

Paternalism, Poverty, and Pharmaceuticals

Choice, Commerce, and Conflict

Paternalism and Poverty

Paternalism

Paternalism: An action, intervention, or policy that restricts someone's **autonomy** for **their own good**.

Example:



Hiding the sugary cookies from your toddler.



Drug laws and seatbelt laws.

Paternalism and Anti-Poverty Policy

Paternalism does not garner good press anywhere, but is viewed in specially harsh light when applied to **anti-poverty policy**.

Provide a set of "basic needs" (but without consulting them on what their needs actually are).

Examples:

the free or subsidized provision of **housing, schooling, or health care** etc., but usually also involves a set of **mandates** or **restrictions** on the **shape that any assistance takes**.



Paternalism and Anti-Poverty

The poor get **food stamps** or access to **ration shops** rather than **cash**, but the use of those food stamps may be restricted (Mayor Bloomberg drew some ire by proposing that they could not be used to buy sodas)

New York Asks to Bar Use of Food Stamps to Buy Sodas



By Anemona Hartocollis
Oct. 6, 2010

Mayor Michael R. Bloomberg sought federal permission on Wednesday to bar New York City's 1.7 million recipients of food stamps from using them to buy soda or other sugared drinks.

The request, made to the United States Department of Agriculture, which finances and sets the rules for the food-stamp program, is part of an aggressive anti-obesity push by the mayor that has also included advertisements, stricter rules on food sold in schools and an unsuccessful attempt to have the state impose a tax on the sugared drinks.

Against Anti-Poverty Paternalism

(Which she ultimately disagrees with...)



Esther Duflo articulating the worry:

Paternalism seems to be in direct conflict with **freedom**: whether in the form of strings attached to a transfer or a legislated mandate, paternalism takes away an individual's right to choose. For the critics, that is its biggest flaw: it overrides an individual's agency on the grounds that those in power (the boss, the white man, the nanny state, for example) know better. Why should adults not have the ability to decide freely what is good for themselves?

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Why should adults not have the ability to decide freely what is good for themselves?

“Some mandates may be required in circumstances where an action (or a lack of action) affects others in society. Hence, it may, for example, be justified to mandate immunization. But, **if my decisions affect only myself, there is no reason why anybody should take the power to decide away from me.**” (2)



Paternalistic Anti-Poverty Policies Vs. Universal Basic Income

GiveDirectly

Send money directly to
the extreme poor.



Universal Basic Income (UBI)

A **Universal Basic Income** is a government grant paid at regular intervals, which:

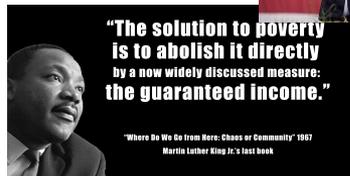
- (a) is not work-tested
- (b) is not means-tested
- (c) is given irrespective of household situation
- (d) does not vary with place of residence



UBI: A Brief History

UBI seems like a radical proposal, but it's actually been around for a while.

It has supporters on both the right and the left.



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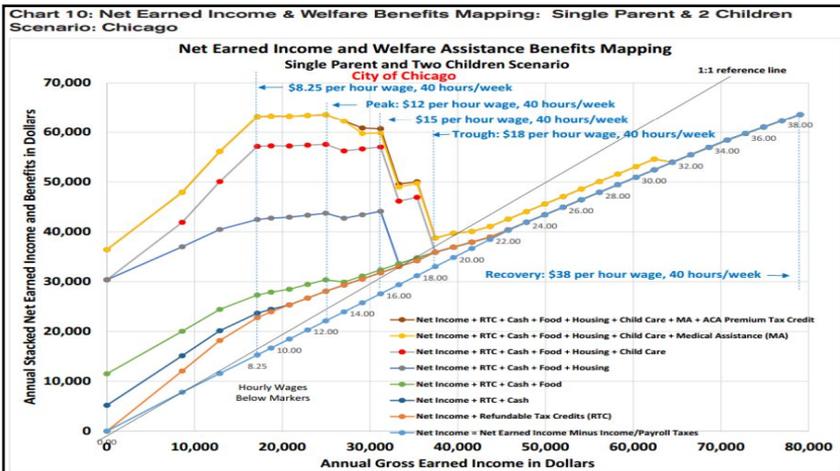
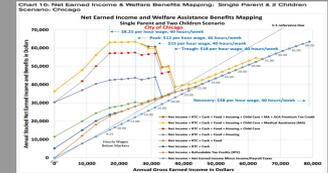
Why UBI (in particular)?

