

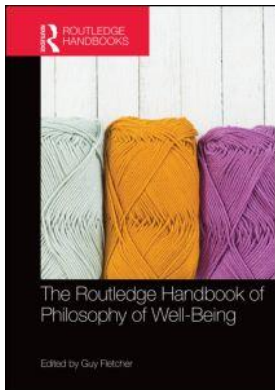
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## The Routledge Handbook Of Philosophy Of Well-Being

Guy Fletcher

### Autonomy and well-being

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# AUTONOMY AND WELL-BEING<sup>1</sup>

*Sarah Conly*

Many people believe that for us to flourish we need to be in charge of certain significant aspects of our own lives: we need, as it is put, to have our autonomy respected. This is a popular view in the political world: Tea Partiers in the USA object to the requirement to buy health insurance as the end of humanity as we know it, but even rational people worry about the increasing numbers of regulations to which we must comply and about the breakdown between public and private. Philosophers and political theorists, too, have argued that interference in personal decisions by social or state action is a danger to the individual, and that even if such interference succeeds in making people happier, it will have made a desert and called it peace: those who are happier will not really be persons. Philosophers with outlooks as distinct as Immanuel Kant (1785) and John Stuart Mill (1859, 1861) have agreed that subjective contentment is not sufficient for well-being, at least when it comes to humans: the main objection to being controlled by others is not just that they don't do that to our advantage, but that they do it at all.

This objection to outside interference in our choices rests on two claims, both of which, I will argue, are wrong. The first is that choice is uniquely constitutive of the individual. The second is that insofar as choices do help constitute us, interference by others will undercut these constitutive choices in a way that diminishes our ability to reach real personhood.

The first issue is what makes us the persons we are. Even if we concede that there is no metaphysical freedom of the will of the type Kant appears to have believed essential to agency (Kant 1785), there is nonetheless (it is argued) a need for both freedom of choice and a sense of integrity: "in the relevant sense there is no *you* prior to your choices and actions, because your identity is in a quite literal way *constituted* by your choices and actions." And our choices constitute us not just as individual entities but as persons, because, unlike animals, "[w]hen you deliberately decide what sorts of effects you will bring about in the world, you are also deliberately deciding what sort of a cause you will be. And that means you are deciding who you are" (Korsgaard 2009: 19). Or, in a somewhat more qualified description, "[A]utonomy is a capacity that is (partly) constitutive of what it is to be an agent. It is a capacity that we have a responsibility to exercise and that grounds our notion of having a character" (Dworkin 1988: 32).

This may well be true, on some interpretation. It is hard to imagine being a person who never reflects on what she wants to do, or why. And it is equally true that what we do has an effect on us, and thus that it at least helps to constitute us.

However, the political conclusion that other people, and particularly the state, should refrain from interfering with a certain kind of choice rests on the second claim: that this kind of constitutive choice will be undercut or entirely destroyed by certain sorts of interference. Thus, others shouldn't deprive us of certain sorts of options, and should refrain from trying to influence us too much to choose one thing over another, or generally, in our values. Such proscriptions on others' action are typically seen as reflecting our rights as agents:

Human rights can then be seen as protections of our human standing, or, as I shall put it, our personhood. And one can break down the notion of personhood into clearer components by breaking down the notion of agency. To be agent, in the fullest sense of which we are capable, one must first choose one's own path through life—that is, not to be dominated or controlled by someone or something else (call it “autonomy”). And (second) one's choice must be real; one must have at least a certain minimum education and information. And having chosen, one must then be able to act; that is, one must have at least the minimum provision of resources and capabilities that it takes (call all of this “minimum provision”). And none of this is any good if someone then blocks one; so (third) others must also not forcibly stop one from pursuing what one sees as a worthwhile life (call this “liberty”). Because we attach such high value to our individual personhood, we see its domain of exercise as privileged and protected. *(Griffin 2008: 33)*

So, personhood itself depends on the ability to make choices, or at least, a certain kind of choice, where “choice” includes two things: making a decision and the ability to act on that decision. And, in turn, autonomous choices make such persons' own well-being possible: “The autonomous person is part author of his life . . . An autonomous person's well-being consists in the successful pursuits of self-chosen goals and relationships . . . Autonomy is opposed to a life of coerced choices” (Raz 1986: 370–371).

