

Oxford Internet Institute
University of Oxford



Paternalism and the Right to be Left Alone

Luciano Floridi

Professor of Philosophy and Ethics of Information
Director of Research

① Premise: the political problem of design

② Problems with the principles of design

③ Paternalisms

④ Conclusion

① Premise: the political problem of design

② Problems with the principles of design

③ Paternalisms

④ Conclusion

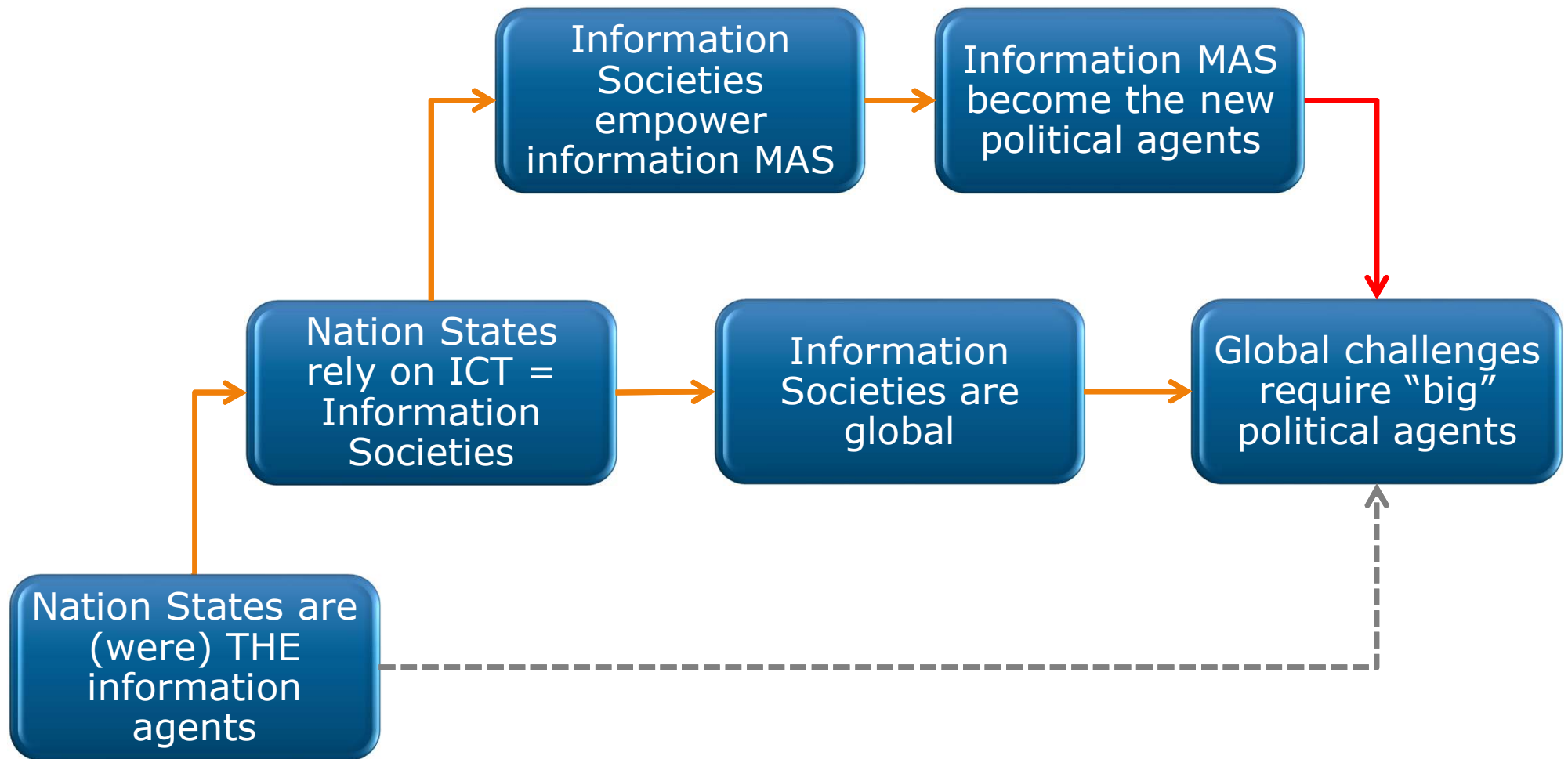
① Premise: the political problem of design

② Problems with the principles of design

③ Paternalisms

④ Conclusion

- ① Premise: the political problem of design
- ② Problems with the principles of design
- ③ Paternalisms
- ④ Conclusion



Pol. Found.
Inf. Soc.

How to design political agents as multiagent systems in a post-Westphalian and post-Bretton Woods information society.

Tolerance **P**eace **L**iberty **J**ustice

Locke **T** \longrightarrow **P**

adding together
consequents of the
same antecedent

Mill **T** \longrightarrow **L**

(T \longrightarrow L \wedge P)

Rawls: (\neg **T** \longrightarrow \neg **J**)

contraposition true
only if original
implication true

Tolerance is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are **intolerant**. Each person possesses an inviolability founded on **tolerance** that even the welfare of society as a whole cannot override. For this reason **tolerance** denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a **tolerant** society the liberties of equal citizenship are taken as settled; the rights secured by **tolerance** are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiescence in an erroneous theory is the lack of a better one; analogously, an **intolerance** is just only when it is necessary to avoid an even greater **intolerance**. Being first virtues of human activities, truth and **tolerance** are uncompromising.

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are **unjust**. Each person possesses an inviolability founded on **justice** that even the welfare of a whole cannot override. For this reason **justice** requires that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the advantages imposed on a few are outweighed by the advantages enjoyed by many. Therefore, in a well-ordered society the liberties of equal citizenship are not to be overridden; the rights secured by **justice** are not subject to utilitarian bargaining or to the calculus of social interests. The only thing that permits us to acquiescence in an erroneous theory is the lack of a better one; analogously, an **injustice** is **tolerable** only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and **justice** are uncompromising.

Rawls (1999), A Theory of Justice, pp. 3-4

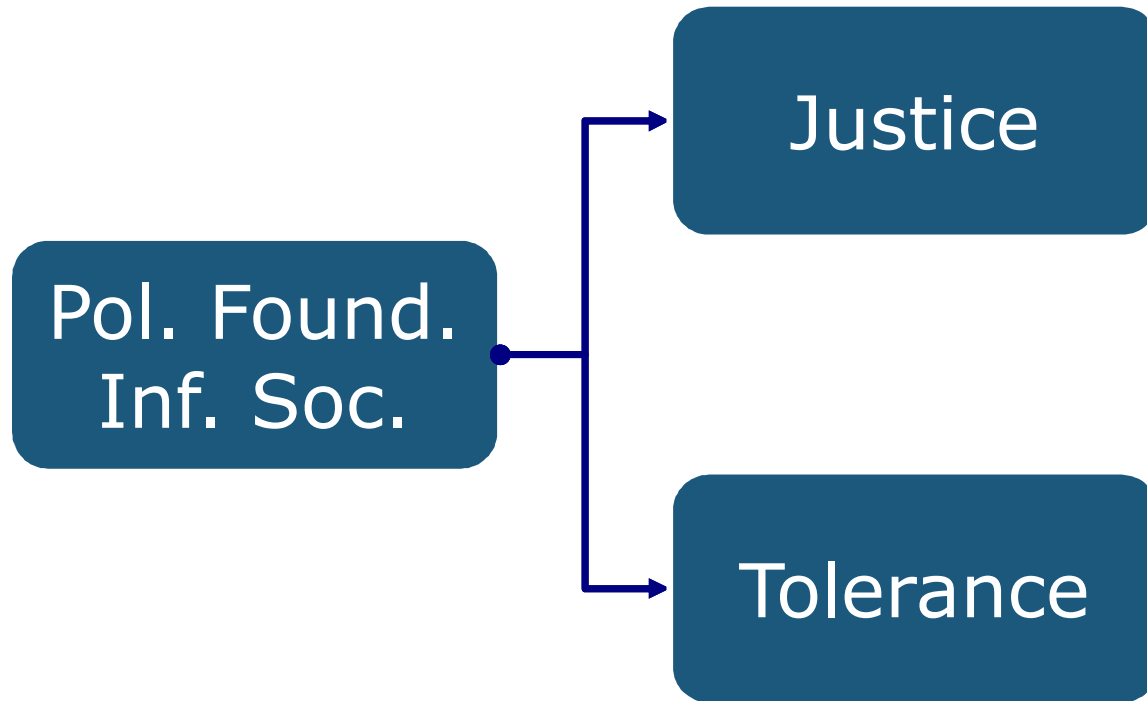
① Premise: the political problem of design