- Less **paternalistic**
- Avoids the **poverty trap** from "welfare cliffs"



Less paternalistic?

Avoids the poverty trap from “welfare cliffs”?



Interlude:
Poverty Traps

Poverty Traps

Poverty Traps are self-reinforcing mechanisms that perpetuate poverty.

Example:

If you accept the promotion, you'll lose your (means-tested) benefits, which you and your family depend on.

Poverty Traps

Poverty Traps can involve structural (policies, laws, lack of info) as well as psychological factors.

Example:

A person who is poor and too tired from lack of food to find work is stuck in a *poverty trap*.

Poverty Trap Poll Questions

Question 1:

Jane cannot afford the childcare she needs to be able to go to job interviews.

Is this an example of a *poverty trap*?

1. Yes
2. No

Question 2:

John unexpectedly loses his job. Without the income from work, John is plunged into poverty.

Is this an example of a *poverty trap*?

1. Yes
2. No
3. It depends

Paternalism and Autonomy



Paternalism and Autonomy

Esther Duflo articulating the worry:

(Which she ultimately disagrees with...)



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Paternalism and Autonomy

Esther Duflo ultimately disagrees.



Paternalistic interventions can actually promote **meaningful freedom.**

“A policy that aims to make it easier and more automatic to acquire the basic elements of a healthy and productive life through better infrastructure, carefully designed defaults, or even, on occasion, prescriptions (when they can be enforced), promotes meaningful freedom.” (20)

Esther Duflo



Economist at MIT.

Awarded the 2019 Nobel Prize in economics for her work on poverty relief.

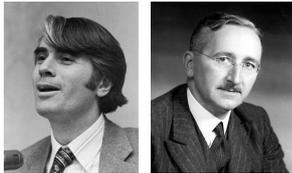
Well-known for using randomized control trials in developmental economics (@ the MIT Poverty Lab)

Paternalistic interventions can actually promote meaningful freedom.

Freedom and Autonomy

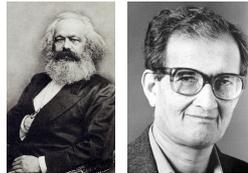
Negative Freedom

Freedom from interference
(e.g., Nozick, Hayek)



Positive Freedom

Freedom to realize one's
potential (e.g., Marx,
Sen)



Agency and Inertia



Duflo: Freedom ≠ the number of options you have.

“Real agency is constrained, not only by institutions and laws but by both **the practical ability to make choices** and **the power of inertia**. The existence of defaults and the status quos for most choices means that people can't help but be steered in some direction. ... The specific nature of the defaults... that govern the rich steer individuals more in the direction of healthier lives, more security in old age, and less vulnerability than the defaults of the poor. Because health and security are fundamental capabilities, this makes the rich freer than the poor *even if the poor are still capable of achieving the same results if they make the right choices.*” (15-16)

The Argument For “Paternalism”



The poor are **forced to make choices** about basic life-or-death decision. Those who are better off have those decisions made for them.

Choices are expensive. They cost time and mental energy. When the poor are forced to make active choices about basic matters, they are expending energy and time they could have spent on other things (e.g., education, investing in the future)

Therefore, in virtue of having to make so many choices about basic matters, **the poor are less free** to make choices that promote their own good and exercise capabilities they value.

Making those choices is a way of expanding freedom, not limiting it.

**Examples:
What Do You Think?**

Do Paternalistic Policies Undermine Autonomy?

Seatbelt Laws.

It is illegal to drive your car without a seatbelt. If you are caught doing so, you will have to pay a fine.

Some people would prefer to drive their car without wearing a seatbelt.

Is this policy **Paternalistic**?
Does it undermine your **autonomy**?



Do Paternalistic Policies Undermine Autonomy?

Labels such as these might be seen as less paternalistic because they don't penalize a choice, but rather 'simply' offer **information** so that citizens can make **better choices**.



What do you think?
Are these labels **Paternalistic**?

Do Paternalistic Policies Undermine Autonomy?

