

Rational Persuasion
as Paternalism

In the contemporary philosophical literature, it is widely assumed that one cannot act paternalistically by rationally persuading someone to do something.¹ Loosely characterized, the term *paternalism* refers to behavior aimed at promoting another person's good that treats her like a child, or someone who cannot be trusted to look after her own good. By *rational persuasion*, I mean, roughly, the activity of offering reasons, evidence, or arguments to another person. So it is widely thought that one cannot treat a person as someone who cannot be trusted to look after her own good, by providing her with reasons, evidence, or arguments with the aim of getting her to act for her own good. Indeed, paternalism is commonly *defined* as involving means other than rational persuasion to interfere with another person's agency. Moreover, as a method of influencing another person's behavior, rational persuasion is often contrasted not just with paternalism, but also with coercion, manipulation, rhetoric, and deceit. As opposed to these generally morally problematic

Earlier versions of this article were presented at the Australian National University, Charles Sturt University in Wagga Wagga, Chinese University of Hong Kong, and National Taiwan University. I am grateful to the audiences at each of these events. This article was significantly reworked and completed while I was on a Research Fellowship at the Centre for Moral, Social, and Political Theory in the School of Philosophy at the Australian National University. For especially helpful conversations or comments on earlier drafts, my thanks to Brian Berkey, Daniel Cohen, Keith Dowding, Luara Ferracioli, Adam Gastineau, Daniel Gregory, Kenneth Kipnis, Colin Klein, Niko Kolodny, Seth Lazar, Alex Prescott-Couch, Nicholas Southwood, and Lachlan Umbers. I would also like to thank the editor and two anonymous referees for their extremely thoughtful and helpful criticisms and suggestions.

1. An exception is Julian Savulescu, who argues that a physician should act paternalistically as "not merely a fact-provider but also an argument provider." See Julian Savulescu, "Rational Non-Interventional Paternalism: Why Doctors Ought to Make Judgments of What Is Best for Their Patients," *Journal of Medical Ethics* 21 (1995): 327–31.

methods of influence, rational persuasion is seen as the morally desirable and admirable alternative, the one that shows respect for a person's agency.

There is, of course, something deeply right in the idea that rational persuasion is generally a respectful method of influence, that its use is compatible with acknowledging that the person on whom it is used ultimately has the right to decide for herself how to live: to be the one who makes her own life, to be the author of it. The social importance of the practice of rational persuasion in a pluralistic world also cannot be denied. A healthy, flourishing democracy depends, after all, on the existence of open and robust rational debate among the citizenry. Given deep disagreements among society's members over moral, evaluative, and religious questions, rational persuasion plays a critical role in settling disagreements and minimizing conflict over fundamental issues of law and policy. Rational persuasion offers us a noncoercive method of managing our differences over matters of mutual concern without leading our lives in entirely separate spheres. It allows us to reap the benefits of social cooperation.

Even bearing these important points in mind, however, I believe there are potential moral hazards when rational persuasion overreaches. When the contrast class comprises coercion, manipulation, rhetoric, and deceit, rational persuasion certainly strikes us as the morally preferable method of influence. Yet, a careful examination of different cases within the class of rational persuasion will make clear that not all instances of rational persuasion are morally on a par. In particular, I shall argue that it is possible to rationally persuade someone to do something, yet treat her paternalistically or disrespectfully. Rational persuasion may express, and be guided by, the motive of distrust in the other's capacity to gather or weigh evidence, and may intrude on the other's deliberative activities in ways that conflict with respecting her agency. When the provision of reasons preempts the other person's own deliberative activities such that her decisions about important life questions cannot then be seen as flowing from the independent exercise of her capacities to canvass and weigh reasons, the result can be a form of *loss* in being unable to see herself fully as a self-directing agent realizing purposes of her own. For example, suppose that you are trying to resolve some practical question about what to do with your life. Say, you are deciding whether or not to pursue graduate studies in philosophy. Suppose that I have no faith in

your ability to independently canvass or weigh the relevant reasons that bear on your decision, and so (because I care about you) I am concerned about the potential consequences for you of making the “wrong” decision. On the view that I shall defend, I treat you paternalistically in offering you reasons (say, not to pursue philosophy) if, in doing so, I (i) am motivated by the distrust and concern, (ii) convey that you are insufficiently capable of canvassing or weighing reasons for yourself, and (iii) occlude an opportunity for you to independently engage with the reasons. Put differently, my act of rational persuasion seems presumptively objectionable in a way that is normatively similar to the way familiar cases of paternalism are.

A few preliminaries are in order at the outset. First, my contention that rational persuasion can (but need not) be a form of paternalism will center on the case of interpersonal paternalism. By *interpersonal paternalism*, I mean paternalism not by the state or state institutions toward the state’s members, nor by medical institutions or doctors toward patients, but rather by adults toward other adults in ordinary interpersonal exchanges, the kind of paternalism that occasionally occurs in common life in informal interactions between friends, family members, loved ones, spouses, and acquaintances. As I will not be concerned with paternalistic actions by an individual performed in her formal “institutional capacity” (as physician, government official, financial advisor, and so forth), I set to the side such commonly discussed areas as legal paternalism and medical paternalism. In doing so, I do not mean to suggest that my argument concerning *interpersonal* paternalism does not extend to *institutional* paternalism. My argument may well extend to other, noninterpersonal forms of paternalism, but to avoid complicating matters, I will not try to make that case here.

In addition to remaining officially noncommittal as to whether my argument extends to noninterpersonal instances of paternalism, I will also restrict my argument to *welfare* paternalism. It is a matter of some controversy whether paternalistic action must aim at the target’s welfare per se.² Actions interfering with another person’s “sphere of authority”

2. Notably, Seana Shiffrin holds that action aimed not at promoting an agent’s welfare (even broadly construed) but at something else that the agent has authority to do herself may be paternalistic. Seana Shiffrin, “Paternalism, Unconscionability Doctrine, and Accommodation,” *Philosophy & Public Affairs* 29 (2000): 205–50.

absent concern for her welfare can certainly be disrespectful and intrusive, but can they be paternalistic? Disagreement on this point may bottom out in differing linguistic intuitions regarding the appropriate usage of the word *paternalism*, one that is something of a term of art. Apart from worries about stretching the meaning of the word, however, there may not be all that much, morally, that hangs on whether *merely* sphere-invading attempts to substitute one's judgment or agency count as paternalism, once we acknowledge that such substitutions can be disrespectful and insulting and thus in general objectionable. At any rate, to sidestep the issue of whether *merely* sphere-invading substitutions can count as paternalism, I shall limit my argument to *welfare* paternalism and focus on cases of acting in order to further or protect the target's welfare.³

Besides the two qualifications about the scope of my argument, there are two further points of clarification. The first is that I will treat the notions of a person's *welfare*, *interests*, and *good* as equivalent. In ordinary language, these terms are not exactly equivalent, but there are not sharp dividing lines either. In keeping with much contemporary philosophical practice, I will use these terms interchangeably: so what advances my *welfare* is what serves my *interests* and is what promotes my *good*—what makes my life go better rather than worse.

The final preliminary point is that I shall assume that paternalism is *prima facie* impermissible or objectionable, that is, presumptively morally unjustified, but there may be circumstances in which it is justified *all things considered*. Some people object to this moralized or normatively loaded interpretation of paternalism, favoring a normatively neutral one. As should be clear, my aim is not to engage in a dispute about the linguistic discipline of the concept *paternalism*. My interest in the concept resides in its normative importance in picking out a category of action, in the fact that the term is commonly used to describe ways of acting toward an adult with the end of furthering her good that treats her objectionably like a child. My particular interest in this discussion is in whether some cases of rational persuasion are objectionable in a way that is normatively similar to familiar interpersonal cases where many would find it quite natural to apply the term in its moralized sense. The

3. If, however, one holds the view that paternalism needn't aim at the target's welfare, that position too can be compatible with my argument (with suitable adjustments).

question is whether some cases of rational persuasion have morally relevant features that are interestingly similar to the morally relevant features of familiar cases of interpersonal paternalism, features involving disrespecting a person's agency.