These are somewhat different claims, but they have in common the connection between a kind of freedom of choice and the possibility of a robust human existence. To some extent, I will concede, these claims are correct. Certainly, a life in which we could literally never act in accordance with our decisions would be a bad one. I don't know if we would fail to be persons, but that's in part because I can't quite imagine what such a life would be like. I do imagine it would be unhappy, and I can see that it would be very hard to think of oneself as an agent if none of one's desires could be made effective in the world. Nor, indeed, would there be much point to thinking how you ought to act or who you want to be if no choice whatsoever is open to you.

That has very little to do with the permissibility of outside interference in choices, though, since it is very hard to imagine a state that would have the power to do this, or indeed that would have the desire to deprive its citizens of all choices. The practical question is what realistic state interference per se is likely to do to our psychology, and there I think the answer is for the most part, nothing significant. Well, it may affect our lives very deeply, but nothing significant in terms of depriving us of personhood, integrity, or meaning. It is true that we have a *prima facie* desire that our desires be fulfilled, since that is entailed by the nature of desire. While we naturally want our desires to be fulfilled, there is nothing peculiarly destructive about government intervention, even into the valued sphere commonly thought of as the realm of privacy.

The intrusion of others into our decision making can be felt as disturbing, and can have detrimental effects on our development into fulfilled persons, to be sure. This is not so much a function of the fact of intrusion as what sort of intrusion it is, and why it is taking place. Intrusions that harm us—for example, that cause us fruitless pain, or that make it difficult or

impossible to engage in worthwhile, fulfilling pursuits—are indeed bad. It is also detrimental to our self-esteem and to our ability to feel engaged in life if we see the intrusion as indicative of an egregious inequality, one that makes us feel that we are seen as part of an inferior class. For most humans, status is an extremely important aspect of satisfaction, and things that diminish our status are likely to be destructive. None of this suggests that depriving us of options, and taking away even significant choices, is by itself destructive.

### **The importance of choice**

Do we need to satisfy all of our desires, to have selves, or to be persons, or however we describe this desirable state of the psyche? Obviously not, or none of us would be persons. The argument seems to be that some particularly significant choices should be free. The question is what these are, and why they are seen as so significant.

### ***Critically affirmed desires:***

A number of people have argued that not all desires play the same role in constituting personhood. We desire to ram right into the car that clearly sees our turn signal but still won't let us into its lane, even when the driver can see our own lane is ending and we will soon be forced into a cement wall. We also desire to live in civic harmony and rise above the irritations caused by the peccadillos of Boston drivers. And so forth. So, one argument is that the more significant desires in terms of integrity are those we endorse, that we approve of: yes for rising above irritations caused by unenlightened fellow citizens, no for ramming the selfish driver, etc.

Harry Frankfurt famously argued that, when it comes to personhood, not all desires are equal. Our desires may themselves be the object of desires, in that I may desire to have a desire I have (participating in civic harmony) or I may desire not to have a desire (car ramming). These are desires of the second order, as he put it, and the fact that we can have a particular sort of desire about our own desires—a desire that a given desire become my will—is, for him, “essential to being a person” (Frankfurt 1971: 10). Merely having desires for certain things doesn't supply the unity we need to become an integrated being. We know, after all, that some desires are mere passing fancies, whose satisfaction seems unimportant to who we are, and some desires, even if strongly felt, may conflict with others, so that acting on all of them will not be expressive of, nor constitutive of, a unified self. Indeed, even where a desire is long-lasting, strongly felt, and doesn't conflict with another desire, action on it isn't constitutive of you as a *person*, for Frankfurt—many animals, he noted, have desires “of the first order.” Only persons, though, have “the capacity for reflective self-evaluation that is manifested in the formation of second-order desires” (Frankfurt 1971: 7).

Whether it is put as the relationship between first- and second-order desires, or whether people speak more generally of endorsing desires, or perhaps even more generally of having values, it is certainly widely believed that there are some desires that play a larger role in our identity than do others—they may provide more general guidance in our lives, or may be felt more strongly, or be more stable across time, or may simply be thought by ourselves to be more important than our other desires.

Does this, however, imply that we should refrain from interfering in actions that reflect second-order volitions? Is it destructive to put regulations in place that are contrary to the considered goals we have constructed for our lives?

