

Generational Smoking Bans: Inegalitarian without Disadvantage?

In his article, Johannes Kneiss, argues convincingly that a generational ban of smoking need not necessarily disadvantage, or treat as moral unequals, future generations. Whilst a ban need not be inegalitarian in these particular ways, we argue this is insufficient to establish a ban to be appropriately relationally egalitarian. In what follows, we raise a couple of other issues that we would like to see addressed before we can be confident in such a law.

Firstly, it remains under-explored, whether *current* generations would be disadvantaged or treated as moral unequals by a ban. Plausibly, being excluded from the ban could show insufficient concern for current generations. By not acting paternalistically towards them, current generations miss out on the health benefits afforded to the young, which might display a greater valuing of younger lives than older lives.

Kneiss briefly considers this objection, but quickly dismisses it: “given that some existing smokers strongly wish to retain the option to smoke, [...] a ban across the board cannot be said to advance their interests, as conceived by these smokers themselves”.^[1] However, in our view this is too quick. Appealing to the smokers’ own conceptions of their interests to establish their interests, presumes that the smokers know what is in their own best interests. But this is precisely not the presumption of the paper. If we take the presumption that paternalism about smoking can be justified seriously, then we must recognise that smokers’ own conceptions of their interests and their actual interests can come apart, and that they would be benefitted by being included in the ban.

Now, it is certainly plausible that the actual interests of current smokers and future generations do come apart, such that we could treat them as equals even as we treat them differently. Perhaps the withholding-withdrawing distinction can help explain the difference in actual interests. However, we think more needs to be said to establish this, and it would be interesting to see more analysis of a generational ban from the perspective that it would disadvantage current generations.

Secondly, and more importantly, even if we do not disadvantage any generation *all things considered*,^[1] health and freedom remain incommensurable values, and it remains unclear whether giving different generations different distributions of incommensurable values violates egalitarian commitments. When we compare lives with different quantities of incommensurable goods like health and freedom, it is impossible to determine exact equality. How much loss of freedom is an increase in health worth? There is no way to make a precise trade-off. The best we can say is that two lives are ‘on a par’^[2, 3]; they are loosely comparable, and whilst they are not equal, nor is one life better than the other. A life with a little less health and a little more freedom seems to be on a par with a life with more health but less freedom. This might be sufficient to establish that a smoking ban does not disadvantage either life *all things considered*, but more needs to be said to demonstrate that such lack of disadvantage is enough to ensure that people can relate as equals.

To make this clear consider the following example: you have two ten-year-old daughters, and are deciding whether to permit them to have mobile phones. You do plenty of research into the costs and benefits of mobile phones for young girls. On the one hand, it would enable your daughters to

communicate with their friends, establish independence, and not feel excluded from the peers. On the other hand, it might distract them from healthier hobbies, will reduce their attention-spans, and expose them to the dangers of the internet. In the end, you decide that both options are on a par, and it would be reasonable to either permit or forbid them from having phones. Given that the two options are on a par, you arbitrarily decide to permit one daughter to have a phone, and forbid the other.

In this case, it strikes us that (assuming the options are on a par) you have not *all things considered* disadvantaged either daughter. Nevertheless, you have disadvantaged each daughter in different dimensions. One daughter is disadvantaged by not having the freedom the other has, whilst the other daughter is disadvantaged by not having the protections the other has. Moreover, your daughters may no longer be able to relate to each other as equals; having different distributions of these goods may undermine their ability to understand each other, to get along, and may inadvertently give rise to inequalities in status.

The same might be said about a generational smoking ban. Neither current nor future generations are *all things considered* disadvantaged, but they may be disadvantaged with regards to health and freedom respectively, and this may be sufficient to give rise to inequalities in status and may undermine the ability for different generations to relate to each other as equals. Moreover, inequalities in one dimension may matter more than inequalities in the other, such that even if the distribution of health and freedom in the two generations is on a par, one group is still treated unjustly. This is because interpersonal (i.e. egalitarian) comparisons need not track intrapersonal comparisons; health may compensate for freedom in an individual's life, but inequalities between individuals' healths may matter less than inequalities between individuals' freedoms.

In our opinion these issues remain under-addressed. Whilst Kneiss' paper makes good progress in applying relational egalitarianism to generational smoking bans, we believe more needs to be said before we can be confident such laws are appropriately relationally egalitarian. In particular, we would like to see more said about whether relational equality tracks only *all things considered* disadvantage, or whether, and if so when, disadvantages in different dimensions matter to individuals' abilities to relate as equals. Similarly, more should be said about whether, and when, treating individuals (or entire generations) on a par, is sufficient to treat them justly, respectfully, and as moral equals.

Bibliography

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