② Problems with the principles of design

③ Paternalisms

④ Conclusion

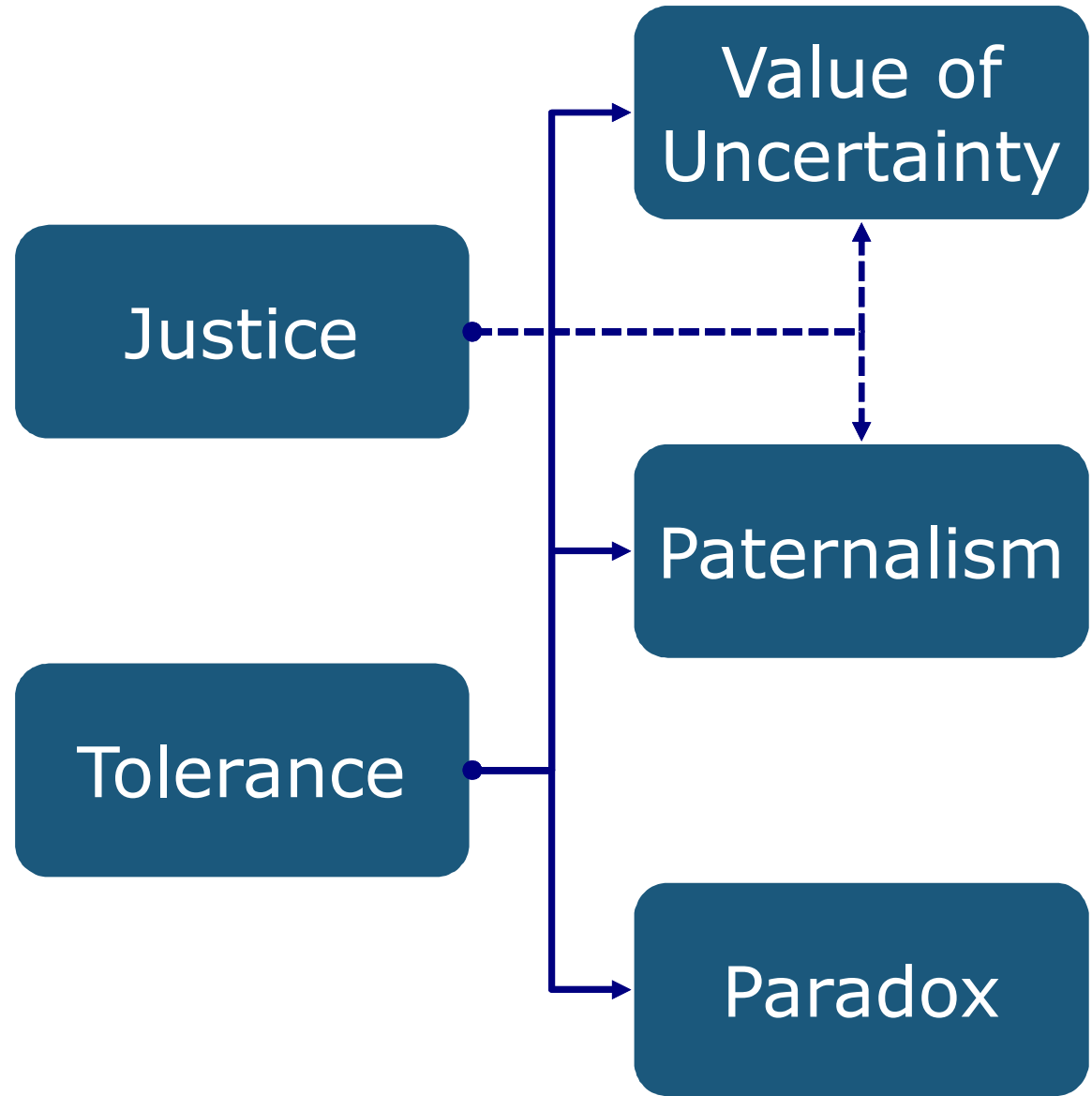
THE POLITICAL PROBLEM OF DESIGN



Two design principles not only one.

THE POLITICAL PROBLEM OF DESIGN

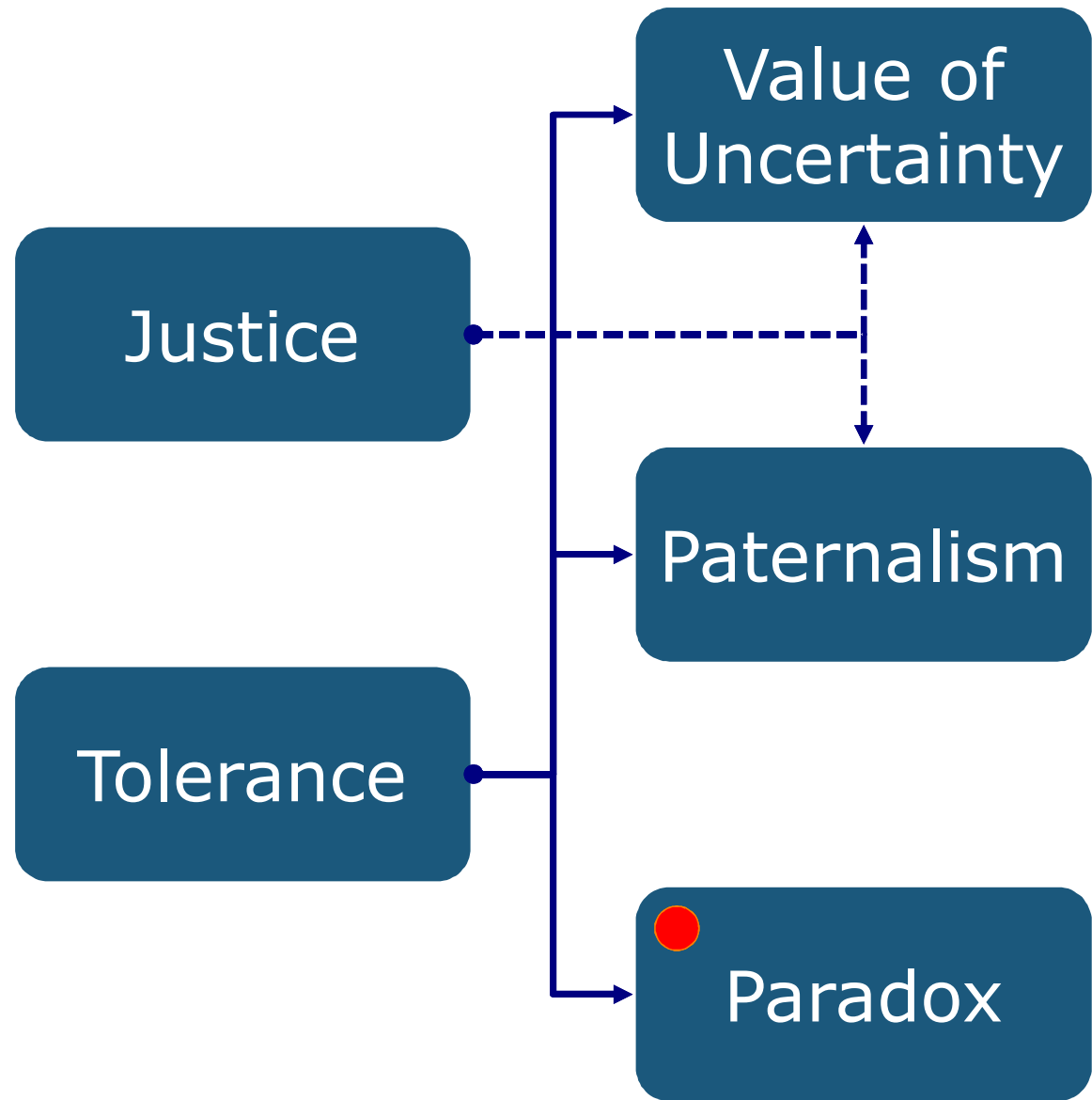
Problems with
the principles.



