of states directed at individuals. In what way, then, are the two similar? I will use a basic definition of imperialism: a policy or practice of using state power to acquire or gain control of areas not currently under the state's current legitimate control.¹² We already have a working definition of

¹⁰ Conly, 32.

¹¹ Importantly, this leaves open the door to a subjective outlook on best interests. Additionally, using certain substances in moderation may be less objectionable, but drinking or smoking a little is still probably worse than not drinking or smoking at all.

¹² *Encyclopedia Britannica*.

paternalism in Conly's work, so I turn directly to the historical defense of imperialism to understand the connection.

Mill defends the imperialist activities of Great Britain on the basis that they are always aimed at improving the world, ending violent conflict, and civilizing barbarous peoples.¹³ For example, the British state's intervention in India, often derided as a textbook case of imperialism, was, according to Mill, actually in service of the Indian people. He reasons that the real crime the British committed in India was not stepping in and giving the tyrannical states a suitable government sooner.¹⁴ In particular, Mill points to great improvements in Indian infrastructure, healthcare, education, and technology as serious benefits yielded to India and the Indian people as a result of imperialist activity.¹⁵ Contemporary scholars view this conditioned defense of imperialism as deeply out of touch with Mill's stated liberalism. For instance, political scientist Uday Mehta writes that Mill is merely hypocritical here: the values of tolerance and self-determination are incompatible with the imperialist activities Mill defends.¹⁶

That Mill contradicts himself here seems fairly obvious, but if we take his justifications of imperialism earnestly, we can investigate further what precisely is wrong with imperialism. Mill is using his positive view of British imperialism as a justification for the ostensibly illegitimate acquisition of land mentioned in the definition of imperialism. The argument here is simple: Mill believes that if British rule benefits the native population, then it is justified because of that benefit to the natives. As we see from his piece on non-intervention, Mill clearly affirms

¹³ J.S. Mill. "A Few Words on Non-Intervention," 259-260.

¹⁴ *Ibid.*, 259. While Mill might have been right in thinking the existing states in India were tyrannical, the British state did not liberate the people; they merely supplanted one tyranny for another. That Mill's discussion of the situation demonstrates a parochial bias is not of importance here; our concern is only to understand imperialism, not the real motives of British rule at the time.

¹⁵ Tunick, 586.

¹⁶ Mehta, 3-4.

the antecedent – the benefits he claims the Indian population received justify imperialist dominion.

4 WHAT'S WRONG WITH IMPERIALISM?

If contemporary scholars think that the Millian defense of imperialism is misguided, what are the bases along which they criticize it? This question suggests we seek the bad-making features of imperialism as a practice, and there are several plausible answers. I will first explore two that I believe are inadequate, focusing on the violence of imperialism. Then, I will explicate a third, stronger, position that brings us back to paternalism.

The most obvious bad feature from historical cases of imperialism is violence. Imperialist power throughout human history is almost always accompanied by gratuitous bloodshed and oppression. Laura Valentini advances the view that imperialism is unjust due to the violence—often racist violence—that almost always appears in such structures.¹⁷ If that is the bad making feature though, then if an imperialist could construct a system in which the subjects of imperialism were truly benefitted and not violently abused, that system would be morally permissible. (Valentini herself acknowledges that her argument is a contingent one.)¹⁸ However, this view of violence fails to guard against Mill's position. While British imperialism in India happened to be violent, if the British were to exercise authority over the subcontinent in a relatively peaceful manner, I would still not accept that non-violent rule as morally permissible. I suspect many would share this intuition against even non-violent imperialist rule because they find the lack of autonomy for subjects troubling along two bases. First, the imperialist power may become violent in the future, and second, the imperialist power takes away the ability of the

¹⁷ Valentini, 331.

¹⁸ Ibid.

subjects to make their own collective decisions when they diverge from the decisions of the power.

