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Educating Citizens: The Choice for Paternalism

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The idea of educating citizens does not receive much credit in contemporary political philosophy; it seems to belong to an older model of Aristotelian perfectionism that has long been overcome. Political reality however is a different one in our time; even in basically liberal societies – and especially at the level of the European Union – governments are prone to a great number of measures which in one sense or another all have an educating effect on individuals or on society as a whole, and this very often also includes a certain dose of paternalism. The long list ranges from regulations demanding of people to fasten their seat belts when sitting in a plane or in a car, over restrictions of private autonomy to prevent people from entering disadvantageous contracts, to the (at least in most European countries) currently widely accepted social security systems which force people to join them without asking whether they really need the help being offered or not.

There are now a number of objections raised by liberal political philosophy against this kind of regulation. The strongest of course and the most fundamental one is the principle of individual autonomy, which is closely connected to Mill's well-known harm principle. This is opposed primarily to any regulation that in some respect or another may be considered as paternalistic. Another main objection – though one that mostly remains unspoken, and lurks in the background – comes from the idea of the separation of law and morals as it has been established by or at least is mostly assigned to Kant. This is challenged in particular by what I call governmental education of citizens. Of such we can speak when policies not only try to regulate the external conduct of people but also attempt to change their attitude towards something in one way or another, i.e. to modify their way of thinking. This is a common pattern of modern politics, too, which may have its origins (though here I am not quite sure) in the early environmental legislation; this at least was from its outset designed explicitly as a means to promote citizens' ecological awareness (and it really worked quite remarkably considering alone the way we separate our garbage now). In our days the widespread policy of anti-discrimination with its glorious manifestation in Germany's General Equal Treatment Act is maybe the best – and in my view a simply striking – example as it is obviously not only intended to help in some isolated case or another of discrimination, but to establish a social climate where discrimination is a no-go and just does not occur any more.

Although distinguishable in theory, these two kinds of steering individual and social behavior in practice often go hand in hand, and there often is far more of it than we are willing to admit to ourselves. For liberal political philosophy this offers two alternative options in principle: It can either stick to its original theorems such as the harm principle or the separation of law and morals and from here try to prove large parts of present social and political reality as wrong, illegitimate, dangerous etc. This is the route most liberal philosophers take, and especially among German legal scholars it seems quite popular (one of the strategies being then to simply declare the original theorems as counter-factual; then of course they are not in the least affected by any diverging reality). The other option is trying to adjust the original theorems to the apparent needs of modern societies, which is what I would prefer in the long run. For we have to note that all the fundamental principles mentioned here – and most of all Mill's harm principle – have one thing in common: They are easy to justify, easy to grasp and easy to apply. This, however, might be their problem precisely.

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