I. RATIONAL PERSUASION AND PATERNALISM

I want to say more to elaborate the main idea I am challenging: that rational persuasion cannot be paternalistic. As I mentioned, the idea sometimes appears in attempts to define paternalism. In working toward a moral definition of paternalism, Jonathan Quong writes: "You do not treat someone as a child in the manner we are trying to capture with [a moral definition of paternalism] merely by giving him or her new information or advice."⁴ Even more explicitly, Danny Scoccias offers a definition that includes the condition that paternalism "uses means other than reasoned persuasion."⁵

In addition to definitions that assume explicitly that paternalism involves influencing another through means other than rational persuasion, there are less direct ways to come to the idea. For instance, if one thinks, reasonably, that there is an important relationship between paternalism and autonomy, then certain common assumptions about autonomy can lead to the conclusion that rational persuasion is incompatible with paternalism. Bernard Berofsky writes that a person's "autonomy is respected insofar as his desiring nature as given is accommodated and the method of influence is restricted to the techniques of rational persuasion."⁶ If, as Berofsky claims, rational persuasion is the only method of influence that respects a person's autonomy, then it is hard to see how rational persuasion could be paternalistic, given the common thought that paternalism involves a *failure* to respect a person's autonomy.

4. Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), p. 81.

5. Danny Scoccias, "A Defense of Paternalism," *Law and Philosophy* 27 (2008): 351–81. See also Daniel M. Hausman and Brynn Welch, "To Nudge or Not to Nudge," *Journal of Political Philosophy* 18 (2010): 123–36, at p. 128.

6. Bernard Berofsky, "Autonomy," in *How Many Questions? Essays in Honor of Sidney Morgenbesser*, ed. Leigh S. Cauman, Isaac Levi, Charles Parsons, and Robert Schwartz (Indianapolis: Hackett, 1983), pp. 301–20, at p. 311.

One also finds substantive moral contrasts drawn between paternalism and rational persuasion, with paternalism characterized as a disrespectful method of getting someone to do something, and rational persuasion as the respectful alternative. For instance, Daniel Groll presents a case involving a patient, Bob, who, after suffering a stroke, refuses to undergo a surgical procedure recommended by his doctor as having “minimal risks and substantial benefits.”⁷ Bob refuses to undergo the surgery because he does not think it is worth the risk. Commenting on this case, Groll writes that “the doctor ought to respect Bob’s will and not perform the surgery, even if she thinks it would be good for Bob to have it.” He says, “This [position] is consistent with thinking that [the doctor] ought to try to persuade Bob to change his mind.”⁸ By juxtaposing going ahead with the surgery despite Bob’s refusal with persuading Bob to change his mind, Groll’s point is that the former is *disrespectful* and *paternalistic*, whereas the latter is *respectful* and *nonpaternalistic*.

The idea that rational persuasion involves treating someone with respect and acting nonpaternalistically also appears in Seana Shiffrin’s reflections on paternalistic refusals to aid.⁹ Consider her analysis of the following case:

Suppose B has no valid claim to A’s assistance but asks A, an acquaintance, for help building a set of shelves. A refuses, but not because A is too busy or disinclined to help. In fact, A is eager to deploy her carpentry skills. She declines on the grounds that B too often asks for assistance to his own detriment: he is failing to learn for himself the skills that he needs, or perhaps he displays unwarranted insecurity in his own skills.¹⁰

According to Shiffrin, “If A voices these reasons and persuades B to do it himself, her persuasive efforts and subsequent abstention would not be paternalist,” but “the mere refusal to assist” by A without giving voice to her reasons would constitute paternalism.¹¹ For Shiffrin, the case of persuasion is not paternalistic because “A provides reasons to B, appealing

7. Daniel Groll, “Paternalism, Respect, and the Will,” *Ethics* 122 (2012): 692–720.

8. *Ibid.*, p. 692.

9. Shiffrin, “Paternalism, Unconscionability Doctrine, and Accommodation.”

10. *Ibid.*, p. 213.

11. *Ibid.*

to B to change his mind and to exercise his agency in another way. By engaging with B's capacities and showing respect for B's power to decide what to aim for, A respects and engages with B's agency and does not attempt to supplant it."¹² By contrast, when A merely refuses, "A substitutes her judgment for B's about what B should aim for and works around B's agency to get B to act as A believes would be better for B."¹³

Although there is something right in Groll's and Shiffrin's respective remarks, they also suggest—or at least invite the thought—that engaging with another person's capacities by offering reasons goes together with showing respect for a person's agency, that the two cannot come apart.¹⁴ The thought is that whenever we offer someone reasons in order to change her beliefs or behavior, we cannot be acting paternalistically. Rational persuasion might sometimes be annoying or obnoxious, but it is never paternalistic, since the provision of reasons engages a person's rational capacities, thereby demonstrating respect for them.

Even if rational persuasion in general shows respect, I believe it is possible to offer reasons out of lack of respect for another's agency; conversely, it is also possible to forbear offering reasons out of respect for another's agency. The view that rational persuasion cannot be paternalistic overlooks the fact that reasons provision can be motivated by and express distrust in someone's competence to canvass or weigh reasons, and can occlude an opportunity for someone to canvass or weigh reasons for herself. It neglects the normative significance of the following: (1) that acts of rational persuasion do not simply assert one's view of the other person's reasons, but also manifest (in a way that one may not be fully aware of) one's attitudes about the other person's competence

12. Ibid.

13. Ibid.

14. Ultimately, I do not think Shiffrin holds the view that offering reasons and showing respect never come apart. For one thing, she discusses cases of disrespectful reasons provision in other work. See Seana Shiffrin, "Inducing Moral Deliberation: On the Occasional Virtues of Fog," *Harvard Law Review* 123 (2010): 1214–46; Seana Shiffrin, "Egalitarianism, Choice-Sensitivity, and Accommodation," in *Reasons and Value: Themes from the Work of Joseph Raz*, ed. R. Jay Wallace et al. (Oxford: Oxford University Press, 2004), pp. 284, 290. For another, in her example, B has asked A for assistance, so the reasons offered by A to explain her refusal could be construed as a respectful response to B's *request* or *invitation* to give reasons. This raises the question whether offering reasons in response to a request or invitation to do so can ever be disrespectful (in the sense relevant to paternalism). I believe it is still possible to act disrespectfully in offering reasons to someone in response to an invitation to do so.

and one's view of one's relation to the other person; and (2) that in certain deliberative situations, what matters is not simply making the "right" choice, but having one's choice *count* as "one's own." I shall return to these ideas in Section III, appealing to (1) to explain why rational persuasion can sometimes be insulting, and (2) to explain why it is sometimes important to allow someone to have an opportunity to deliberate with some degree of independence. These ideas will play an important role in my argument that rational persuasion may be objectionably paternalistic.

But, first, we need to get clearer about what paternalism involves and about paternalism's connection to agency. Of course, I do not want to just offer a definition of paternalism that simply drops by stipulation that paternalism must employ methods other than rational persuasion. My method, instead, will be to focus on why paternalism matters to us in familiar cases, getting clear on their morally distinctive features. I want to then consider whether some cases of rational persuasion should also matter to us in a relevantly similar way, insofar as they too involve these morally distinctive features. The approach will consist in, first, thinking about our normative reactions to familiar cases of paternalism and, second, exploring whether some cases involving rational persuasion warrant the same sort of normative reactions. I'll argue that what we find objectionable about familiar cases of paternalism should also lead us to see some cases of rational persuasion as similarly objectionable.

II. THE MORAL ANATOMY OF PATERNALISM

By reflecting on our normative reactions to familiar cases of paternalism, my aim in this section is to establish that there are three conditions that are at least jointly sufficient for an action to be paternalistic. More cautiously stated, I will argue that there are three morally relevant features that are (typically) present in familiar instances of paternalism, three features that capture paternalism's *moral anatomy*, or the distinctive way that paternalism is wrong. In the next section, I will argue that *if* these three conditions (jointly satisfied) are sufficient to capture the distinctive way that familiar cases of paternalism are wrong, *then* some cases of rational persuasion are wrong in a way that is similar to the way the familiar cases of paternalism are wrong.

Consider some familiar cases of paternalism:

- 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.