Default Retirement Savings Rates.

10% is automatically withdrawn from your paycheck and deposited in a retirement savings account *unless you fill out a form to opt out.*

Questions:

Do default retirement savings policies undermine your **autonomy**? Why?

Do they interfere with your choices?

Do they undermine your capacity to **realize your potential** or to **exercise capabilities**?

What Do You Think?



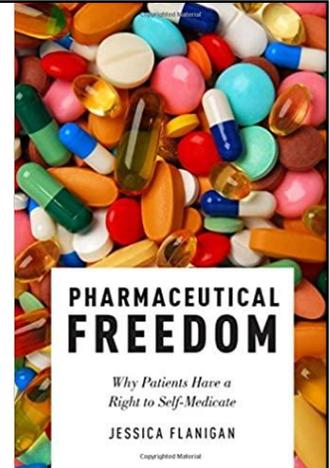
Pharmaceutical Freedom

Jessica Flanigan on the Right to Self-Medicate

Pharmaceutical Freedom

Defends patients' right of **self-medication**.

Rejects "medical paternalism at the pharmacy".

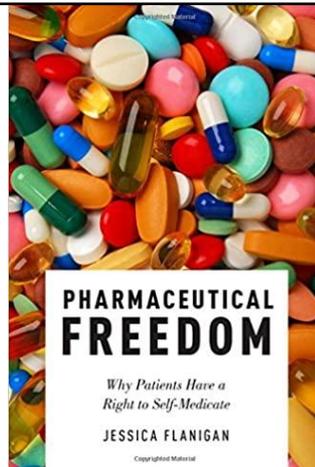


Pharmaceutical Freedom

Status Quo:

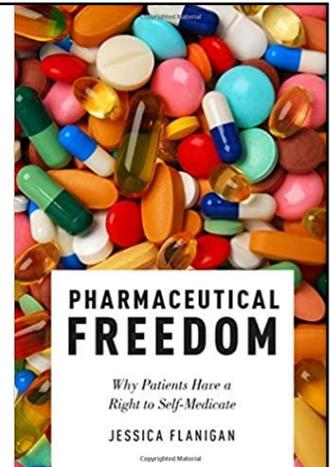
Many drugs require a **prescription** from a doctor in order to legally purchase.

Drugs must undergo a lengthy and onerous **premarket approval process** (testing efficacy and safety) before they can be sold.



Pharmaceutical Freedom

Flanigan argues that existing pharmaceutical regulations have harmful effects (which go largely unnoticed) and that they violate our right to self-medicate.



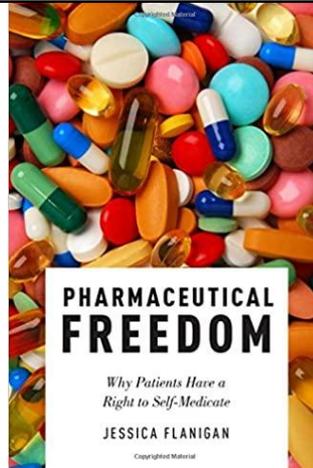
Pharmaceutical Freedom

Example:

Imagine that Adam decides that it is in his overall interests to use a prescription stimulant (e.g., Adderall) as a cognitive enhancement.

Adam doesn't have ADHD (etc.) and is denied the prescription by his doctor.

Should Adam be able to take the drug if he wants?

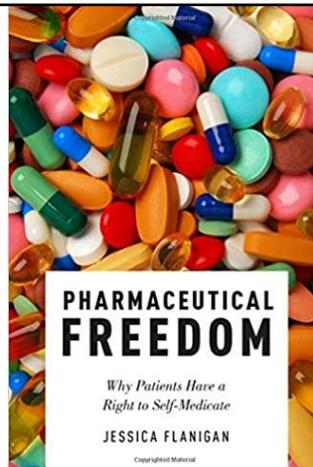


Informed Consent

We have a right to make medical decisions protected by the doctrine of **Informed Consent**:

Requires that physicians...