PROBLEMS WITH THE PRINCIPLES OF DESIGN

Too much T.

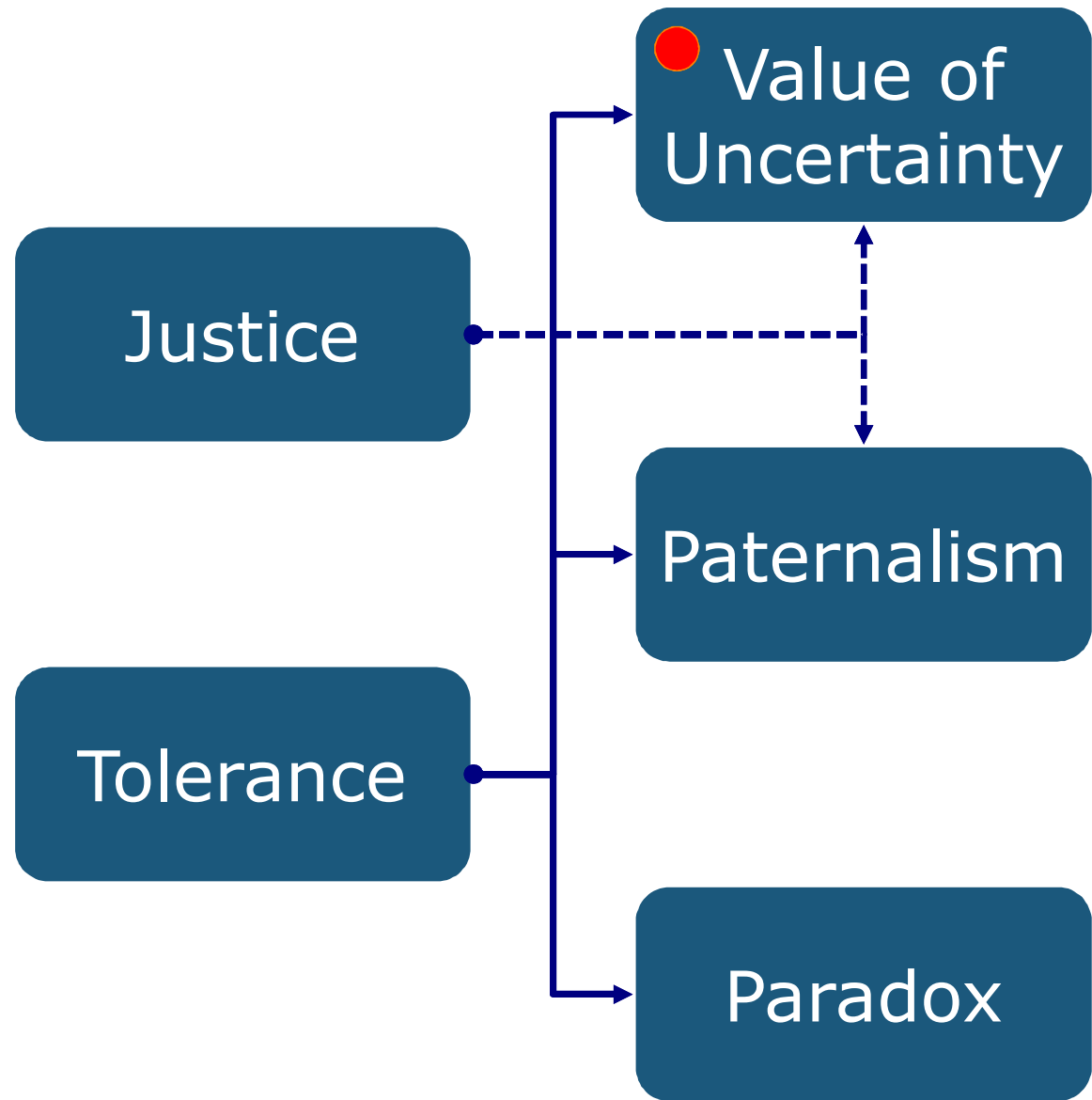
If information
about T then
abuse of T.