First, as something of an aside, I suggest that we shouldn't exaggerate the extent to which these reflective self-evaluative desires actually do constitute us as individuals. It's possible

that this ability differentiates us from other *species* in a significant way, although even this is debatable—it may be that what matters is not the specific capacity to form second-order desires but the intelligence and self-consciousness required to do that. In any case, even if such a capacity determines our species as persons, it shouldn't be taken to mean that it is only action on desires endorsed by a second reflective desire that is constitutive of our identity as *individuals*. Much of what makes us distinctive from one another, what gives our lives the particular flavor they have, will be quite unrelated to the choices made upon endorsement of first-order desires. How often do we actually engage in rational reflection in order to differentiate the desires we want to endorse from those we don't? I must admit that I, at least, haven't gone through a reflective process when it comes to the choices that are most significant in my life—whom to marry, whether or not to have children, what kind of work to do. I fell in love. I always wanted to have children. As an undergraduate I took a philosophy course and I liked it so I decided to major in philosophy—and so forth. The most formative aspects of my life have been those I didn't really deliberate about. I honestly remember doing more conscious reflection on where to go for vacation than on whether to have children. I have pondered this quite a lot, whereas I always knew since my own childhood that I wanted to have children and never wavered in that. I don't think, though, that choosing a particular vacation destination actually helped me create myself more than my unreflective choice to have children. Not surprisingly, my being a mother has had much more profound effects on my life than did the Mexican Caribbean. So did my job, the person I married, etc.

A follower of Frankfurt might say that, insofar as I could have deplored (that is, emphatically not endorsed) having children, and didn't, I was implicitly endorsing it. A process of reflection and evaluation was going on beneath the surface, so far beneath that even I didn't notice it. That's possible—it's so hard to say what might have been happening unconsciously. It seems at least as likely, though, that it is a desire on which I could have reflected, in other circumstances (say, had I been aware of the dangers of overpopulation) but upon which, in the actual circumstances, I didn't. We don't want to beg the question by assuming that if a choice is significant to my life then in some sense I must have engaged in reflective self-evaluation about it.

Of course, it's quite possible that I'm just not really a person, or not a full person—who am I to say? Or, it might be that I have the capacity to be a person but don't engage it. To the extent that the more significant aspects of my life, the ones that seem most to have shaped me, are unreflecting predilections, a promoter of autonomy can say I'm something to which things have happened, as opposed to a person who has constituted herself by reflective choice.<sup>2</sup> I find, though, that the more I'm told I'm not really a person, the less I'm persuaded that personhood is really valuable.

However, for purposes of argument let us say that to be persons we need to have these second-order desires, to exercise the capacity to endorse some of our desires and not others. Does that require in turn that we should be able to act, without state interference, on those endorsed desires?

What happens if we cannot act upon our endorsed desire? In the short run, of course, we are likely to be unhappy, but that does not make us less a person (although of course there are other reasons to avoid unhappiness!). The problem for those who promote freedom of action may be that, in point of fact, if it is established that something is impossible, we are likely to stop wanting to do that thing. We will change our values. We are not likely to want, or to value, something we can't possibly get. In the face of impossibility, we may even devalue something that, were it within our reach, we would want very much. For one thing, we simply have limited imaginations—we are not likely to formulate a desire for something that is so unavailable that we haven't even heard of it. Cave men did not construct life plans around being a CEO—they

probably did not calculate success in life in terms of “career advancement.” Beyond that, though, even when we meet with the impossibility of attaining a goal we do recognize, we often come to stop wanting to want that thing. We don’t like frustration, so if we can avoid it by not valuing the thing we can’t get, we often do that. We can and do change both our first- and our second-order desires according to circumstances.

Insofar as government interference makes certain options impossible, that may well affect the structure of our desires and of our values. This would be bad if it meant we didn’t want anything, if our capacity for desire, or for evaluation, atrophied. But why would it? Government interference is not likely to mean the removal of all options from people, and if it did, that would be a very bad government. A good government will remove only some options (and, of course, will also create other and better options). But there is nothing in that that will undercut either the formation of values, or the relationship between values and desires. What we will get is different values, and different desires.