Vittorio Bufacchi, like Valentini, identifies violence as the key bad-making feature of imperialism, but holds that this is an inherent fact, not contingent.¹⁹ For Bufacchi, the great evil of imperialism is not the level of violence, per se, but the arbitrariness of institutionalized colonial violence.²⁰ Here, arbitrariness refers to the capacity a power has to interfere with some entity while unconstrained by rules and procedures so that the problem is simply that the imperialist rule is violent and unconstrained.²¹

Bufacchi's view of imperialism has problems. There are instances of arbitrary violence that we might consider justified – for instance, if violence were required for resisting an unjust imperialist power or a slave state, the presence of that violence would not make the resistance bad as a whole. If it is the case that arbitrary violence can acceptably be used to oppose substantively bad political associations, then it is not the primary bad-making feature of imperialism. Otherwise, its presence in non-imperialistic associations would also corrupt those. Instead, the potential badness of arbitrary violence is downstream from the qualities of the political authority. Arbitrary violence exercised by a qualitatively bad authority is bad. We still have yet to establish why imperialist authorities are qualitatively bad, though.

If Valentini's contingent violence view and Bufacchi's arbitrary violence view are inadequate, then we need a different, stronger, view not centered around imperialist violence. In other words, while imperialist violence is horrific, it is, as Valentini says, a contingent feature of imperialism. Instead of pointing to that violence, we ought to search for the bad-making features

¹⁹ Bufacchi, 198-199.

²⁰ Ibid., 204.

²¹ Bufacchi, 206-207. Lovett, 96. Bufacchi's conception of arbitrariness draws on the work of Lovett and Pettit.

intrinsic to such a political arrangement. Political theorist Lea Ypi claims the intrinsic wrong of imperialism is in its failure to establish a political association that reflects equality and reciprocity.²² The two criteria for establishing associations that conform to these principles are 1) that the norms are set up in a participatory fashion, and 2) that the design of institutions facilitates cooperation rather than coercion.²³ These two criteria are related to equality insofar as participation and cooperation allows for equal opportunity in shaping norms and policy without categorically privileging any particular group. They are related to reciprocity insofar as cooperative political associations mutually benefit the state, by preserving stability, and the populace, by reflecting popular preferences in policy.²⁴

That imperialism violates these criteria is clear. First, imperialist associations are set up unilaterally. The imperialist authority arrives somewhere, imposes norms and institutions entirely of its own creation, and (often violently) enforces those systems. Thus, a political association without any sort of meaningful participation or cooperation is established. Ypi notes that an effectively equal and reciprocal political association requires consent from the party being ruled.²⁵ An imperialist authority, though, does not measure or take seriously the consent of the people it colonizes. Imperialist authorities are also typically not mutually beneficial (and thus are non-reciprocal), since they often extract material wealth from the subject land and people for the benefit of the imperial center.

Ypi's view is superior to the two views considered because it gives us tools to criticize non-violent imperialist authorities on these grounds. It also equips us to criticize a broader range

²² Ypi, 178.

²³ Ibid.

²⁴ Of course, participation and cooperation are not a mere binary; states achieve more or less of these things and are thus more or less equal and reciprocal. The point here is that imperial associations are severely lacking in equality and reciprocity.

²⁵ Ypi, 179-180.

of political associations, like dictatorships, and their justifications, even when they manifest in non-violent ways.

The structure of the unequal and non-reciprocal political association allows for the whim of the imperialist authority to override the preferences of the subjects.²⁶ Because the ultimate coercive power is vested in the imperialist authority, the relationship is inherently unbalanced, even in cases where that authority does not harm, and in fact materially helps, its subjects. Thus, this proposed wrong of imperialism allows us to fully reject Mill's conditional defense of imperialism – even if it were the case that the British intervened in India for the benefit of Indians, we still ought to reject the unbalanced political structure. This account of the wrongs of imperialism is superior to violence-based accounts since it is functionally impossible to have a totally equal and reciprocal imperialist association. One might imagine a political association with complete or near-complete equality and reciprocity, but this would no longer be imperialism in a meaningful sense – rather the association would just be a very large polity.

5 PATERNALISM AS UNEQUAL AND NON-RECIPROCAL

Coercive paternalism, as Conly lays it out, violates the principles of equality and reciprocity in political associations, and thus commits the same chief wrong as imperialist domination. With Ypi, we are assuming that a required norm for a just political association is that it be participatory. The equality and reciprocity restrictions on the state equally apply to a political state of affairs with paternalistic justification. Paternalistic political states of affairs cannot, though, develop equal and reciprocal norms.