PROBLEMS WITH THE PRINCIPLES OF DESIGN

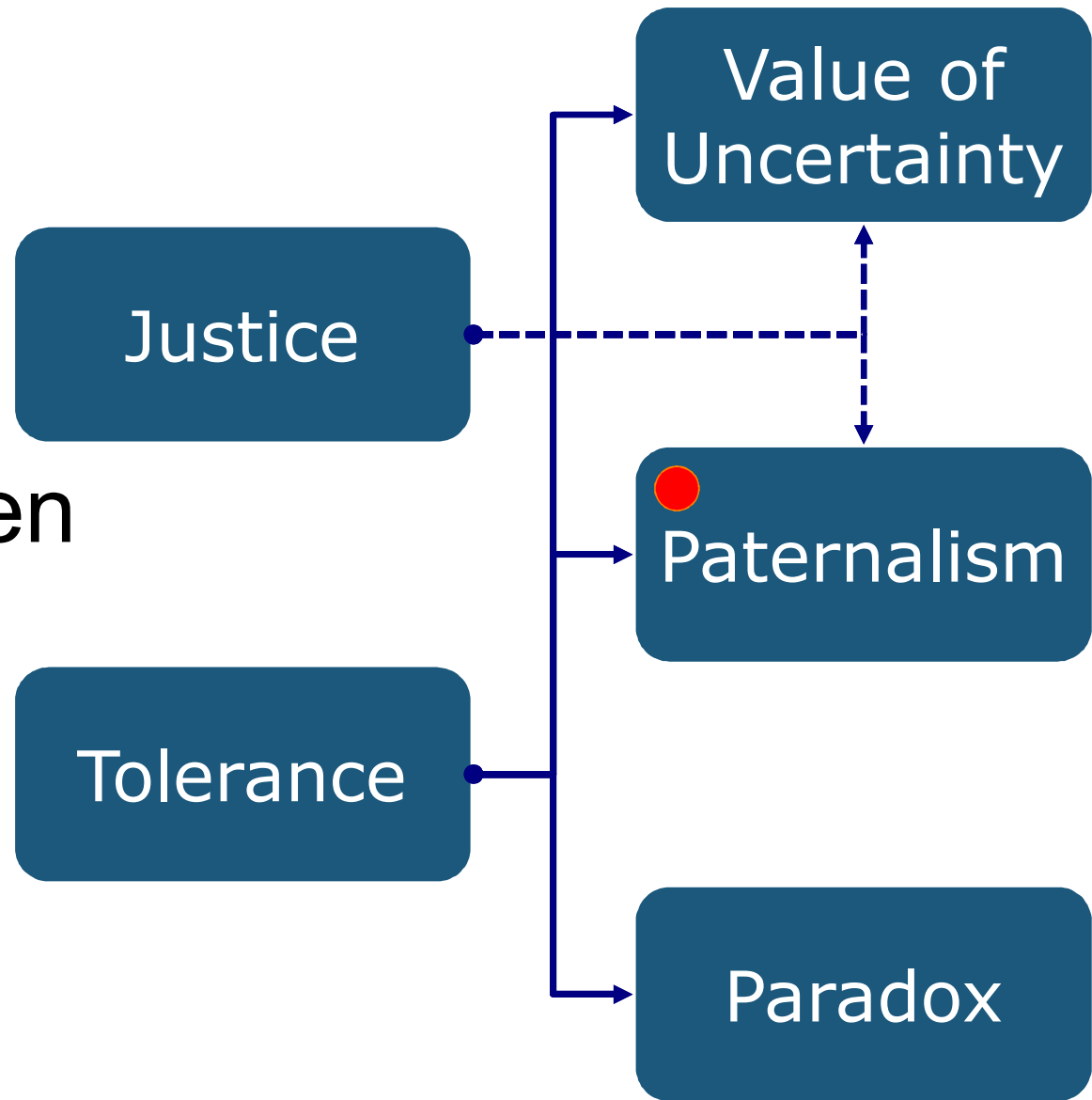
Too much I
then no
fairness.

More I less T.



PROBLEMS WITH THE PRINCIPLES OF DESIGN

Too much P then
no freedom
no tolerance.



① Premise: the political problem of design

② Problems with the principles of design

③ Paternalisms

④ Conclusion

TOLERATION

An agent A ψ (acts, behaves, does, omits doing or designs something, ...) tolerantly towards another agent B's φ -ing (believing, thinking, acting, behaving, ...) iff:

- ① A is informed about B's φ -ing;
- ② A disapproves of B's φ -ing;
- ③ A could ψ to interfere with B's freedom (liberty or autonomy) to φ ;
- ④ A refrains from ψ -ing.

For example, Alice is informed about Bob's smoking, she disapproves of it, and could forbid him to smoke in her house, but refrains from doing so.

PATERNALISM

An agent A ψ (acts, behaves, does, omits doing or designs something, ...) paternalistically towards another agent B's ϕ -ing (believing, thinking, acting, behaving, ...) if and only if

- ① A is informed about B's ϕ -ing
- ② A is informed about B's ϕ -ing not improving B's well-being
- ③ A could ψ to interfere with B's freedom (liberty or autonomy) to ϕ
- ④ A does ψ
- ⑤ A does ψ because B's ϕ -ing does not improve B's welfare
- ⑥ A does ψ without B's consent.

Alice knows and is concerned that Bob smokes and forbids him to do so in her house for the sake of his health and against his will.

Paternalism: X acts paternalistically towards Y by doing (omitting) Z: [if and only if]

- ① Z (or its omission) interferes with the liberty or autonomy of Y
- ② X does so without the consent of Y
- ③ X does so **just** because Z will improve the welfare of Y (where this includes preventing his welfare from diminishing), or in some way promote the interests, values, or good of Y.

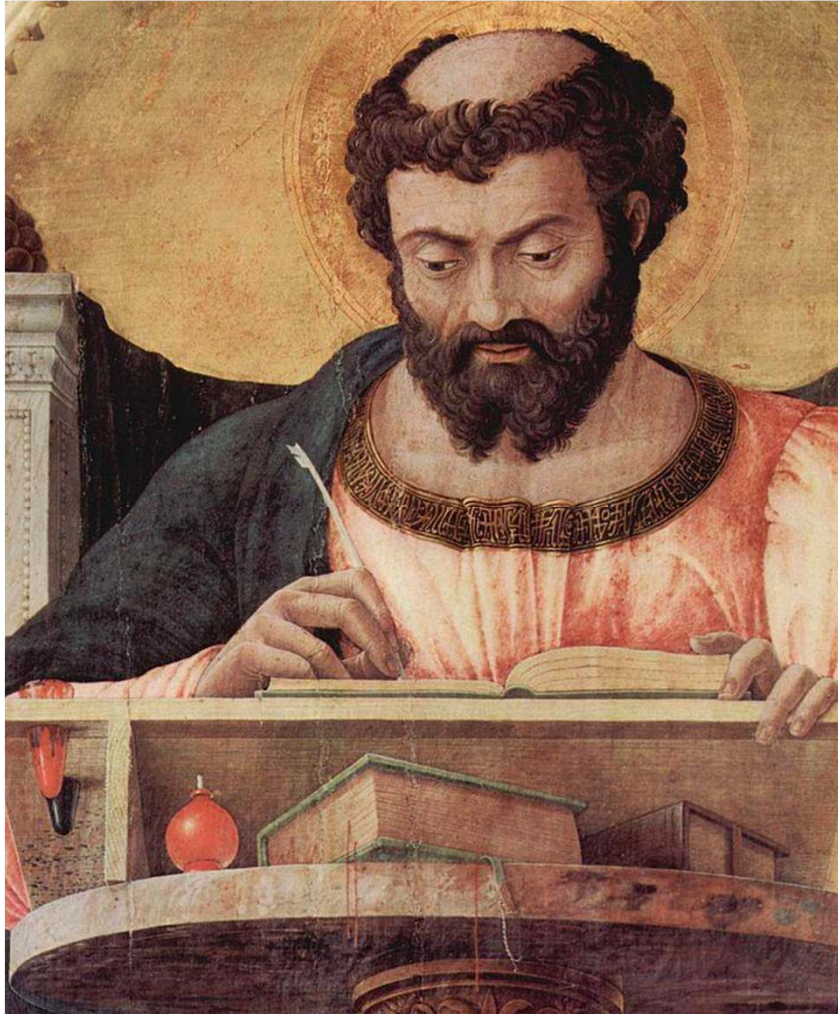
Stanford Encyclopedia of Philosophy

The dilemma of tolerant paternalism:

Is tolerant paternalism possible?

[...] **compelled ἀναγκάζοιτο** to stand up suddenly and turn his head around and walk and to lift up his eyes to the light, and in doing all this felt pain and, because of the dazzle and glitter of the light, was unable to discern the objects whose shadows he formerly saw. Plato, *Republic*, 7.515c





Then the master told his servant, “Go out to the roads and country lanes and **compel ἀνάγκασον** them to come in, so that my house will be full”.
Luke 14:23
New International Version.