I submit that each of these cases is *prima facie* objectionable on paternalistic grounds.¹⁵

What is central to our normative reactions to being treated paternalistically usually concerns both the attitude of the paternalist agent and the aim (or intended effect) of the paternalistic action. These two aspects are typically linked, but they can also be distinguished, at least conceptually. Consider, first, the attitude of distrust of the paternalist as expressed by her action. Recipients of interpersonal paternalistic treatment tend to feel patronized—condescended to and demeaned—by the paternalist, whose behavior betrays the *thought* or *judgment* that her target cannot be trusted to effectively advance her 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. In distrusting B's agency, A may distrust B's judgment (capacity to judge correctly what is in her good), or B's will (capacity to act effectively to practically implement or secure her good), or both. The paternalist 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. Autonomous agents have reason to resent the paternalist's

15. Some of these cases may also be objectionable on other, nonpaternalistic grounds.

distrust of their agency, insofar as their agency is being undervalued or disrespected. They have reason to find the paternalistic action insulting, insofar as the paternalistic action conveys that they are insufficiently capable of advancing their own interests.

Autonomous agents also have reason to object to the paternalistic action, to the extent that it aims to limit or diminish (in some way) the legitimate exercise of their agency. That is, the 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). By intervening, the paternalist agent oversteps her bounds, arrogating to herself something that should be properly left to her target to control. Autonomous agents thus 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.

The distinctive objection(s) to paternalism, then, is to its two aspects: to the paternalist's display of distrust and intrusion on the autonomous person's sphere of agency. (As we will see, rational persuasion can also instantiate these two aspects.) Notice that there is an important link between paternalism's normative significance and the *motive* of the paternalist agent.¹⁶ The paternalist's behavior is disrespectful and insulting (in part) because the motive guiding her intervention involves distrust in the target's ability to pursue her best interests herself. The paternalist motive comprises two ingredients:

- (i) distrust in the target's agential capacities, where distrust involves the thought that the target's relevant capacities are deficient or inferior (in some domain or deliberative situation); and
- (ii) beneficent concern for the target or her welfare, specifically concern that the target will suffer negative consequences to her welfare as a result of exercising her agential capacities (in some domain or deliberative situation).

Having a paternalistic *motive* involves not just having these attitudes of distrust and concern, but also *endorsing* them, where endorsing these

16. On the important role of motive in paternalism, see Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation"; Quong, *Liberalism without Perfection*.

attitudes entails their causal efficacy through behavior aimed to have an effect on the target or the target's sphere of agency. When one endorses these attitudes in the relevant sense, they issue in action: one can then be said to be *treating* someone paternalistically, *acting* paternalistically toward her.

To summarize: I have suggested that what is morally distinctive about paternalistic action is that it conveys that the target is insufficiently capable of advancing her own good, and intrudes on the target's sphere of agency. I have also suggested that there is an important connection between the normative significance of the paternalistic action and the paternalistic agent's motive of distrust. In fact, I propose that the following are at least jointly sufficient conditions for an action, *Y*, to be *prima facie* wrong in the distinctive way paternalistic actions are:

- (1) *Y* is *motivated* by distrust or lack of faith in the target's competence or capacity to advance or protect her own welfare through the exercise of her agency.
- (2) *Y* *conveys* (sends the message, perhaps indirectly) that the target lacks the competence or capacity to advance or protect her welfare through the exercise of her agency.
- (3) *Y* *intervenes in* (intrudes on, interferes with, takes over) the target's sphere of agency, limiting the target's legitimate exercise of her agency.

In identifying three conditions that are at least jointly sufficient to capture what is distinctly objectionable about paradigm cases of interpersonal paternalism (rather than offering a set of necessary and sufficient conditions), I have purposefully offered a broad characterization of paternalism. This is in order to accommodate a range of intuitions about paternalism and its normative significance, including those conceptions that emphasize paternalism's distrustful and insulting motive and those that emphasize paternalism's interference with freedom or autonomy.¹⁷ Thus, both proponents of the former conception and proponents of the latter ought to be able to accept my conclusion that one can act paternalistically by rationally persuading someone to do something, if,

17. On the distinction between motive-centered and effect-centered characterizations of paternalism, see Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation," particularly pp. 211–20.

indeed, it can be shown that rational persuasion can be motivated by distrust in aspects of the target's epistemic agency, can convey an insulting message, and can intrude on the target's deliberations, limiting the exercise of her epistemic agency in ways that matter.

III. PATERNALISTIC RATIONAL PERSUASION

In the last section, I proposed three conditions as (at least) jointly sufficient for an action to be *prima facie* wrong in the particular way that familiar paternalistic actions are wrong. My aim in this section is to argue that *if* my proposal is correct, *then* some cases of rational persuasion are *prima facie* wrong in a way that is normatively similar to the way some paternalistic actions are. That is, in virtue of instantiating three morally relevant features, some cases of rational persuasion have the same basic moral anatomy as familiar cases of paternalism. To the extent that they share the same basic moral anatomy as familiar cases of paternalism, these cases of rational persuasion count as paternalism (or, in any case, are objectionable in the same way as the familiar cases of paternalism).¹⁸

To advance my argument, I need to first clarify the notion of rational persuasion. At a first approximation, we might say that rational persuasion involves the act or activity of presenting someone with information, facts, evidence, or arguments that one takes to provide reasons. By *reasons*, I mean particular considerations that count in favor of belief, attitude, or action, and that have normative force. In this discussion, the focus is on providing reasons, evidence, or arguments to another person about her good in a context where she is facing a deliberative situation.

Notice that the notion of reasons provision is not sufficient to capture what we usually have in mind by *rational persuasion*. It is true that we often provide reasons to help someone see certain available possibilities or rule out other possibilities in her deliberative situation. We also provide reasons to clarify for someone how some practical conclusion can be reached, given other reasons. These cases of reasons provision are paradigmatic cases of rational persuasion. But there are other cases of reasons provision: One might introduce reasons into a person's deliberations in order to play on her neuroses (or simple, individual preoccupations) so as to impede her deliberation and control the likelihood of a

18. Henceforth, I often use *paternalistic* to mean "objectionable in the same way as the familiar cases of paternalism."

certain outcome to her deliberation. One might inundate someone with lots of relevant information, doing so precisely in order to overwhelm her and hinder her deliberation. One might present someone with evidence with the aim of emphasizing certain relevant information and facts, while intentionally neglecting to mention other information one acknowledges as relevant. These cases of reasons provision fall short of rational persuasion; they are more accurately described as instances of *rational manipulation*: manipulating someone by way of exploiting the defects or limitations of her rational capacities or seeing to it that she only has access to certain evidence.¹⁹ In rational manipulation, reasons are provided but their point or purpose is not to advance the other's rational reflection or change of mind. Instead of sustaining or promoting the rational process, the aim in rational manipulation is to subvert it.

Thus, to distinguish *rational persuasion* from the related phenomenon of *rational manipulation*, I shall understand rational persuasion as the activity of (i) presenting another person with reasons, evidence, or arguments in favor of some attitude, belief, or action, (ii) performed in order to promote, or not undermine, rational decision-making or change of mind. Satisfying condition (ii) requires treating the other person as capable of being responsive to reasons to a requisite minimal degree. One has to relate to the other with the expectation that she is capable of forming the correct judgment in light of reasons one provides her, and indeed rely on her to exercise that capacity (as it is meant to be exercised).²⁰

My contention is that the provision of reasons not as rational manipulation (which does not satisfy condition [ii]) but as rational persuasion can sometimes be paternalistic. Consider the familiar, though perhaps infrequent, experience of finding oneself *resenting* it when another person offers unsolicited advice or issues a gentle warning out of love or

19. Notice that the first two cases involve exploiting a person's rational limitations, the fact that she is a *bounded* agent. In these cases, one is providing relevant information, but the target fails to make best use of it because of *her* limitations. In the third case, the manipulator is selectively depriving the target of relevant information and thereby denying her the opportunity to consider it using her (albeit) limited capacities.

20. Of course, one need not take the other as an equally talented reasoner, or as equally expert at discovering or balancing the relevant reasons with respect to a particular deliberative question. But one does need to take the other as capable of responding to reasons in the right way, of being sensitive to reasons, at least when presented with them by another person.

concern. What value or values are at work in our resentment toward the good advice offered in these instances? Think, for instance, of advice from in-laws, or the advice from one's parent received as an adult. We can resent such interventions, even when we perfectly well see that the *content* of the considerations offered to us has the status of good reasons. Sometimes, of course, we are just being overly sensitive, and we can come to acknowledge on reflection that we should not resent the other's advising or warning. But in other cases, we may feel that we are justified in getting exercised, because the person who has offered us reasons out of love or concern has failed to respect our capacity to grasp or weigh the reasons that apply to us.