²⁶ This problem with imperialism, even when done non-violently, mirrors Philip Pettit's problem of domination. See Philip Pettit, *Republicanism: A Theory of Freedom and Government*, Oxford: Oxford University Press (1997). In short, imperialism is a form of political domination, and this carries problematic consequences even when imperial authorities treat their subjects relatively well.

Consider one common way states attempt to establish participation today: democracy. Conly affirms democratic means of government when she writes that her proposed paternalistic legislation would be, like other legislation, best made by a democratically elected legislature.²⁷ In a democratic state, citizens participate through elections or referenda. Thus, the norms guiding policy are inherently participatory. If, though, one sought to enact a paternalistic regime where individuals were denied their short-term interests for the sake of their long-term interests, such participation would be highly implausible. The citizens would vote either for maintaining personal autonomy (in which case the state would not be paternalistic) or for establishing a regime in line with Conly's paternalism. In the latter case, the people voting for paternalism are the sort who do not need paternalism – if they clearly understand their long-term interests well enough to determine that a vote for paternalism is aimed at those interests, they are not significantly victim to the cognitive biases Conly outlines in her book.²⁸

Those who approve of paternalism do not need it.²⁹ They sufficiently understand their interests and are not inordinately irrational in pursuing those interests. Only those who do oppose paternalistic justification will be treated paternalistically. Given this, we have a tripartite distinction: those who desire aid/intervention, those who do not and are treated paternalistically (and, I think, wrongly), and those who may or may not want interference but are rightly treated as children (or as sufficiently non-autonomous agents). Any members of the polity who fall into the second category, then, are in a relationship with the state that is unequal and non-reciprocal – they are treated in a way that violates their autonomy. In contrast, members of society who favor

²⁷ Conly, 39.

²⁸ *Ibid.*, 20-23. It is questionable whether this latter case would even be paternalism in the first place, since the people are not coerced into the course of action best for them – they are selecting it through democratic means.

²⁹ Criticisms of paternalism are made along this basis, but I place special emphasis on how this fact sets up two classes of people of disparate equality in reference to the state and the other group.

paternalism (the first category) are privileged, since they are not wrongly treated like children. The difference in equality and reciprocity is evident in the first group's consent to paternalistic intervention – those who desire paternalism are not being treated unequally (in other words, as non-autonomous members of the political community), and they are benefitting from state policy (thus in a more reciprocal position to the state) much more so than those who have their short-term interest non-consensually frustrated, since the state policy aligns with their preferences. For those who oppose paternalism while being treated paternalistically, the state-citizen relationship closely resembles a state-subject relationship, like those Ypi criticizes in imperialism and dictatorships. The members of the third category are also treated unequally but for good reason, as they are sufficiently unable to autonomously manage their own affairs.

Conly herself concedes that coercive paternalism will likely prove very controversial to most people, which suggests (at least in the modern American context) that voters would opt for the autonomy-respecting system over the coercively paternalistic model.³⁰

If voters refuse to enact strong paternalistic measures consensually, the only way to establish Conly's ideal regime is through more coercion. If Conly's estimation of the will of the people is correct, the system may preclude democratic participation as its basis. Even in a scenario where most people begin to prefer paternalism, the result would be problematic. A hypothetical populace that would democratically institute paternalism would not prove that paternalism in general is participatory any more than a hypothetical Indian population that enthusiastically welcomed British imperialist authority would prove imperialism is participatory. To illustrate this point, consider the following analogy:

³⁰ Conly, 45.

Louis and Mary fall in love and autonomously decide to get married. Over the years, Louis begins to emotionally neglect and physically abuse Mary. She rightly decides that she must be separated from Louis, but Louis does not allow her to leave on the basis that she was the one who wanted to get married in the first place.