The dilemma of tolerant paternalism:

Is tolerant paternalism possible?

Or: how can A both respect B's freedom and interfere with it for B's sake, without B's consent, on the basis of a more privileged epistemic position?

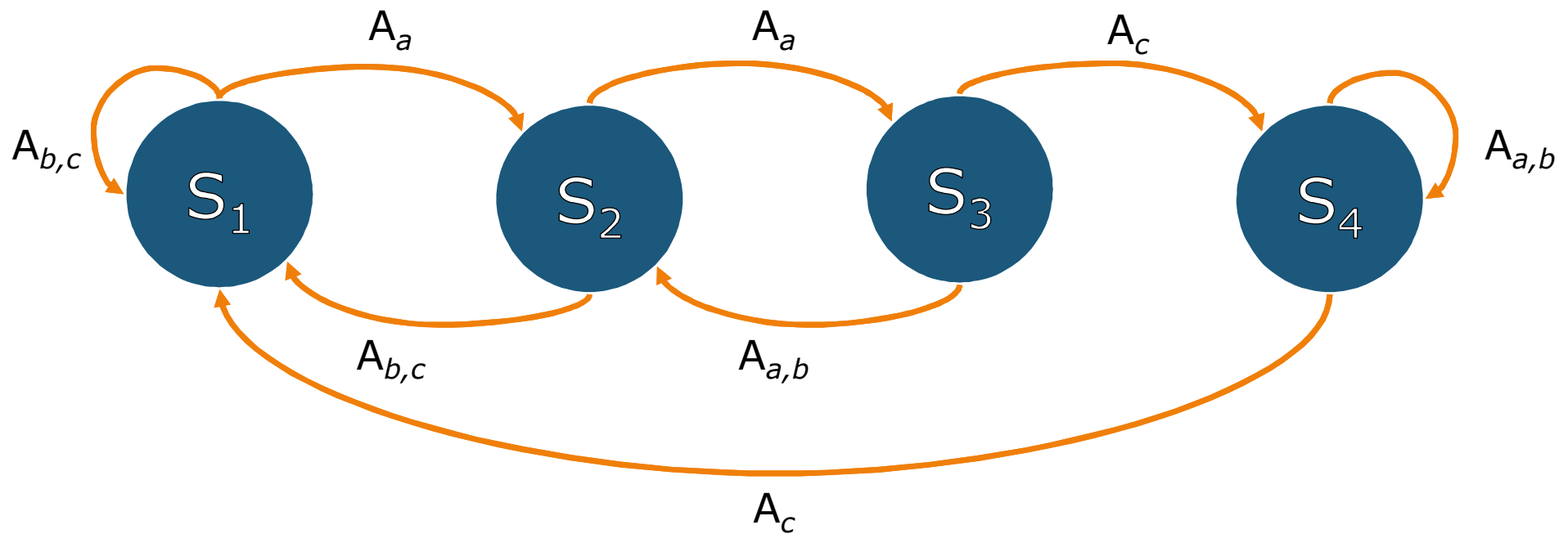
		System states			
		S_1	S_2	S_3	S_4
Actions	A_a	S_2	S_3	S_2	S_4
	A_b	S_1	S_1	S_2	S_4
	A_c	S_1	S_1	S_4	S_1

FSA as a simple scheme of action (System/Society) that “consumes” actions as inputs:

1. Finite set of **states** S : $\{S_1, S_2, S_3, S_4\}$;
2. Finite set of input/actions A (**alphabet**): $\{A_a, A_b, A_c\}$;
3. A **transition function** $f: S \times A \longrightarrow S$;
4. $S_1 \in S$ is the **start state**; and
5. $F \subseteq S$ is the set of **accept states**.

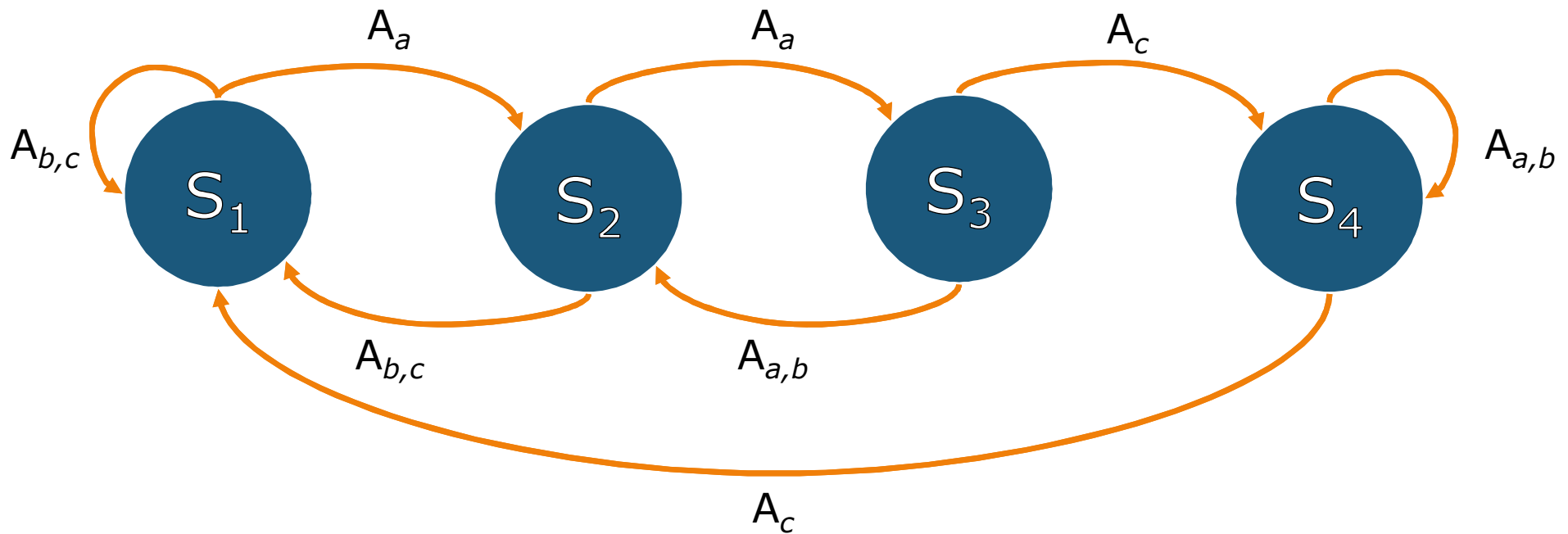
		System states			
		S_1	S_2	S_3	S_4
Actions	A_a	S_2	S_3	S_2	S_4
	A_b	S_1	S_1	S_2	S_4
	A_c	S_1	S_1	S_4	S_1

Scheme, not Model, Blueprint, TE (constraints).