The failure of respect here could be for either of two reasons (or for both). First, by offering us advice or reasons, the person indicates that, in her eyes, we are incapable of figuring out or assessing for ourselves what the relevant reasons are, as a competent person would be expected to be able to do. Second, by offering us advice or reasons, the person oversteps her bounds, occluding an opportunity for us to work out for ourselves the reasons that are relevant to our deliberative situation. Let me elaborate these two points in turn.

First, rational persuasion can reveal an attitude of distrust in the other's capacity to canvass and weigh reasons. It is possible to offer a person good reasons or relevant information, and yet indirectly convey the insulting message that she is insufficiently competent (in the deliberative situation), either to gather the relevant reasons or information, or assign their proper weighting. For example, it is sometimes claimed that "mere" outreach efforts to solicit academic job applications from underrepresented minorities (as distinguished from the practice of affirmative action) are insulting to minority candidates, because they suggest that minorities might lack the common knowledge that would lead them to look at the places where academic positions are usually publicized.²¹ Notice that acts of rational persuasion, including the provision of information, have normatively significant expressive dimensions that

21. Of course, it may be reasonably claimed that the purpose of such outreach is not to inform potential candidates but to convey a real interest and institutional commitment to diversity. If this is right, then to the extent that outreach efforts are *not* attempts to inform minority candidates, the practice is *not* insulting to minorities. Still, the observation that outreach efforts are often experienced as insulting when interpreted (perhaps mistakenly) as attempts to inform suggests that sometimes actual attempts to provide information and reasons convey insult.

cannot be reduced to the content of the reason(s) offered. An act of rational persuasion by A toward B is, of course, explicitly an expression of how A understands B's deliberative situation: A tells B of the reasons that (by A's lights) apply to B. But less explicitly, it is also an expression of how A sees B, and how A sees herself in relation to B. Of particular interest to the issue of *paternalistic* rational persuasion is the fact that rational persuasion by A toward B can *give off* A's sense of A's *superior* or B's *inferior* reasoning capacities. When rational persuasion is patronizing or condescending, the way in which one person offers the other person reasons suggests that the former is objectionably *placing herself above* the latter in this way.

Second, at least with certain practical questions of a self-regarding nature (those pertaining to oneself or one's own life), it is important that one have an opportunity to work things out for oneself in deliberation. Autonomous individuals have reason to care not just about doing things for themselves, but also about thinking through things for themselves. Thinking for yourself involves having some control over your reasoning process. It involves having some independence—some space, some time—to exercise your reasoning capacities meaningfully, on your own terms. It matters, in certain deliberative contexts, to be able to have some measure of control over your evidence-gathering and evidence-weighting activities. It matters to be able to engage in these epistemic activities with some degree of independence. Being able to see one's choice as flowing from the autonomous exercise of one's capacities to canvass and weigh reasons contributes to a sense of self-determination, a sense that one is directing one's own life. It also contributes to a sense that one is realizing purposes of one's own, a sense that one's decision *counts* as an expression of one's identity and values.²²

If it is valuable, at least in certain deliberative situations, to have an opportunity to canvass and weigh the relevant reasons for oneself with some degree of independence, because such opportunity bears on the

22. The importance of thinking through something for oneself in advance of one's decision is closely connected to what Bernard Williams calls "a desire for self-respect": "the desire to be identified with what one is doing, to be able to realize purposes of one's own." For Williams, this desire is one of the morally fundamental aspects to being human. See Bernard Williams, "The Idea of Equality," in *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, NJ: Princeton University Press, 2005), pp. 99–100.

self-directing and self-expressive aspects of certain personal decisions, then one can reasonably object to behavior that limits this opportunity. I believe rational persuasion—done at the wrong time or in the wrong way—may occlude an opportunity for someone to canvass and weigh reasons for herself, on her own terms. Particularly when it comes *too early* in one's deliberations, the provision of reasons by another person can preempt one's own reasons-gathering and reasons-weighting activities. When others engage in rational persuasion before I have had a chance to "sit down" and form my own preliminary judgments about the relevant considerations that should be going into my decision, they make it more difficult for me to work things out for myself. For it can seem like they are taking over and doing the epistemic work for me that I should be doing, and want to be doing, for myself. When it occurs at the wrong time, attempts even by a reliable and trusted authority to rationally persuade one to do something may seem to diminish one's sense of ownership and control over one's decision-making process. In short, rational persuasion involving even the provision of *good* reasons is not necessarily without cost, for it may limit one's independence to make up one's own mind.

I am suggesting that our capacities to canvass and weigh reasons are important constituents of our more general capacity to direct our own lives and realize ourselves through the exercise of our agency. Being able to *see myself* in my decision—to see my decision as fully my own, and as an expression of who I am and what I value—depends on being able to exercise my own reasoning capacities to work things out for myself on my own terms. To be able to work things out for myself in this sense, I need to have an *opportunity*, some *space*, to do it. But rational persuasion done at the wrong time or in the wrong way may occlude such an opportunity, preempting my own epistemic activities. Others thus have reason to refrain from, or hold off on, rationally persuading me, when doing so is necessary to allow me to first have an opportunity to work things out for myself.

To see how rational persuasion can be guided by the motive of distrust in aspects of the target's epistemic agency and can preempt an agent's own epistemic activities in the run-up to a practical decision, consider the following case:

Claire, a recent college graduate living at home, has just this afternoon received acceptance letters from some law schools and philosophy

PhD programs. Peter, her father, is anxious about the decision she has to make a month from now either to go to law school or philosophy graduate school. Peter thinks that Claire is insufficiently capable of carefully considering everything that she ought to be considering before making her decision, and worries that Claire will make the wrong decision. Peter strongly prefers that Claire choose law over philosophy, believes that Claire would be making a serious mistake should she choose the latter, and is not open to Claire persuading him that he is wrong. This evening, Peter presents Claire with lots of information—income statistics, placement data, labor market outlook, testimonials on the climate for women, and so on—about both professions. Peter provides this information with a view to getting Claire to choose law school over philosophy graduate school, making his intentions plain to Claire. (Assume for the sake of argument that the information Peter presents to Claire is *relevant*, *accurate*, and *nonbiased*. So Peter presents Claire with *good* evidence.)

That Peter does not trust Claire to look out for her own interests in the deliberative situation is manifest in the *timing* of Peter's action. By providing Claire with information *this evening*, Peter conveys distrust in Claire's ability to gather the relevant information on her own. Depending on how we fill out the vignette, we might also interpret Peter as presuming or implicitly providing the weighting to the information in a way that conveys distrust in Claire's ability to assign the proper weighting to the information (were she, say, to come to it on her own via research on the Internet).

Moreover, Peter does not give Claire a chance to first work out for herself what evidence is relevant to her deliberative situation. He does not seem to grant her the independence to form her own preliminary opinion about the considerations that bear on what she should do. By providing Claire with evidence in the way he does, he preempts her evidence-gathering activities. It is worth emphasizing that reasoning, in the sense of identifying premises and inferring conclusions, is often not something that happens instantaneously for people. Particularly with important practical questions, reasoning can be a rather drawn-out, temporally extended process. Given that this is so, allowing someone to have some control over her decision-making process requires acknowledging that she may need time to engage in reasoning, to gather and

weigh the relevant facts that bear on her decision. In discussing the value of accommodation practices, Shiffrin writes: “it is important and desirable to have the opportunity to respond to and engage with particular values or goods in purer, more direct ways. It is valuable to have the opportunity to engage with a particular value, in some degree of isolation, to determine its significance to oneself and to respond appropriately to the reasons it presents.”²³ I want to draw on Shiffrin’s idea of the importance of engaging *in purer, more direct ways* with particular values to explain how rational persuasion can make it more difficult for Claire to work things out deliberatively for herself. The point I want to make is that when others offer us reasons to persuade us at the wrong time or in the wrong way, they make it harder for us to be able to engage more purely and directly with the reasons most centrally tied to the choice-worthiness of our options. When our deliberations are *distorted* in this way, this potentially alters the self-determining and self-expressive aspects of our decision.