Where, after all, do second-order desires come from? It has been pointed out that there is no particular reason to think that our second-order desires are any better founded than our first-order desires (Watson 1987). Even if we reflect, in the sense that we consciously consider what we want to want, these reflective desires may be as arbitrary as any others. They are a product of circumstance. Jan Elster has discussed at length the existence of adaptive preferences, where one adapts one’s first order-desires, one’s second-order desires, and for that matter, one’s beliefs, according to the availability of success (Elster 1983). Just as the fox, in the fable of the sour grapes, comes to believe that the grapes he wanted but can’t reach are really sour, we can come to believe that things we can’t do aren’t really desirable, and can come to value what we are able to do. Removing an option may mean we stop wanting it, but not that we live a life of anomie, stripped of enlivening desires; we can want something else in its stead.

After all, government interference aside, we know that what we come to value is always in large part a function of things beyond our control. We are raised in a certain way, and that affects our values. Our culture promotes one thing over another, and that affects our values. And, certain options are not open to us, and that affects our values. Even where options exist in a general sense, so that I have the concept of them the way the caveman mentioned above does not have the concept of corporate success, we tend not to care about constructing a certain kind of life if that isn’t possible for us. I have never aspired to be an NBA player, and presumably that is largely a function of the fact that I’m no good at basketball. I suffer no sense of frustration at not being able to play in the big leagues because it never crossed my mind that it would be possible. I have, on the other hand, come to value some of the things I can succeed at, because it is much more fulfilling to value what I can do than what I can’t. Government is part of that world that shapes what we want: “Whether people have a preference for a commodity, a right, or anything else is in part a function of whether the government has allocated it to them in the first instance” (Sunstein 1991: 8).

Integrity, the wholeness of a life lived in accordance with one’s values, can come either from the freedom to act in accordance with one’s existing values or from a change of values to reflect the actions we are free to take.

This does mean that our values are subject to change, and not always as a result of thoughtful reflection. As an option, previously open, becomes closed, we will, if we are to avoid frustration and a sense that our lives are no longer our own, come to value some of those things that remain open to us. Change, though, is compatible with being a full-fledged person, with having an integrated self. Indeed, we think it is rather peculiar if people’s values don’t change as their circumstances change. If someone does indeed have a shot at the NBA, he may value making it very much, but if it turns out he doesn’t make the cut, we naturally hope that he will change

his goals and aspirations. If he doesn't, it will seem obsessive, rather than a sign of admirable integrity of character. This will be true for many of our youthful—and indeed, middle-aged— aspirations: you get over it when certain hopes don't turn out, and if you don't, we think you have a problem with how to constitute the self, rather than that you are really good at it.

### *Personal choices*

Others, though, who object to government interference claim it is not the status of a desire— first- or second-order, endorsed or unendorsed—that matters, but what that desire pertains to. Many have claimed that there are areas of personal decision that need to be protected precisely because they are personal (Mill 1861; Brandeis and Warren 1890; Fried 1968; Rachels 1975, Cohen 2012). Generally, we think of the realms of the private as something deserving special protection. Some might say that this is trivially true, that the private is by definition the realm into which state action does not interfere, but that is not the point being made here. Rather, the argument is normative—that there are certain sorts of things that ought to remain off limits to outside scrutiny, and to outside intervention. The focus is typically on what we think of as domestic life—who one lives with, the organization of one's family, and one's own activities in the home. The idea is that failing to respect these limits will damage our ability to live as whole persons, because freedom of faction in these areas is peculiarly important to our self-conception.

There is some force to the argument that the decisions we make, the relationships we share, and the activities we partake in outside the public eye are uniquely important for most of us. These relationships are especially important to me, and play a major role in who I am. I have other relationships—those I have as a citizen, for example, where I am bound by duties to the community, and generally receive reciprocal advantages. But those, for most of us, just don't have the same significance as my personal friendships, or the relationships I have within my family, however we may define family. How we live, whether we marry and whom we marry, whether to have children, what sort of activities we engage in—these are seen by many people as central to the lived experience of a life. And, for that reason, it is argued, they must be protected:

Practically speaking, the strength or very possibility of intimate relationships varies inversely with the degree of social intrusion into such relationships generally tolerated.

*(Shoeman 1980: 14)*

The more important the relationship or activity, the more we think interference is at the least morally suspect, and often absolutely impermissible.