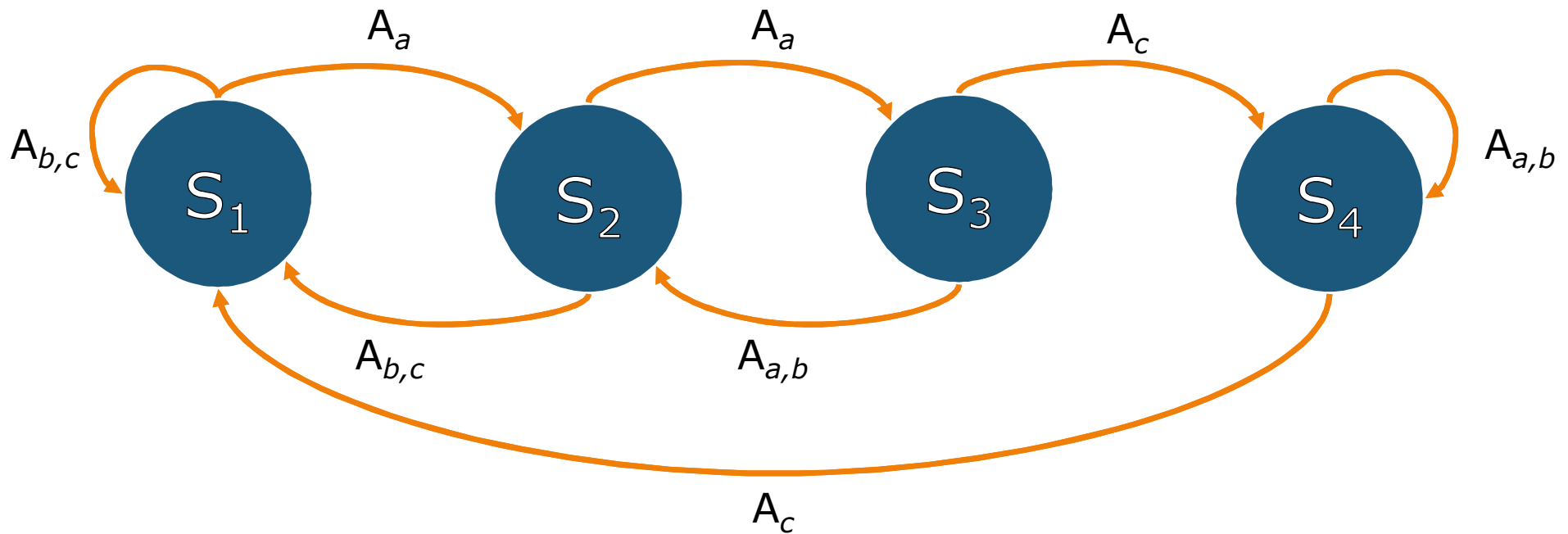
		System states				
		S_1	S_2	S_3	S_4	
Agents	Actions	A_a	S_2	S_3	S_2	S_4
		A_b	S_1	S_1	S_2	S_4
		A_c	S_1	S_1	S_4	S_1

Virtue Ethics – Micro-Macro system states.



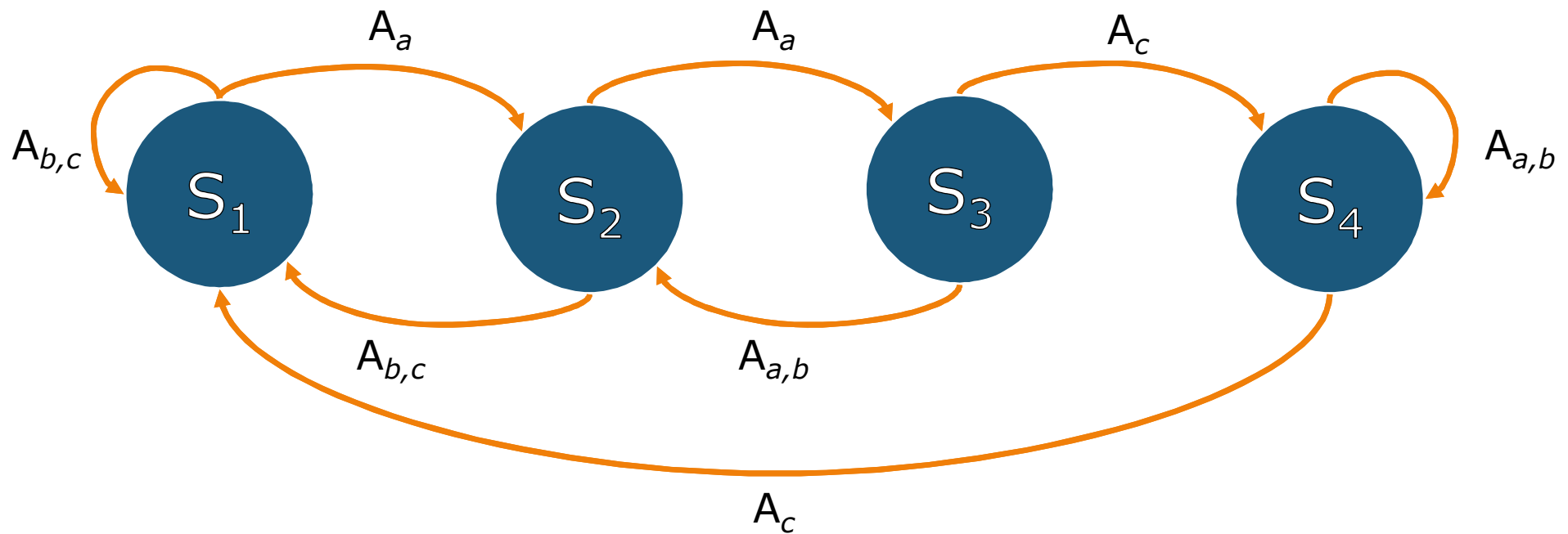
		System states				
			S_1	S_2	S_3	S_4
Agents	Actions	A_a	S_2	S_3	S_2	S_4
		A_b	S_1	S_1	S_2	S_4
		A_c	S_1	S_1	S_4	S_1

Consequentialism, Deontology (why, not what).



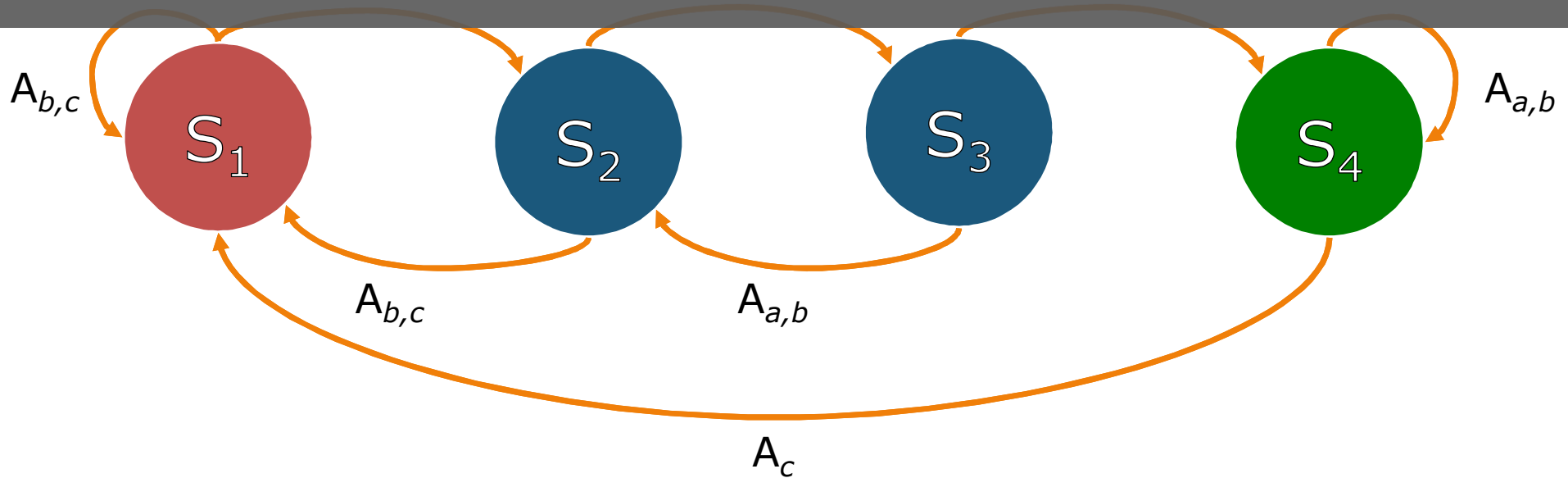
		System states				
			S_1	S_2	S_3	S_4
Agents	Actions	A_a	S_2	S_3	S_2	S_4
		A_b	S_1	S_1	S_2	S_4
		A_c	S_1	S_1	S_4	S_1