Supposing that Claire has not had the chance to gather and process evidence for herself preliminarily, one worry is that the reason-giving force of *Peter’s take* on Claire’s reasons may end up playing too dominant a role in Claire’s deliberations. By “reason-giving force of *Peter’s take* on Claire’s reasons,” I refer *not* to the force of the information that Peter has put before Claire, but to the force of the fact that Peter—a presumably competent reasoner, who stands in a particular relationship to Claire—has considered the matter, sees certain information as compelling, and reached a particular conclusion. By communicating his take to Claire when he does, Peter fails to safeguard against the possibility that the reason-giving force of his take on Claire’s reasons could end up playing too dominant a role in her deliberations. That is, Claire could end up focusing too much of her deliberative attention on the reason-giving force of his take, rather than engaging in a purer, more direct way with the reasons most centrally relevant to the choice-worthiness of her options, namely, the considerations tied to: her interests, talents, and temperament, and how well they suit the options before her; the distinctive goods associated with the experience of law school or philosophy graduate school; the distinctive goods associated with a career in law or philosophy; the potential costs of pursuing each option as concerns such

23. Shiffrin, “Egalitarianism, Choice-Sensitivity, and Accommodation,” p. 291.

things as employment prospects, future income, geographic location; and so on. In that way, the reason-giving force of Peter's take on Claire's reasons may short-circuit or foreclose her own examination of the reasons most centrally relevant.

One might argue that if the reason-giving force of Peter's take on Claire's reasons prevents Claire from having the purer, more direct engagement with the reasons most centrally relevant to her deliberative situation, this means she must be deliberatively incompetent. But I disagree. It may be a constitutive feature of our participation in interpersonal relationships that we are susceptible to some biasing influences in our judgment, but that does not entail that we are deliberatively (or more broadly epistemically) incompetent or irrational.²⁴

To be clear, my point is not that Peter's take on Claire's reasons cannot have any actual reason-giving force. Nor is it that Peter's information cannot point to the right decision for Claire. Rather, the point is that even the rational pressure of Peter's *reason-giving* (as distinguished from the rational pressure of the *reasons* themselves) might potentially alter the nature of Claire's deliberations in a way that results in a sense of loss for Claire, so Peter should be sensitive to this possibility. Insofar as the timing of Peter's attempt at rational persuasion precludes Claire from having the purer, more direct engagement with the reasons most centrally relevant to her deliberative situation, this limits her exercise of epistemic agency. If, due to Peter's attempts at rational persuasion, the *route* by which Claire arrives at her decision bypasses the purer, more direct engagement with the reasons most centrally relevant to the choice-worthiness of her options, this transforms the self-expressive and self-determining character of Claire's decision. Should Claire choose law school over philosophy graduate school, it becomes unclear whether her choice is driven by the considerations most directly related to the choice-worthiness of going to law school or by the more peripheral consideration that this is what Peter believed she ought to do. It is also unclear whether her choice really represents what she wants and what matters to her, as opposed to what her father wants for her and what he sees as mattering for her. And even if there is no doubt to Claire and

24. Sarah Stroud has explored the idea that prevailing views about the standards of good believing should be revised so as to accommodate the epistemic biases of friendship. See Sarah Stroud, "Epistemic Partiality in Friendship," *Ethics* 116 (2006).

others that her choice represents what she wants and what matters to her, still there remains the sense that in arriving at her decision, she has merely passed through a gate that her father has left open for her.²⁵

In light of the foregoing analysis, I argue that, in presenting Claire with information, Peter acts paternalistically—engages in *paternalistic rational persuasion*—in virtue of satisfying the following three conditions:

- (1) being motivated by distrust in X's (Claire's) capacity to adequately recognize or weigh the reasons that apply to her in the deliberative situation, and concern that X will exercise her (perceived) untrustworthy epistemic agency in a way that will result in negative practical effects for her welfare;
- (2) conveying (perhaps indirectly) the message that X (Claire) is insufficiently capable of recognizing or weighing those reasons for herself; and
- (3) intruding on X's (Claire's) deliberations, occluding an opportunity for X to recognize or weigh those reasons for herself (at least preliminarily, with some degree of independence).

One could even make a case that rational persuasion is paternalistic if it satisfies only (1) and (2), or (1) and (3).²⁶ Putting it more cautiously, these cases of rational persuasion are *prima facie* wrong in a way that is similar to the way the familiar cases of paternalism are *prima facie* wrong, in virtue of instantiating a similar set of *prima facie* wrong-making features.

Earlier, I claimed that having some independence to engage with one's reasons for oneself matters to the self-determining and self-expressive significance of certain kinds of decisions. I want to elaborate this point. It is a remarkable and distinctive feature of modern Western societies that individuals are presented with—are able to ask and have to resolve—such questions as “What should I do with my life?” and “Would

25. It should be noted that Claire's relationship to Peter is not irrelevant here. When “crowded” by their parents, it can be difficult for those coming of age to figure out on their own terms who they are and what they want. In the process of finding and inventing oneself, one's powers of self-discovery and self-creation can be diminished when one is not given the space to exercise these powers. I discuss how the nature of relationships can affect the respectful/disrespectful character of reasons provision in Section IV.

26. Depending on one's conception of paternalism. In other words, a version of my argument could just as well be run with *weaker* conceptions of paternalism that involve only a subset of the three conditions proposed in the previous section as jointly sufficient conditions.

pursuing X result in a more meaningful, fulfilling life for me?" These questions are often thought of as being *personal* matters, involving decisions about *what to do with one's life*: what profession or career to pursue, what kinds of projects to engage in, what kinds of relationships and family arrangements to enter into, what kind of friends and associates to have, where to live, and so on. Examples of the sorts of personal deliberative questions that are at issue include whether to marry a particular person, whether to have children, whether to accept a particular job, whether to move to another country, whether to join the military, whether to join some religious order.

"Big personal decisions" like the ones mentioned have their particular significance for many members of modern Western societies because they address matters that comprise some of the primary bases of a meaningful or fulfilling life for those in the relevant social formations.²⁷ Deliberations about personal questions of these sorts naturally involve (for us) thinking about whether one's engagement in some activity or relationship or way of life is worthwhile overall, whether it contributes to making one's life more meaningful or fulfilling, whether in one's heart of hearts one wants to pursue or continue pursuing something.²⁸ These questions—call them *eudaimonistic deliberative questions*—are ones we confront at critical junctures of our lives. Certain moments in our lives are critical junctures precisely because they are moments wherein these questions call out for resolution. Importantly, we also have the sense that these questions must be resolved—to use a phrase at once intuitive and elusive—*for oneself*.²⁹ For autonomous agents, what matters in settling eudaimonistic deliberative questions is not simply deciding on "the correct path" (assuming some of these questions, some of the time, have correct answers). What also matters is that "I" must be the one settling

27. On this theme, and the significance of the idea that members of modern Western societies have a broader range of choices available to them than those in other historical formations, see Robert Pippin, *Henry James and Modern Moral Life* (Cambridge: Cambridge University Press, 2000); and Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), chap. 14.

28. The matters I am discussing are relevant to what R. Jay Wallace calls "eudaimonistic reflections." See R. Jay Wallace, "The Rightness of Acts and the Goodness of Lives," in Wallace et al., *Reasons and Value*, p. 396.

29. On "the intrinsic desirability of people conducting their own life by their own lights," Joseph Raz writes that it "obviously applies to some areas of life more than others, to choice of friends more than to the choice of legal argument in a court case." Raz, *The Morality of Freedom*, p. 57.

these questions for myself in a robust sense: taking the reins of my decision-making process and working things out for myself. In eudaimonistic deliberative situations, being able to engage independently with the reasons most directly tied to the choice-worthiness of the options available is essential to the full achievement and felt sense that “I” am the one determining what I do with my life, that “I” am the one leading my own life.

Something like the importance of working things out for oneself—or the value of *epistemic autonomy*—also appears in other areas besides the weighty business of “leading one’s own life.” Teachers often refrain from revealing their own views to their students out of respect for their intellectual autonomy, stopping short of telling them what they ought to believe. A professor of political theory—say, a staunch Rawlsian—might present the libertarian view in its best light and the egalitarian view in its best light, but refrain from telling her students which view they ought to accept (or revealing which she herself finds more persuasive), in order to give them the opportunity to *make up their own minds*. Scholars in early stages of their research project sometimes deliberately refrain from consulting the secondary literature, because it is important that they work out their arguments or ideas first for themselves. In the early stages of their projects, they purposely avoid engaging with what other people think, for fear that doing so may lead them to take on other people’s arguments, thus preventing their own (perhaps slightly different) view from being worked out. In the literary tradition, we find similar ideas about the importance of being alone with one’s own thoughts and shielding one’s thinking from others. Commenting on those “minds, which have been most enlarged by knowledge, or elevated by genius,” Samuel Johnson writes that these people “gladly snatch an hour of retreat, to let [their] thoughts expatiate at large, and seek for that variety in [their] own ideas.”³⁰ Remarking on the need of women writers to have *physical* space of their own to create their art—but, also, I think, making a related point about the importance of having *social* space for contemplative autonomy—Virginia Woolf observes that “a lock on the door means the power to think for oneself.”³¹

30. Samuel Johnson, *The Rambler No. 7* (April 10, 1750), in *The Works of Samuel Johnson*, ed. Arthur Murphy (Henry G. Bohn, 1854).