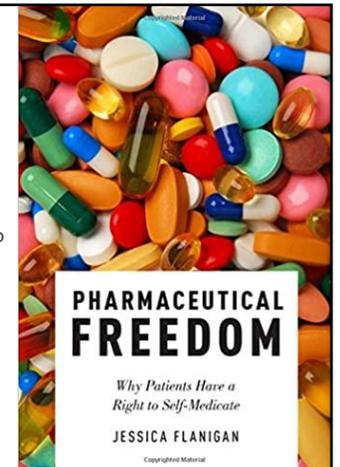
- (1) respect all competent patients' decisions to **refuse treatment**, and
- (2) **inform them** of all relevant treatment alternatives.



Informed Consent

Flanigan's argument:

If you think we have the right to **informed consent**, then you should also support the right to self-medicate.

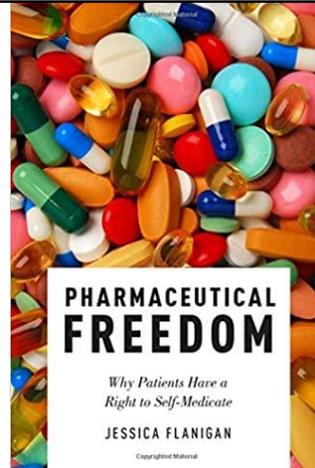


Informed Consent

Example 1 (Risky Refusal):

Debbie has diabetes and her doctor advises her to start insulin treatment. she would rather treat her condition with diet and exercise.

Would it be wrong for her physician to inject Debbie with insulin against her wishes?

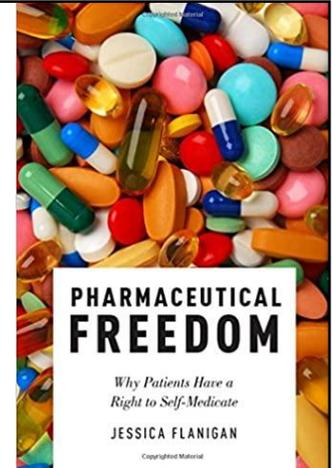


Informed Consent

Example 2 (Risky Access):

Danny has diabetes and his doctor advises him to diet and exercise. Danny would prefer to take insulin instead.

Would it be wrong for his physician to refuse to write Danny a prescription for insulin?

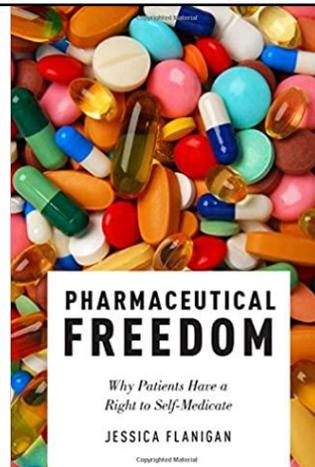


Informed Consent

Flanigan's Point:

There is no morally relevant difference between these cases.

If we have the right to refuse care (which we do), then we also have the right to self-medicate.



Informed Consent

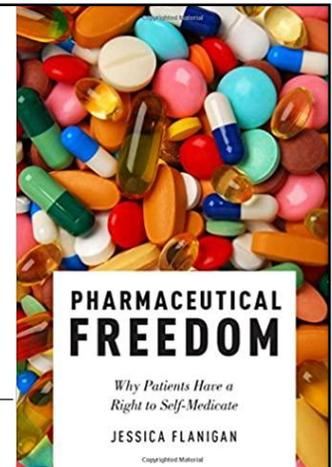
Flanigan's Point:

There is no morally relevant difference between these cases.

P1 If we have a right to **refuse medical care**, then we have the right to **self-medicate**.

P2 We have a right to **refuse medical care**.

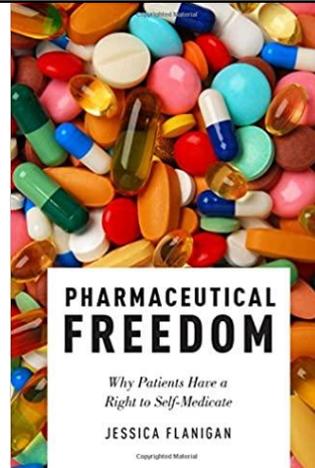
C We have the right to **self-medicate**.



Informed Consent: closer Look

What Justifies Informed Consent?