It would be a mistake to suggest that because Mary originally consented to and participated in the establishment of the matrimonial bond, she continues to consent to and participate in the bond indefinitely. Clearly, there comes a point in this scenario where Mary can no longer be described as willingly participating in the association with Louis. Likewise, the voters who originally consent to paternalism will almost certainly dissent to specific pieces of paternalistic legislation down the road: the soda drinkers will oppose strict sugar bans, the extreme sport lovers will resent increased safety measures, the gamblers will be angered with automatic investment plans that dip into their disposable income, and so on. The fact that they once voted for paternalism, as Mary once consented to marriage, does not mean they consent to every future decision of the paternalist authority, just as Mary never consented to neglect and abuse. In other words, the democratic legitimacy given to the paternalistic state does not and cannot last indefinitely. This does not show paternalism is categorically wrong, but it does show that long-lasting paternalism is wrong, as eventually it will require autonomy-reducing force.

There must be appropriate exit conditions for a paternalist regime to reasonably be considered participatory. Imperialism obviously does not offer appropriate exit conditions, but neither does long-lasting coercive paternalism, as I have argued above. Because of the lack of consensual exit conditions in imperialism and (at least many forms of) coercive paternalism, both fail on the participation standard. Situations where each paternalistic law is democratically

approved might avoid some of the force of this participation problem, but this is not what Conly proposes, and would likely come with too high a practical cost for governing.

One worry about what has been said thus far is that overemphasizing the exit conditions proves too much – after all, it is commonly the case that citizens cannot exit their polity. Moreover, citizens might consent to giving up a right to exit. However, we already do take moral issue with inescapable political associations. For instance, part of the problem with the Democratic People’s Republic of Korea is that people cannot leave without serious risk to their and their family’s safety. While it might take some effort to leave the United States, it stands in stark contrast to a place like the DPRK. It may not be materially possible for every person in the United States to exit, but the fact remains that the government does not coercively prevent such an exit, which puts the two associations on relevantly different footing. So, it might be the case that the non-interference of exiting is sufficient here. And, while some polity may consensually give up an exit right, the individuals can only rightfully give up this right on their own behalf (e.g., one cannot surrender his son’s right before the son reaches the age of majority, and one generation cannot surrender the next one’s right, in general). Paternalistic legislation, though, would be binding for all individuals, not just those who may surrender exit rights (at least by Conly’s standard).

Conly might try to get around the unpopularity of paternalism through education, the classic liberal solution. If the populace can be persuaded that continuous paternalist legislation is good, the problem of participation might be avoided. Conly suggests the general opposition toward paternalism is due to its imagined effects, so dispelling the myths surrounding

paternalism will prime the population to participate in such a system.³¹ However, this point contradicts Conly's dismissal of the classic liberal solution to human cognitive biases.

In my outline of her argument, the fourth premise suggests that non-coercive and/or non-state solutions are insufficient for correcting human biases. Conly backs this premise up by arguing that the classic liberal solution to human error, education, proves unsuccessful. Consider that anti-smoking education in America is extremely widespread – no child gets through primary and secondary school without being told how awful and cancerous cigarettes are – and yet over 20% of the population smokes regularly (including about 20% of high school students).³²

Our educational efforts regarding the dangers of smoking seem to be failing. So, why should we expect a campaign educating people about the alleged benefits of paternalism to succeed? Either education does not work, as evidenced by the fact that people still smoke, so cannot be used to motivate participation with paternalism, or education does work, in which case paternalism is not needed in the first place. In the former case, education cannot establish participatory paternalism, and in the latter case, Conly's position collapses into the classic liberal solution she opposes.

Another important way coercive paternalism violates the participatory requirement of equality and reciprocity is in its establishment of a privileged class of legislators. To make paternalist policy, the state needs appropriately credentialed or knowledgeable experts. For instance, an individual with only a high school diploma is not likely to have the knowledge to determine which activities sufficiently frustrate people's long-term interests. Conly wants to resist the idea that her system requires some sort of political class inequality, and she writes that because CEOs and high IQ individuals are often just as susceptible to cognitive errors as others,

³¹ Conly, 45.