31. Virginia Woolf, *A Room of One’s Own*, annotated edition, ed. Mark Hussey (New York: Harcourt, ([1929] 2005).

Similarly, I am arguing that in eudaimonistic deliberative situations, it is important to be given an opportunity to recognize and weigh reasons for oneself, at least preliminarily, with some degree of independence. The value of exercising our capacities to canvass and weigh reasons is not simply instrumental to the goodness of becoming a better deliberator in the future or instrumental to the goodness of arriving at the best decision. *Active*—that is, purer, more direct—engagement with our reasons, as opposed to *passively* having our reasons merely impressed on us by someone else, generates a greater sense of ownership of the decisions we make. It also contributes to the sense that we are realizing our “true self” through our decisions. When others limit our opportunity to canvass and weigh reasons for ourselves, our decisions can feel, indeed be, less fully our own.³²

So it is not enough to respect an autonomous agent to recognize that she has reasons: that she is a being to whom the force of reasons applies, that there are certain things she has reasons to do, that it is in her interest to do what she has reason to do. One has to also recognize that she has the capacity to engage with those reasons herself, that it is valuable for her to have space and independence to govern her life on the basis of engaging with those reasons for herself. Having the opportunity to engage with one’s reasons with some independence enables one to be able to experience what one is doing *as* making one’s own decisions, *as* realizing purposes of one’s own, *as* leading one’s own life. In short, the full exercise of one’s reasoning capacities is an important aspect of governing and leading one’s life in an active and authentic way. But being able to exercise these capacities fully depends on having an opportunity or some degree of independence to gather and weigh reasons for oneself. And holding off on rationally persuading someone confronting a eudaimonistic deliberative situation is often necessary to enable her to have such an opportunity or independence. Thus, in these situations, we owe it to others to hold off on offering reasons to persuade them when this is necessary to allow them to have an opportunity to engage reasons for themselves.

32. Suppose that down the road, I regret my decision to choose X. It seems harder for me to evade the thought it was “I” who chose X in the case where I actually had the opportunity to engage independently with the reasons, in a purer, more direct way (than in the case where I had not had that opportunity). This suggests that having some degree of independence in one’s deliberations makes a choice *more my choice* than not having it.

I have argued that it is not simply the target's considered judgment or the target's action-implementation of that judgment that the paternalist can objectionably take over and replace with her own. By offering reasons, the paternalist may also objectionably take over the target's reasoning, preempting the target's reasoning for herself. There are, thus, three distinct dimensions of a person's agency that a paternalist may fail to respect: the target's considered *judgment*, or the *output* of the target's process of judging or reasoning about her good; the target's *will*, or the target's *ability to act* to secure her perceived good; and the target's *reasoning*, or the target's evidence-gathering and evidence-weighting capacities regarding her good. The paternalist can thus intrude or interfere in three different ways, corresponding to three different stages of a person's deliberations:

- (1) preventing someone from recognizing or weighing for herself (at least preliminarily, with some degree of independence) the reasons that bear on her good;
- (2) preventing someone's perceived good from being implemented (either by herself or by someone else); and
- (3) preventing someone from acting herself to implement her perceived good.

My contention is that (1), when motivated by concern that someone will make a practically bad choice due to her untrustworthy evidence-gathering or evidence-weighting capacity, may involve a similar sort of insult or disrespect as (2) and (3), which have received the bulk of attention in the contemporary paternalism literature. Put another way, our evidence-gathering and evidence-weighting activities are important autonomy-constituting activities among others, so intruding on these activities by engaging in rational persuasion may be objectionably paternalistic, when motivated by a concern that the agent will exercise her (perceived) untrustworthy epistemic agency to arrive at conclusions with negative consequences for her welfare.

IV. RESPECTFUL AND DISRESPECTFUL PROVISION OF REASONS

In the previous section, I argued that offering reasons to persuade someone to do something may on some occasions be a form of

paternalism. In saying this, I am not underestimating the importance of rational persuasion in our interpersonal lives. Nor am I denying that rational persuasion is generally a respectful method of negotiating our differences. My point is that despite the importance of rational persuasion in our lives and the generally respectful character of the practice, there are still ways in which rational persuasion may be morally problematic. In particular, rational persuasion is *prima facie* objectionable when it reveals an attitude of distrust, conveying that a person is deliberately incompetent or untrustworthy. It is also *prima facie* objectionable when it limits an opportunity for someone to independently gather or weigh reasons for herself, preventing her from engaging in a purer, more direct way with the reasons most centrally relevant to her eudaimonistic deliberative situation.

In this section, I want to examine the broader issue of the borderline between respectful and disrespectful provision of reasons, by identifying five factors that make a difference to whether the provision of reasons is disrespectful, intrusive, or insulting. The five factors are subject matter, mode of presentation, timing, relationship, and epistemic access. To motivate these five factors, I want to think through some cases involving the provision of reasons. In addition to helping us clarify the borderline between respectful and disrespectful provision of reasons, these cases (and the disrespect-relevant factors they instantiate) are interesting in their own right.

It should be noted that some of these cases are going to be less clear-cut cases of paternalistic rational persuasion. That is, not all of the cases will satisfy all three of the conditions I proposed as being at least jointly sufficient for rational persuasion to be paternalistic. (For instance, someone might inappropriately offer reasons to another without being motivated by distrust in her capacities and without expressing that she is incapable of recognizing or weighing reasons for herself, but in a way that takes away her opportunity to engage independently with the reasons.) But since all of the cases meet some of the conditions, and none of them involves rational manipulation, they will help to clarify how those conditions can be instantiated in rational persuasion (for example, how rational persuasion can be insulting, how it can be intrusive). In that way, reflection on these broader cases of disrespectful provision of reasons will further illuminate the phenomenon of paternalistic rational persuasion.

A. Subject Matter

The first difference-making factor concerns the subject matter of the deliberative situation or issue (or the content of the reason offered or of the deliberative topic). Suppose that a group of us are at a restaurant, including you and your long-term boyfriend. Your boyfriend surprises everyone by proposing to you. It seems that it would be disrespectful for one of the witnesses at the table to lean over and advise you to reject, on the grounds, say, that you should not “settle.” Now suppose that prior to the surprise proposal, the waiter had presented everyone with a wine list, and someone at the table, seeing you eye the first option, had recommended that you try the second wine listed instead, because, say, the first is a mediocre vintage. I submit that, other things being equal, the first case of offering reasons strikes us as more disrespectful than the second; it is generally more disrespectful to try to convince you not to marry someone in particular than to try to convince you not to try a particular wine. The reason is because (for most of us) a marital decision is a lot more personal (and important) than the selection of wine, so offering reasons in the former case strikes us as more intrusive.

Our intuitive reactions here suggest that certain kinds of deliberative matters are more potentially fraught with disrespect than others. As discussed earlier in connection with eudaimonistic deliberative questions, there are certain domains—pertaining to close relationships, careers, and other projects—that are treated (in Western societies) as making up a particularly personal sphere. With respect to deliberations in these domains, we expect others to treat us as having the competence and authority to engage with our reasons, and to be sensitive to the importance of our having an opportunity to engage with those reasons with a reasonable degree of independence, to deliberate for ourselves in a meaningful way.

Another way in which the subject matter of the deliberative issue is relevant pertains to the expertise of the person receiving the reason (or what the person considers herself to be expert in). This is, of course, not unrelated to matters of eudaimonistic deliberations. For example, regarding questions such as whom one’s life partner should be, we tend to think that each of us is usually the best judge in our own case, the most reliable though still fallible judge. (For whether a person would be a good partner for you depends in part on whether you enjoy being around her.)