This is a standard picture. It is, however, odd. How much control do we have over these things, after all? Consider my control over my activities: the activities I most enjoy depend on leisure, which I'll define for present purposes as time off from working. Leisure is important to me, and like most people, I don't relish the idea of the state or anyone else coming into my home and forcing, or even cajoling, me into leisure activities they believe to be more valuable than those I actually want to engage in. Still, can it be said that I ever control my leisure? First and foremost, I obviously don't control how much leisure I have. A lot of that arises from laws that mandate we get a certain amount of time off, or from contracts that labor unions worked for. None of that was determined by me. And almost none of us have a choice about whether we want to work in the first place, something that entirely changes the shape of our lives. We just need the money, so we work. Still, we don't find ourselves rising up against the need to work as an unconscionable intrusion into our freedom. We may not want to work, but we



certainly don't think that insofar as we do we aren't persons, or don't have selves. My total lack of control here has left my claims to personhood untarnished.

And this is generally true of these important, constitutive choices: take our right to control whom we marry. I have control over whom I marry in that I can decline any marriage I don't want, but honestly, in my case that choice doesn't come up much. I clearly don't have the freedom to marry Benedict Cumberbatch, much as I would like that. I don't even have the power to *meet* Benedict Cumberbatch, and then there is the fact that Mr. Cumberbatch himself would have to be willing. The constitution of our domestic lives is always tremendously constrained, by where we happen to live, whom we happen to meet, and (among others) who happens to want to marry *us*. Personhood is not dependent on freedom vis-à-vis any particular choice, or on the possibility of acting on some particularly significant desire.

Of course, what you do in your life makes a difference to who you are. But only part of that is ever chosen, and when it is chosen, it is always chosen from a relatively narrow set of options: options constrained by knowledge, by talent, by physical capacities, by geographical location, by the years in which you live. And, by state actions. Constraint on choice is ubiquitous. Furthermore, the unchosen things that happen to you in your life can make just as big a difference to the quality of your life as can the things you choose—or, at times a bigger difference. For some this is tragic—there was nothing they could do about the car that crashed into their child and killed him. For others, it can be wonderful—they were born into a family both rich and benevolent, they luck out with the child who is healthy and sanguine, etc. Of course, one may say we can choose how to react to these things, but again, that, too, is always within a severely constrained set of options.

### The source of interference

None of this is a secret. Proponents of autonomy as necessary to identity do realize that our values are affected by our situation:

We all know that persons have a history. They develop socially and psychologically in a given environment with a given set of biological endowments. They mature slowly and are heavily influenced by their parents, siblings, peers, and culture. What sense does it make to speak of their convictions, motivations, and principles, and so forth as “self-selected”? . . . We can no more choose *ab initio* than we can jump out of our skins. To insist upon this as a condition is to make autonomy impossible.

(Dworkin 1976: 24)

And,

The fact that our self-interest, and more generally, what counts towards our well-being, is to a considerable extent determined by our own actions, does not presuppose free or deliberate choice of options. To be sure our well-being is not served by projects we are coerced into unless we come willingly to embrace them. But not everything we willingly embrace is something we have freely or deliberately chosen from among various alternatives open to us.

(Raz 1986: 369)

So, reasonable proponents of autonomy accept that we are never fully in charge of our values, endorsements, and so forth. But people still see a huge problem when the interference in our



lives comes from other people. More specifically, they find it objectionable when interference in our lives comes from other people who are interfering *intentionally*.

Consider, for example, state interference in how many children we have. The Chinese one-child policy has received great condemnation as an invasion of privacy. Granted, the Chinese situation is made much worse by the fact that the Chinese sometimes invade the body through forced abortions or sterilizations, but even without that most people (at least, outside of China) seem to believe that the very idea of government coercion, even through the customary Chinese sanction of fines, is an impermissible interference into one of the most significant private relationships we can have. Conversely, the fact that we may feel compelled to limit how many children we have because we can't *afford* to have more seems to arouse no general indignation. The costs of fines that keep people from having children may be proportionately much less than the cost of college tuition that also keeps people from having more than a certain number of children, but the first, not the second, is seen as grounds for outrage, even though the fact that in the USA our universities cost as much as they do (sometimes upwards of \$250,000 per child) is clearly a function of human activity, and the aggregation of human choices—it's not some natural fact that must be taken as a given. Not surprisingly, prudent parents, especially those who intend to send their children to private colleges, find themselves refraining from having large families.