³² *Ibid.*, 25.

paternalist policy would not necessarily be crafted by a group of these supposedly superior thinkers.³³

Instead of elevating superior thinkers as the privileged governing class, Conly wants any and all of us to craft legislation when we are doing our superior thinking.³⁴ She holds that the major cognitive errors are a function of the circumstance of a decision rather than the flawed decision-maker himself.³⁵ I find this distinction unsatisfactory. Surely the circumstances in which a decision is made have some importance, but so do knowledge and expertise. If humanity is, as a general rule, equally susceptible to the errors Conly fears, then I would strongly prefer the prudential legislation of those who have significant relevant knowledge over those who do not. Both the scientist and the high school graduate have their cognitive biases, but if the former tells me a vaccine is a medical intervention best suited to realizing my long-term interest of good health, I should take her a lot more seriously than I should the high school graduate.

Conly seems to recognize the importance of technical know-how when she notes that the professional gardener familiar with begonias will make a better decision on their placement than an amateur.³⁶ Perhaps the gardener will be biased by an aesthetic sensibility, and so he places them in too much direct sunlight. Regardless, a flawed expert is still better equipped to decide than someone with no appropriate background knowledge, who would essentially be guessing what is good for the plants. Falling back on the fact that people with specialized knowledge also experience failures in reasoning does not entail that these people are not the best option we have if we wanted to create maximally prudential paternalistic policy.³⁷ Thus, if we are to take

³³ Conly, 38-39.

³⁴ Ibid.

³⁵ Ibid., 38.

³⁶ Ibid.

³⁷ The U.S. Census Bureau notes that, as of 2020, 139.3 million Americans over the age of 25 have only a high school diploma or (20.2 million) less education. Those with this level of educational attainment are very unlikely to

paternalism seriously, we would need a specialized class of legislators, and this class would wield coercive power over the non-specialized class. To maintain equality in such a system, everyone, regardless of where they come from, must have a chance at the requisite education to be elected, but if we were to give everyone in a polity the chance to attain this education, it is unclear why this society would need paternalism in the first place – everyone would simply understand her long-term interests well enough to govern herself.³⁸

The government agency responsible for crafting paternalistic legislation could run on a merit-based hiring system, where any individuals with qualifications X, Y, and Z could be hired. In a sense, this would be an equal system, as any individual with the relevant qualifications would be able to participate in creating policy. However, the qualified experts would be creating policy that legally binds people who do not have, nor stand a reasonable chance at gaining, qualifications X, Y, and Z. The level of participation of experts would clearly be unequal to that of non-experts. This also offers only a portion of the population a reciprocal relationship with the state, as the non-expert class is bound by the laws without the opportunity to wield power in a way that could meaningfully change them.

Any society will have some population of experts and non-experts, but the problem with the coercively paternalistic state is that its laws are not merely basic state functions – the paternalistic laws go beyond preserving peace, protecting claims of individuals, and adjudicating disputes between citizens. These laws dip into the personal lives of individual non-experts, even when they do not understand or consent to paternalist interference. What if the non-experts consent to these paternalistic laws? The long-lasting nature of Conly's ideal system is

be able to competently craft the sort of interest-maximizing legislation Conly endorses.

<https://www.census.gov/library/visualizations/time-series/demo/cps-historical-time-series.html>

³⁸ An additional concern in regard to equality here is that those who do not understand their long-term interests on Conly's view will likely be unable to understand which experts are best for their long-term interests.

problematic here. She does not propose paternalism as a temporary fix but rather a permanent form of state intervention, based on fairly static failures in human reasoning. But, as I argued above, long-lasting paternalism, even if originally consensual, eventually treats some individuals as unequal in their ability to direct their own projects, enjoyments, and activities – in particular, those individuals who have strong short-term interests that experts decide are against their long-term interests. Those who enact and continually consent to paternalistic legislation are afforded a greater control over their lives, despite suffering from the same cognitive biases. Conly notes, while the individuals who might originally consent and later dissent have their preferences under-valued. Given the pluralism in people's interests, the chances a paternalist authority will eventually treat some group (perhaps even most groups) of individuals unequally in this regard is high.