But the point about expertise extends beyond eudaimonistic deliberations. Suppose you are a renowned cardiologist, and I know this. You might find it insulting if I gave you health advice based on an article I read this morning on heart disease in the *New York Times*: you might see my action as revealing doubts about your competence. At least, it seems that we can imagine a case along these lines that is more insulting than a case of sharing that same advice from the *New York Times* to someone who I know is not a physician and know has a very busy schedule and does not have the time to read the *New York Times*. This example suggests that the level of *expertise* of the person to whom the reason is offered (coupled with facts about her circumstance, like being temporarily preoccupied) can also make the provision of reasons more (or less) potentially insulting.

To give another example, if we are in a philosophy seminar, and the speaker is someone with a PhD who specializes in ethics, it would be disrespectful to make an objection by saying: “Well, there is this distinction between metaethics and normative ethics that you may not be aware of. . . .” Of course, the distinction may be relevant to the issue, so the point is not that one cannot introduce it. My point is that one should strive to communicate the point in a way that does not convey that she does not know something that she should, given her expertise. (Better to say: “I don’t see how this view holds up, given the distinction between metaethics and normative ethics. . . .”)

To be clear, my point is not that subject matters concerning people’s significant personal decisions and domains that they reasonably consider themselves to be expert in are necessarily out of bounds to offer reasons, but that special care, consideration, and restraint are often needed on the part of potential advisors in these cases to avoid insult and unwanted intrusion. To find a respectful way of offering reasons, one has to pay particular attention to *how* one offers reasons, which brings us to the second factor.

B. Mode of Presentation

The second difference-making factor is mode of presentation, or the manner in which the reasons are offered (as distinguished from their content). Consider the sort of things people sometimes say *in advance* of offering someone reasons or advice:

- “I could be wrong here, but I think . . .”;
- “You probably already know this, but I’ll say it anyway . . .”;
- “Make with it what you will, but here’s my two cents . . .”;
- “I trust your judgment, of course, but thought I should say . . .”

Why do we preface, hedge, and qualify in these ways? Why not just get on straightaway to the reasons? In the context of giving reasons and advice, I think these forms of address are a way of registering respect of the other person’s agency and recognition that the decision is ultimately hers to make. They play an important role in reassuring the person being offered the reasons that we are not questioning her competence or her authority in the deliberative situation. When offered sincerely, the self-effacing forms of address convey humility and open-mindedness on the part of the person offering the reasons. Though one has a view of the other person’s reasons, and wants to communicate it for the other’s benefit, one takes care to do so in a way that acknowledges that one may actually be wrong, that the other person may actually be in a better position to judge the reasons that are relevant to the deliberative question. In this connection, it is also more respectful to offer reasons with the mindset of initiating a two-way exchange or discussion. Consider the practice of pausing to allow the other person to speak and respond. Pausing indicates a willingness to listen to the other’s take on reasons, showing openness to equal exchange. It also indicates a willingness to give the other person room to think, and an interest in discovering the truth rather than in merely bringing the other to one’s side.³³

Notice that the importance of mode of presentation does not apply only to the provision of reasons in the context of decisions that are under the sole authority of the other to make; it also applies to joint decisions of which we are one of the participants. When considerate and respectful couples or partners deliberate significant joint decisions—say, whether to have a child, whether to relocate to another part of the country—they often take measures to ensure that the manner in which reasons are offered does not convey distrust of the other person’s competence or authority.

33. There is a respect-relevant difference between taking as a condition of success of one’s offering reasons that the other considers one’s reasons and taking as a condition of success that the other actually does or thinks what one thinks they should do or think.

C. Timing

The third difference-making factor is that of timing, or the temporal context of the provision of reasons. Suppose you and I are graduate students sharing an office, and you are on the academic job market. The phone rings—it's the department chair of a school calling to offer you a job. What is a more respectful way of responding to you after you get off the phone: Telling you that you should accept (or reject) the offer? Or simply congratulating you and celebrating the good news with you? I submit that the latter is more respectful (as an initial response), for it shows greater sensitivity to the fact that this is a decision that properly belongs to you. As discussed earlier in connection with the case involving Peter giving information to Claire about her decision to pursue law or philosophy, it can be important to refrain or hold off on offering reasons to enable someone to make a decision on the basis of the reasons most directly related to the choice-worthiness of the options.

Just as the provision of reasons can come too *early*, it can also come too *late*. If it is clear that your best friend, who is pregnant, has made up her mind to have the child, that this is something she's given considerable thought to in arriving at her decision, at a certain point, the respectful response is to support her decision and refrain from or suspend trying to persuade her to change her mind, even if you believe she is making the wrong decision.³⁴ By doing so, one demonstrates respect for her decision and acknowledgment that the decision is hers to make. Relatedly, one also acknowledges the significant work she has already put in deliberating the matter. Suppose I am your thesis advisor and you come to see me in my office. If I see that you have put in a lot of time constructing an elaborate argument, it would be disrespectful to say to you: "Look, let's just start over, from the beginning. . . ." Starting from the beginning might be the thing to do, but I should communicate that in a manner that acknowledges all the work that you've already put in. Similarly, in the practical case, if someone has been deliberating a matter for some time, it is important that one avoid conveying that all of the reflection that she has done up to this point has not amounted to much.

34. Compare Shiffrin's discussion of the insulting timing of "informed consent requirements" such as those upheld in *Planned Parenthood of Southeastern Pennsylvania v. Casey*. See Shiffrin, "Inducing Moral Deliberation: On the Occasional Virtues of Fog."

The idea that the temporal context of the provision of reasons matters to whether the provision of reasons is respectful also applies to joint decisions. Suppose a couple, Jack and Sarah, are deliberating whether to send their child, Mary, to public or private grade school. Jack and Sarah disagree on what they should do: Jack strongly prefers sending Mary to a private school, while Sarah strongly prefers sending her to a public school. Suppose after an extended discussion, the time arrives to make a decision, and they choose to send Mary to a private school. In reaching this decision, however, Sarah has by no means been persuaded that this is the best decision for them overall; she continues to believe strongly that they ought to be enrolling Mary in a public school. We can imagine how the continued attempt by Jack to try to persuade Sarah immediately after their decision has been made can be disrespectful in that it manifests a failure to appreciate that the decision to send Mary to a private school has real costs for Sarah. Even if the decision that was made is (by Jack's lights) the "right" decision, the fact that the decision went against Sarah's preferences means that she cannot have the choice she favors about something that deeply matters to her. Rational persuasion by "the prevailing party" that takes place during certain stretches of time after a joint decision has been made can reveal a lack of appreciation of the real loss incurred by the party whose preference is not satisfied.³⁵

D. Relationship

The fourth difference-making factor concerns the nature of the relationship or personal history between the person offering the reason and the person receiving it. Whether it is intrusive or inappropriate or insulting for one to offer reasons to the other can depend on whether the relevant parties share the right kind of history, or have had the right sorts of past interactions. Suppose you are having a conversation with a colleague at the departmental afternoon tea. You are telling the colleague that you are feeling a bit under the weather. Someone at the end of the table overhears the conversation. It seems like it would be less intrusive for that person to come over and suggest that you go home

35. The fact that the time for respectful rational persuasion can pass is compatible with there being an appropriate time later on to engage in rational persuasion again.

early to rest if that person happens to be your spouse than if that person is a recent visitor to the department whom you were only briefly introduced to earlier in the week. Why? Because spouses, couples, and close friends often share a history of interaction involving the giving and receiving of reasons. Over time, they often develop a tacit understanding with one another that there is always a more or less open invitation to offer reasons. (Here consider the moral relevance of the distinction between *tacit consent* and *mere desire tracking*.) An instance of providing reasons may simply be part of an iterated series of exchanges of reasons between the two parties. Thus, when two people have the right kind of personal history, have had the certain patterns of previous interactions, this can make the provision of reasons not (or less) intrusive or inappropriate.