Yet, the fact that these costs intrude into our lives in ways that affect these very personal preferences arouses nothing like the general indignation the Chinese laws do. Similarly, the fact that so many Americans haven't been able to afford even basic health care is a function of choices the society has made, yet, while it is often perceived as unfortunate that some sick people can't see a doctor, most people don't see it as an impermissible infringement on liberty. The idea that the federal government would require that people get health insurance so that everyone can afford a doctor's visit, though, calls for protest against those who are taking away our rights to privacy. When we regard abject poverty as an unfortunate accident, we don't resent it as much as we do an intentionally tyrannous government, even though, as Amartya Sen has pointed out, poverty can be at least as destructive (Sen 2000).

So, while we regret impersonal circumstances that stop us from doing what we want to do, we don't see them as significant obstacles to the constitution of the self—we don't see them as interventions that rob of us of personhood. The significant difference in our reaction is a function of whether or not we see the obstacle as intentional. What is it about intentional interference that makes it so dangerous? Even Elster, who stressed the heterogeneous origin of preferences, wrote that interference from others is at least *prima facie* incompatible with liberty in a way that other interferences aren't:

My view is that unless the obstacles have been created for the purpose of preventing one from doing x, one has the formal freedom to do x. Moreover, I believe that this formal freedom is a valuable thing, even if it does not go together with full ability. This is so for at least two reasons: it is a good thing in itself not to be subject to another person's will; and when one is not so subject, the chances are better that one may be able to achieve something substantially equivalent. If I cannot afford to buy a book, I can borrow it from the library; if the government forbids its sale, it will also forbid its being available in the library.

*(Elster 1983:126 fn55)*

The example Elster gives, though, does not illustrate his claim. It's false to say that we are either subject to another's will when the government bans a book, or free when we have to get it from

the library due to a lack of money. If I cannot afford to buy a book, whether or not I can get it at the library is *entirely* a function of others' will. They have to will to fund libraries, and someone at the library has to will the acquisition of this book for lending purposes. And, of course, someone had to will to write it. This is merely a footnote in Elster's work, but it is significant in that it suggests a kind of belief that is common—that if institutions, like libraries, have been in place a while, we don't think of them as arising through acts of will, but as somehow naturally occurring and fixed. This, of course, is not true. Institutions arise from acts of will. Not all existing institutions arise from acts of will intending their creation (the first person to invent monetary scrip may not have thought "I am now making capitalism possible") but they are still a function of willed actions, and some institutions that we accept, like libraries, do arise from specifically intended acts of will, and in particular acts of will arising from government officials. Living without being affected by any willed social institution at all is possible, but would require solitude most people can't imagine—even anchorites had someone who willed to bring them food.

So again, why is the particular species of willed act that involves interfering in my options so upsetting? We can easily agree that a sense of frustration is disagreeable, but we know that desires can be frustrated in various ways, and that, as above, a systematic interference is likely to result in us retooling our preferences. Why would a law forbidding me from marrying Benedict Cumberbatch be so much worse than Benedict Cumberbatch's complete indifference—which, were we to meet, would no doubt evolve into a positive distaste for marrying me? If the answer is that in the absence of a law, I might hope Benedict Cumberbatch would change his mind, that is true—I might *hope* that, but it wouldn't make that hope correct. It would be better to give up all hope and develop a preference for someone who is not an international television and film star, which is what most of us do. And for that matter, laws can be changed—much more easily than Benedict Cumberbatch's affections.

### **Bad government**

The answer is that there are particular dangers to one's sense of integrity, identity, and personhood that may arise from government action, and we are particularly alert to these. These dangers may arise from people outside government, too, but those that are enacted into law tend to be particularly opprobrious and particularly hard to fight. Consider a state that systematically enforces laws that people will be treated unequally, and in particular interferes in personal life in ways that are oppressive to a particular group. Some interference limits our options in ways we can't adjust to—not all desires are malleable. Those interferences merely make us unhappy, and resentful, and bitter, and angry, with no corresponding advantages to compensate for what we have lost.