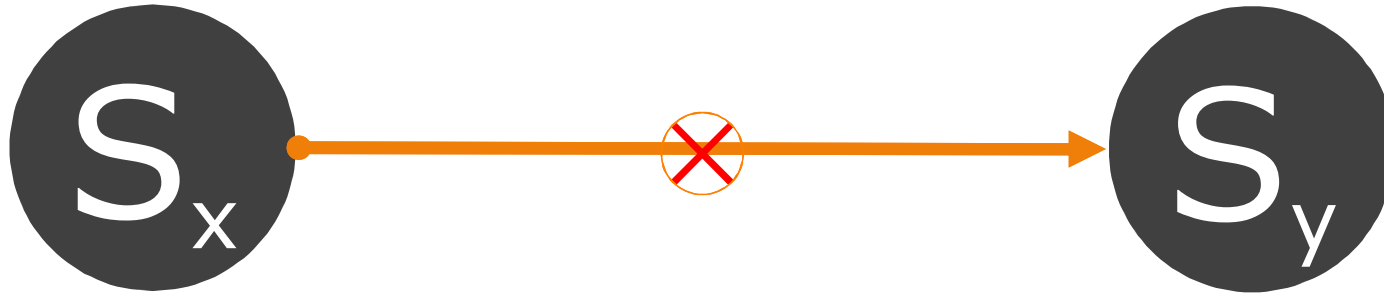
Environmental Ethics (ontocentric).



		System states				
			S ₁	S ₂	S ₃	S ₄
Agents	Actions	A _a	S ₂	S ₃	S ₂	S ₄
		A _b	S ₁	S ₁	S ₂	S ₄
		A _c	S ₁	S ₁	S ₄	S ₁

Ethics as axiology indicates what moral value is and which state is morally preferable (has value).



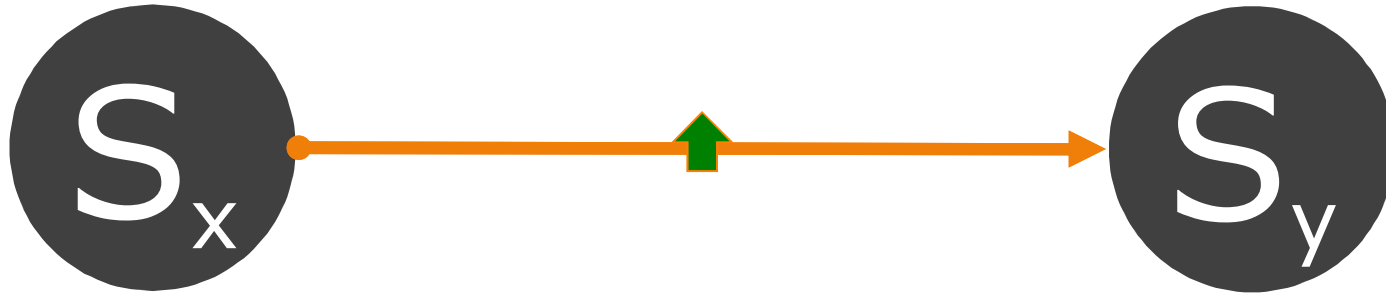


1) Do not allow going from S_x to S_y .

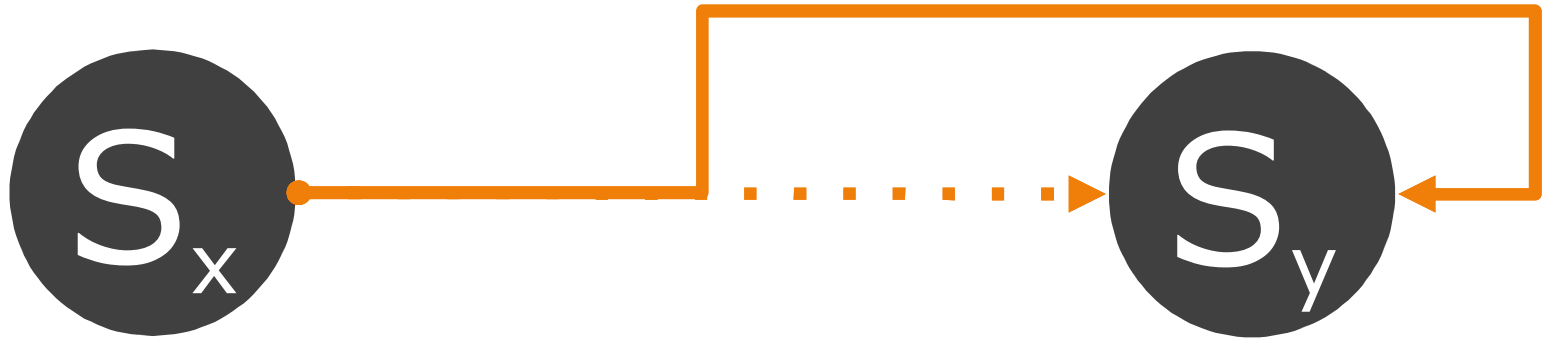
Paternalism as **prohibitionism**.

Incompatible with Freedom/Toleration.

Compatible with shaping behaviour.