Indeed, close interpersonal relationships are partially constituted by the willingness of their members to guide and help each other out.³⁶ Such assistance to a friend or family member can often take the form of offering advice, reminders, even warnings. The question is what distinguishes doing so respectfully from doing so disrespectfully. Suppose one's friend has been engaged in independent practical reflection for an extended period of time: say, she has been grappling for a while on her own with a "what to do with my life" question, but now seems to be at a deliberative impasse, and she indicates either explicitly or tacitly that she would like someone else's advice on the matter. Giving her advice is respectful, if one has made sure that she has already had an opportunity to deliberate on her own, and if one does not convey distrust in her capacity to judge her own good. If, however, one's friend has clearly just embarked on her deliberations, and moreover, she indicates that she wants to be left alone to think about the matter, that she does not wish for anyone's input until she has had a chance to first mull it over on her own, then in such a situation offering her reasons would be disrespectful. (So an important question to ask oneself before giving advice is whether in light of contextual evidence, it can be reasonably supposed that the other has been granted enough time and space to be *psychologically ready* for participation in a rational exchange.) Of course, things are not always going to

36. On the idea that friendship is partially constituted by the mutual willingness to be directed and interpreted by the other, see Dean Cocking and Jeanette Kennett, "Friendship and the Self," *Ethics* 108 (1998): 502–27.

be clear-cut. There are often complicated, in-between cases that require good judgment to determine whether, when, and how one ought to provide reasons (more on this later).

I have focused on how having the right sort of shared history in certain close relationships can contribute to making it the case that an instance of rational persuasion is respectful. But certain kinds of histories between two people can also make a difference in the direction of disrespect. Suppose that, given their history with each other, there is now “distrust in the air” between A and B. In particular, A’s recognition of B’s competence is already fraught, or B already reasonably believes that A does not respect her competence. In these cases, the provision of reasons feels insulting in part because it highlights and reaffirms the preexisting background distrust. This sort of background distrust is not uncommon in relationships between adult children and their parents. Given the history of dependency by one party on the other (as we might imagine in the case with Claire and Peter), the background distrust helps to explain why adult children may be particularly sensitive to the provision of reasons by their parents.

E. Epistemic Access

The final respect-relevant factor concerns the relative ease of accessing the reason or determining its weight, including whether failure to access the reason or determine its weight is compatible with epistemic competence. Whether the provision of reasons is insulting can depend on whether the reason offered is “low-hanging fruit,” relatively easy to grasp or assess on one’s own. Suppose you stepped out of the room for five minutes during the intermission of a philosophy department colloquium and upon your return I tell you that you should not drink from the cup in front of you because it contains petrol. You do not know that your cup contains petrol because the water that was previously in the cup was replaced with petrol while you were out of the room. Intuitively, it seems I have not acted disrespectfully in offering you reasons to refrain from drinking from this cup. Why? Because the reason not to drink from the cup—namely, because it contains petrol—is not a reason a competent agent can, or can be reasonably expected to, access immediately and independently, given the epistemic situation in question. So in failing to acknowledge this reason, (we suppose) you are not failing to judge as you

should, given your epistemic situation.³⁷ Since your inability to recognize relevant considerations is compatible with your being a competent judge, my offering you reasons does not seem insulting or disrespectful. Were you to *feel* insulted by my offering you reasons, we could reasonably say to you: “Look, it’s not *you*, it’s the *situation*.”³⁸ That is to say, in offering you a reason, we are not doubting your competence but merely supposing that you are not epistemically infallible or omnipotent.

This example suggests an important distinction between the provision of reasons in which the failure to recognize or correctly assess the reasons is consistent with being an epistemically competent (responsible) agent and the provision of reasons in which the failure to recognize or correctly assess the reasons is *inconsistent* with being an epistemically competent (responsible) agent. Bearing in mind this distinction, let us return to the earlier example involving Claire and Peter. If Peter gives Claire relevant information that she could have easily obtained for herself, this has greater potential to insult Claire by conveying that her capacities of judgment are inadequate. On the other hand, if the information that Peter gives Claire is very difficult for anyone to get on their own, this seems less likely to be insulting, for (we assume) Claire does not *fail* in judgment if she doesn’t know about it.³⁹ Once again, the point is not that it is always out of bounds to offer a reason that is “low-hanging fruit,” but that there is reason to take greater care (such as paying special attention to mode of presentation and timing) in these cases to avoid insult.

I have considered five factors that affect the respectful or disrespectful character of reasons provision. These five factors by no means form an exhaustive list, and balancing and weighing these factors in a given

37. While your judgment—the output of your deliberation—may be bad, insofar as you fail to recognize a reason that applies to you, still this does not mean that you have *exercised your capacity for judgment badly*.

38. On the one hand, the sensitivities of the other should always matter to the person offering the reasons. That is, the provider of the reason can be morally criticized or faulted for failing to take those sensitivities into consideration. On the other hand, it is possible that the person offering the reasons could admirably take the sensitivities of the other fully into account and still cause the other to feel insulted, in which case those feelings of insult are not justified.

39. In situations where an agent, X, does not see a reason, R, but where, given X’s “impoverished” epistemic situation, the fact that X does not see R does *not* count as a rational failing on X’s part, the act of offering R to X is less likely to insult X by conveying that X is not epistemically competent.

situation can, of course, be complex.⁴⁰ Here, one might wonder how exactly one is supposed to discern in a given situation whether it would be appropriate or respectful to offer reasons. It seems to me that there can be no mechanical decision procedure or general epistemic criterion for this. At least not a simple one. Yet, we are also not as at sea here as one might think, 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 actions (including rational persuasion) are appropriate. Put differently, judging well whether and how one can offer another person reasons respectfully is an art, or a kind of wisdom, a virtue one can develop. But, then again, this is the case with treating people with respect and consideration more generally.

V. CONCLUSION

My primary goal has been to show that it is possible to act paternalistically by rationally persuading someone to do something. Rational persuasion is paternalistic, I argue, when it is motivated by distrust in the other's capacity to adequately recognize or weigh reasons that bear on her good, when it conveys that she is insufficiently capable of engaging with those reasons, as a competent person is expected to be able to do, and when it occludes an opportunity for her to engage independently with those reasons herself.

One way to construe my argument that rational persuasion may be paternalistic is to see it as an attempt to defend a special application of a more general claim by Gerald Dworkin: "there are no methods of influencing people that are necessarily immune to being used paternalistically."⁴¹ In fact, had it turned out that rational persuasion is the only method of influencing someone that is necessarily immune to being used paternalistically, that would have been rather surprising. It is true that, generally speaking, rational persuasion is morally preferable to coercion, manipulation, rhetoric, and deceit, that of these various methods of influencing someone, rational persuasion is the one that is

40. It should also be noted that conventions can play a part in determining the respect-relevant factors. What behaviors show respect is often culture-bound, and this is also true at the subculture level.

41. Gerald Dworkin, "Paternalism: Some Second Thoughts," in *Paternalism*, ed. Rolf Sartorius (Minneapolis: University of Minnesota Press, 1983), p. 107.

most likely to be respectful of the other's agency. But even so, I have argued that within the class of activities that is rational persuasion, we can draw a finer line still and distinguish between those cases that are respectful of agency and those that are not.

Viewed from another light, the fact that rational persuasion may be paternalistic or disrespectful should come to us as no surprise, given recent trends and thinking in modern parenting and early childhood education. In particular, I have in mind the increasing popularity of the notion that parents, caregivers, and teachers should strive to "give children reasons." Many developmental theorists argue that we are better off trying to get children to cooperate by giving them reasons for why they cannot or should not do something, rather than by threatening physical punishment or taking away privileges.⁴² ("Johnny, you should eat now, it's the most important thing. . .") For the purposes of this discussion, the point is that giving reasons is precisely one of the ways in which we as adults relate to children. But, in the broad spirit of Dworkin's claim, behavior that is morally unobjectionable, even admirable as a way for adults to relate to children can, of course, be morally objectionable when it is instantiated in the way adults relate to other adults. To offer an adult reasons with the same characteristic assumptions, motives, aims, and expectations with which one would typically offer reasons to a child is to treat that adult *as if* she were a child, and so to treat her paternalistically.

42. See R. E. Larzelere and B. R. Kuhn, "Comparing Child Outcomes of Physical Punishment and Alternative Disciplinary Tactics: A Meta-Analysis," *Clinical Child and Family Psychology Review* 8 (2000): 1-37; E. T. Gershoff, "Parental Corporal Punishment and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review," *Psychological Bulletin* 128 (2002): 539-79; J. E. Grusec and J. J. Goodnow, "Impact of Parental Discipline Methods on the Child's Internalization of Values: A Reconceptualization of Current Points of View," *Developmental Psychology* 30 (1994): 4-19.