In some cases inequality is like this—something we just can't get used to. We long to be free of the state's yoke, and feel ourselves diminished, incapacitated, and fractured when we cannot free ourselves and act on our desires. Or, in other situations, unequal treatment may limit our options in ways to which we do indeed adjust, through adaptive preferences, but this can still cause injury. If adjusting to inequality means people accept beliefs about their own inferiority in order to cope with the system that treats them unequally, this conflicts with other, deeper preferences: the need for self-respect, for example, and the confidence needed to pursue one's projects successfully.

It is entirely true, then, that some government interventions in freedom are bad. A law forbidding me in particular from marrying Benedict Cumberbatch would come with the recognition that people in power think I am inferior and unworthy. A law forbidding anyone from marrying him might, presumably, make him feel the same way—unless, in either case, there is

some reason for the law that doesn't depend on an assessment of us as generally unworthy. (A genetic study has been done, and our children would introduce a new and fatal strain of . . . And so forth.) Sometimes the pain and oppression that accompany a bad law may be intentional, and in other cases it may not, but either way the effect is to diminish people's lives. This doesn't show that government interference has to be bad. Clearly, regulations should treat us equally where we are equal. More generally, regulations shouldn't interfere in ways that lead to greater dissatisfaction. The fact that we disapprove of regulations that make us unhappy, or regulations that promote oppressive adaptive preferences, doesn't show that we should disapprove either of regulations in general or adaptive preferences in general. Regulations should be geared to making us better off, and if they do this, we will flourish.

It is true, to be sure, that new regulations tend to arouse resentment, even when they are beneficial. We feel coerced when an option we are used to having is taken away, because we grew up in a certain landscape of options and our desires were shaped by them, and because we often can't believe that a regulation that wasn't around before could possibly be necessary now (unless we ourselves perhaps have vividly understood the changing circumstances that have made it necessary). We see a change in the opportunities we are used to as if it were a right that is being revoked—the way we feel resentment when someone takes “our” seat in a classroom.

This, though, just isn't a good indication of the actual moral worth of the regulation, nor a good prognostication as to what it will do to our development to have to abide by it. We get used to things. There are many intrusive regulations we now accept as not only permissible but absolutely obligatory: regulations against domestic violence, for example, which obviously do intrude into the realm of the family, but which we now all applaud. Government regulations as to child welfare—requirements that children be educated, maintained with some specified level of shelter and nutrition, etc.—are now seen as necessary in a decent society. Even paternalistic regulations are accepted once they've been around long enough—like requiring prescriptions for medicine.

Again, this is not to say that we are infinitely malleable creatures. We have some needs that remain constant, and failing to meet these can in fact infringe upon our ability to live fulfilled human lives. Some of these are biological in origin: food, warmth, shelter. Some are psychological: we need social interaction, self-expression through communication, education, some range of options in which we can exercise choice, and I think, to be treated as equal in some significant realm. These are needed, but their value is not a function of our having chosen them.

## Conclusion

Intrusions into personal choice are inevitable. Sometimes it's a function of the impersonal universe. Sometimes it's a function of a society unaware of its effects on individuals. Sometimes it's the intentional action of those in the government. Not only is government interference not the worst of these, it can be the best. It is something that can be controlled far more easily than the workings of the impersonal universe or the indirect effects of society on the individual: it is malleable, and it is conscious, and chosen, and therefore a suitable subject for deliberation. And, of course, state intervention can expand options, liberating people from some choices to pursue more meaningful ones. If I'm not allowed to smoke, I'm then allowed to spend more healthy years in pursuit of gratifying activities, activities I can indeed choose and allow to define me. Interference can allow us to constitute better selves than they could otherwise. Can government make bad or even evil choices? Obviously. But we don't want to let justified caution turn into mere laziness, an unwillingness to do the work of considering what government measures are actually desirable. As we don't want to accept each and every government measure as beneficial, neither should we

reject the idea of interference as destructive. What matters is if people have better or worse lives. If interventions promote happiness and self-development, they are not a problem.

### Notes

- 1 I would like to thank those present at conferences at Umeå University and the University of Chicago for their comments on this paper.
- 2 Cf. Korsgaard “Movements that result from forces working *on* me or *in* me constitute things that happen to me . . . For a movement to be my action, for it to be expressive of *myself* in the way that an action must be, it must result from my entire nature working as an integrated whole” (2009: 18–19). But—my *entire nature*? Really? How often does this happen?

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