Of course, this does not mean the people having their short-term interests frustrated must be treated poorly (or worse, violently) by the paternalist authority – it does, however, mean that they will not be afforded the same depth of participation as the highly educated experts and those who consent to paternal interference. Here, we can again observe a parallel with the imperialist political association. Those considered less qualified to run their own affairs might be treated well by the imperialist authority, but they are not on equal and reciprocal terms with that authority. Just as having a privileged imperialist class is problematic, having a privileged paternalist class is, and it seems avoiding creating some sort of class like this is highly implausible regardless of the desire for effective paternalistic legislation.

6 OBJECTIONS

One might accept Ypi's account of the wrongs of imperialism and object to my arguments on the basis that imperialism is magnitudes worse than paternalism. Of course, real life examples of imperialism seem to be intuitively worse than real life examples of paternalism – no morally serious person would equate imperialist domination to not being allowed to drink soft drinks or smoke cigarettes. However, this objection misunderstands the aim of my argument. I am not arguing that imperialism and paternalism are morally equivalent states of political affairs. I am only arguing that they are similar in a relevant bad-making feature. I believe that I have shown that. Moreover, the question of which is worse is highly context-sensitive, so while imperialism tends to be worse than paternalism, we cannot say one is categorically worse in all possible instances. For the purposes of my argument, though, it suffices to say that the two have the same kind of thing wrong with them – that they deny equality and reciprocity to one or more parties.³⁹ My point was not to give a knock down argument against paternalism itself, but only to show that it has the same flaw as imperialism, so if you reject the latter, you should reject the former.

Relatedly, one might argue that there are at least some avenues for political participation within a paternalist state while there are none in an imperialist authority. While it is true that a credentialed individual might be afforded a high degree of participation in paternalistic governing, this could also be the case in some imperialist scenarios. For example, a subject of imperialism could be delegated some political power, and thus have closer-to-equal participation, but still serve at the pleasure of the higher arbitrary power. What cannot be the case, in imperialism or paternalism, is that many or all of the subjects are equally participating. If they

³⁹ Even if the usual presence of violence in imperialism is what makes it worse than paternalism, one would have to concede that particularly violent paternalistic authorities are worse than peaceful imperialist authorities.

were, the association would functionally be an ordinary democratic polity. That similarity is what matters for my argument.

Another objection to my conditional argument is that the imperialist state and the paternalist state are different kinds. There are a number of ways this objection could be drawn out. One might note that Mill's defense of imperialism is about countries and cultures, not individuals. While it is true that he defends what he takes to be the superiority of British values, Mill ultimately grounds his interventionism in paternalistic impulses. He argues that part of the British imperial obligation was for the sake of individual Indians, and he claims the people of Oude would be better off under a tolerable government.⁴⁰ When we consider that Mill believes the culture and systems of Britain will materially help individuals, it is clearer how this argument is parallel to the paternalist's. Conly, concerned chiefly with individuals, is similarly arguing that individuals will have materially better lives under a paternalistic system. Both Mill and Conly see the state as a vehicle for maximizing good for individuals. Thus, the fact that imperialism is state-based and paternalism is individual-based does not mean imperialism and paternalism are of different moral kinds. Both structures involve state-level and individual-level factors.

7 CONCLUSION

Imperialism and paternalism share a structural defect in their violation of equality and reciprocity conditions. Though the two manifest to varying degrees, and often with different contingent features, the unequal and non-reciprocal states of affairs give us good reason to be morally suspect of both. That imperialism is abhorrent is hardly controversial, but the anti-paternalist implication of an anti-imperialist commitment is less obvious. There is further room for

⁴⁰ J.S. Mill. "A Few Words on Non-Intervention," 260. Oude was a British-controlled state within India.

normative work on the boundaries of equality and reciprocity conditions, but the participation metric surely maintains some place. This argument also can accommodate types of paternalism that are able to avoid the equality and reciprocity problems Conly's version cannot. Given the current lack of a plausible proposal that avoids these charges, I affirm Mill's general respect for autonomy as preferable over paternalist systems. One might still hold on to Conly's coercive paternalism position, but I believe I have shown that this is incompatible with the anti-imperialism commitment many people have.

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