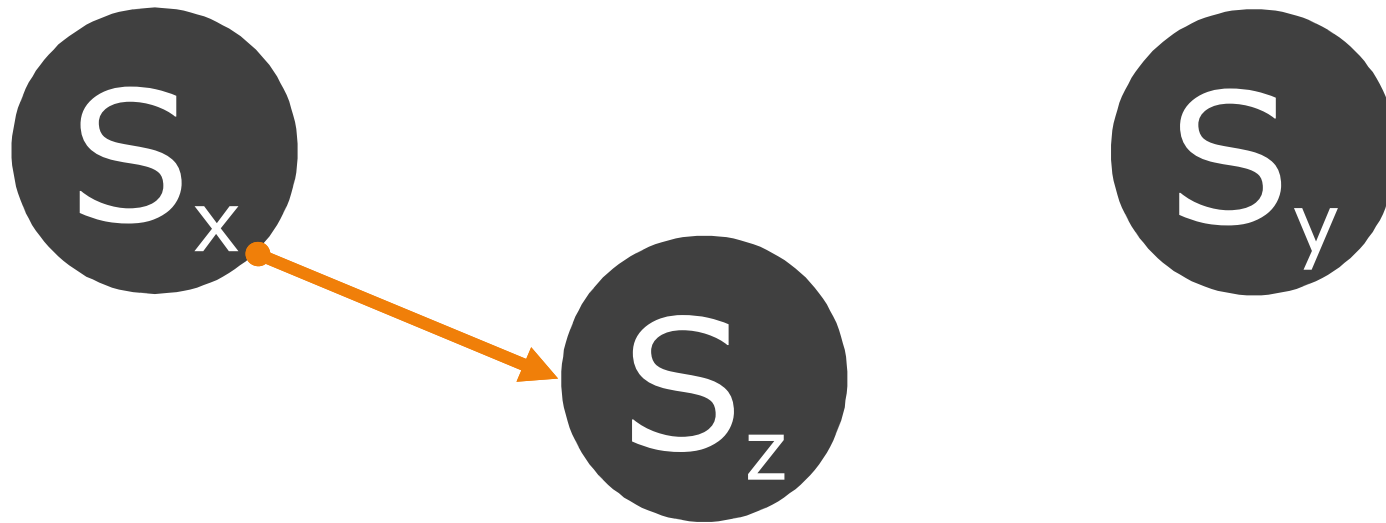


2) Make going from S_x to S_y safer.
Paternalism as “**protectionism**” (welfare).
Compatible with Freedom/Toleration.
Incompatible with shaping behaviour.



3) Make going from S_x to S_y more/less difficult.
Paternalism as **ethics by design** (policy of disincentives).

Not very compatible with Freedom/Toleration.
Compatible with shaping behaviour.



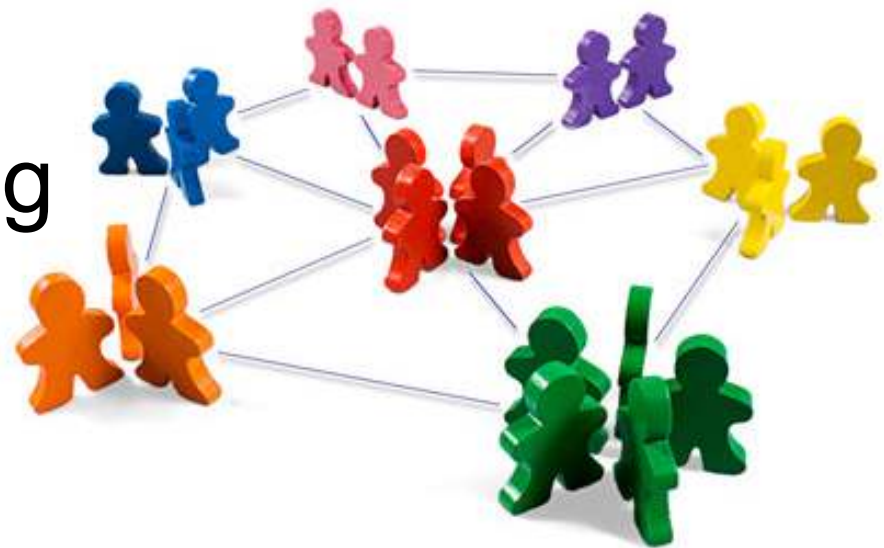
4) Make S_z a better option than S_y .
Paternalism as **nudging** (**persuasion**).
Not very compatible with Freedom/Tolerance.
Compatible with shaping behaviour.



5) Place R (reflection) between S_x and S_y .
Paternalism as **pro-ethical design**.
Compatible with Freedom/Toleration.
Compatible with shaping behaviour.

In a complex information society we may need to use all kinds of paternalism to shape the topology of the network of possible actions whenever harm would be irreparable.

However, when possible, we should adopt the form of paternalism most consistent with the fostering of freedom and toleration, i.e. pro-ethical design.





**“You need the haystack to find the needle”,
General Keith Alexander, Director of the National
Security Agency (NSA).**

**Edward Snowden: PRISM, *The Guardian* and *The
Washington Post*, June, 2013; xKeyscore, *The
Sydney Morning Herald* and *O Globo*, July 2013.**

Intercepting is a form of paternalism by an agent A (the *paternaliser*) towards a paternalised B that is

- ① meant to shape the behaviour of an agent B
- ② by interfering with B's freedom,
- ③ for B's own good,
- ④ without B's consent.

Paternalism assumes that:

A knows better than B what is better for B and can shape B's behaviour.

PATERNALISM

An agent A ψ (acts, behaves, does, omits doing or designs something, ...) paternalistically towards another agent B's ϕ -ing (believing, thinking, acting, behaving, ...) if and only if

- ① A is informed about B's ϕ -ing
- ② A is informed about B's ϕ -ing not improving B's well-being
- ③ A could ψ to interfere with B's freedom (liberty or autonomy) to ϕ
- ④ A does ψ
- ⑤ A does ψ because B's ϕ -ing does not improve B's welfare
- ⑥ A does ψ without B's consent.

Alice knows and is concerned that Bob smokes and forbids him to do so in her house for the sake of his health and against his will.

A acts paternalistically towards B by **intercepting** if and only if:

- ① A's intercepting interferes with B's freedom
- ② A intercepts without the consent of B
- ③ A intercepts just because intercepting will improve the welfare of B (where this includes preventing B's welfare from diminishing), or in some way promote the interests, values, or good of B.

Stanford Encyclopedia of Philosophy

Problems with the “interference” condition.

- ① influences behaviour: not in practice and not meant to in theory
- ② interferes with freedom: ditto
- ③ withdraws metainformation hence interferes/influences: no, disanalogy with medical case
- ④ other?
- ⑤ either spying not paternalistic
- ⑥ or spying redefines paternalism, cf. positive and negative freedom (freedom to vs. freedom from)
- ⑦ positive and negative paternalism.

Negative paternalism: any strategy by an agent A (the *paternaliser*) that is

- ① meant to check that a negative behaviour of an agent B (the *paternalised*) does not occur
- ② by monitoring B's exercise of freedom,
- ③ for B's own good,
- ④ without B's consent.

Paternalism assumes that:

A knows better than B what is better for B and can shape B's behaviour.



5) Check going from S_x to S_y and the not-going from S_x to S_z .

Negative paternalism.

Incompatible with Freedom/Toleration.

Compatible with shaping behaviour.

CONCLUSION

Tolerant paternalism is possible.

So objection against its adoption as a design principle removed.

Paternalism is not a behaviour/action, but a way of behaving/acting: paternalistically.

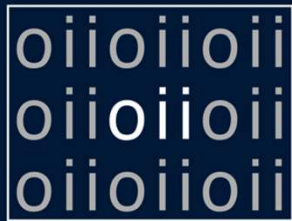
Second order property of relations.

Trust is also a second order property.

If paternalism then not trust, if trust, then no paternalism.

Paternalism has the effect of shaping PD's behaviour or actions, but its definition is the contrary of trust. So ultimately it is a matter of control.

Lack of trust is paternalism's opportunity cost.



Oxford Internet Institute
University of Oxford



UNIVERSITY OF
OXFORD

ACKNOWLEDGEMENTS. This research was supported by an AHRC grant.

COPYRIGHT DISCLAIMER. Texts, marks, logos, names, graphics, images, photographs, illustrations, artwork, audio clips, video clips, and software copyrighted by their respective owners are used on these slides for non-commercial, educational and personal purposes only. Use of any copyrighted material is not authorized without the written consent of the copyright holder. Every effort has been made to respect the copyrights of other parties. If you believe that your copyright has been misused, please direct your correspondence to: luciano.floridi@oi.ox.ac.uk stating your position and I shall endeavour to correct any misuse.