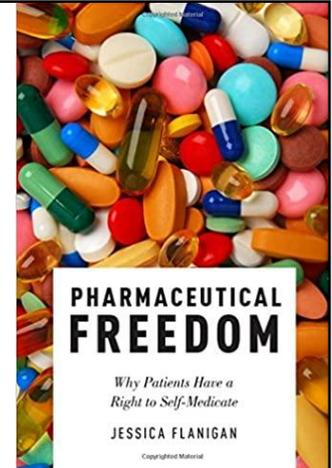
- (1) The practice of respecting medical autonomy likely produces good health outcomes on balance.
- (2) Patients are in a better position to know what serves their overall interests than physicians are.
- (3) We have bodily rights and rights to make intimate decisions (even if we would make imprudent choices).



Informed Consent: closer Look

What Justifies Informed Consent?

- (1) Better health outcomes, on balance.
- (2) Better overall welfare outcomes.
- (3) Anti-Paternalism.



The Analogy

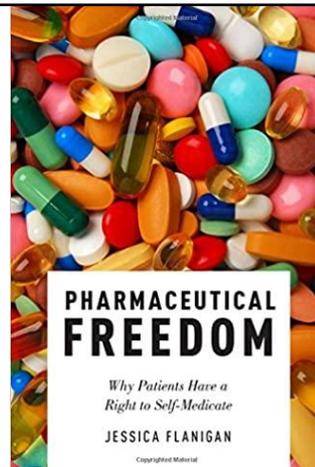
These three moral considerations equally well support the right to self-medicate.

- (1) **Better health outcome, on balance.**

Current system deters innovation and delays potentially beneficial therapies

Raises prices of treatments

Causes people to take more risks



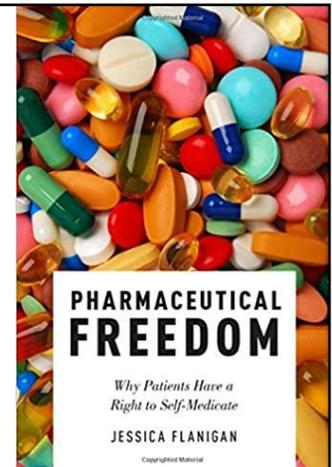
The Analogy

These three moral considerations equally well support the right to self-medicate.

- (2) **Better overall welfare outcomes.**

Competent and informed adults are better judges of their well-being overall.

So, we should defer to them.

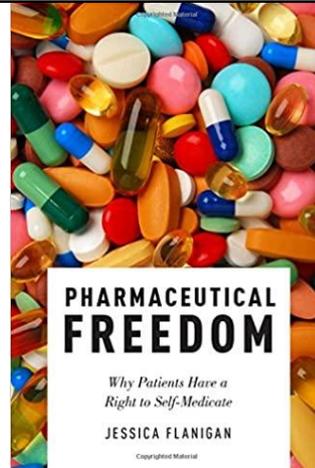


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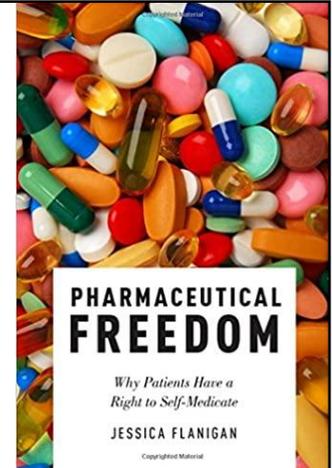
(3) Anti-Paternalism.

It is disrespectful to prevent someone from making a self-regarding choice (especially when that choice is an intimate and personal one).



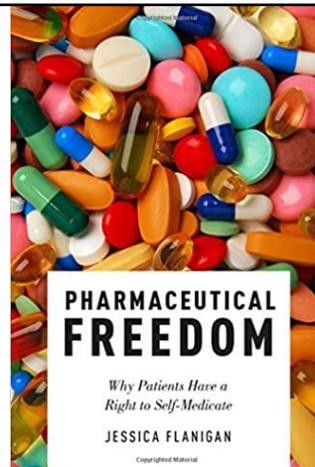
Conclusion

Patients should have legal access to pharmaceuticals.



Objections and Worries

- What about **addictive drugs**?
- What about **vaccines**?
- Won't this have very **negative public health consequences**?
- What **incentives** would this create?
- How would this affect the relationship between **drug companies** and **consumers**?



Questions?

