In public policy analysis, particularly that done by legislative committees, the paternalistic interests of the state are often appealed to. It often happens that paternalism refers to any action taken by the state to coerce or compel an individual not to do something he or she has decided to do. Thus, coercive state practices brought against the potential rapist are placed in the same bundle with such practices as social security payroll deductions. Yet certainly there is a distinction here which can be seen by viewing the justification for each practice. In the case of rape intervention the state claims to be justified in interfering with the decisions of one party because that party might harm another. In the social security case the state claims to be justified in interfering with a decision which only affects one party.

In this paper I shall be concerned with state practices which are purely paternalistic in its proper sense, where the state interferes with a decision made by an agent for that agent’s own good alone. Most cases of paternalism involve mixed justifications, where the interference (as in the seat-belt cases) is for the good of the agent and for the good of the community since the agent’s actions might affect others. For conceptual clarity I have chosen to consider cases of paternalistic suicide intervention since these cases seem most clearly to be justified, if at all, on “pure” paternalistic grounds.

The recent theoretical literature on paternalism has generally conflated two types of justification for intervention into the lives of individuals. Most of the examples cited in defense of paternalism concern justification of a temporary intervention due to some sort of emergency situation: such as, justification of intervention by a good samaritan who prevents someone from jumping off a bridge. Yet most of the programs said to be justified by these examples concern long-term continuous intervention into the lives of individuals: such as, justification of legislative programs which make attempted suicide a basis for committal to a psychiatric hospital. Such a conflation of these types of intervention is the impetus for my study. I will
try to show that justifications of temporary paternalistic intervention provide only prima facie grounds for initial interference with a person’s liberty, and fail to provide justification for the type of continued interference which paternalistic legislation warrants. I will do this by examining three standard justifications of paternalism in an attempt to show precisely what they justify. I have chosen two cases of suicide intervention and have tried to construct the best justification schemes. Throughout I shall show the ethical and epistemological problems which result from justifications which rely on the self-interest of others. I conclude that the standard justifications of paternalism do not provide sufficient grounds to justify paternalistic legislation in most cases.

Camus once said that the greatest philosophical problem of our time is posed by the question of suicide. While many might find this to be an overstatement, few would disagree that the question of suicide at least poses extremely difficult philosophical problems for social theorists. Most of social philosophy posits man as a rational being acting generally in his or her self-interest. When people fail to act sensibly toward their own well-being we regard them as either foolish or irrational. When regarded as foolish we are embarrassed and puzzled because their behavior violates our prediction of how they should act; when regarded as irrational we feel responsible to help them since they are at least temporarily not acting as they should. In medicine and law, fields which presume fixed standards of rationality for normal people, non-self-interested behavior is treated as more than an embarrassment. In medicine, the patient’s consent about anticipated treatment is solicited only when that person is deemed rational; in law, people can be legitimately coerced and even incarcerated if it is shown that they will act to injure themselves. I shall attempt to show that both of these so-called paternalistic reactions are quite misguided, and certainly inconsistent with what we know about rational behavior. After setting out some of the most common justifications for paternalistic intervention with the life of an individual person by medical or legal authorities I shall move quickly to show why even in the case of attempted suicide (clearly the most potentially self-destructive behavior one can engage in), continuing paternalistic intervention is not justified. I shall then discuss several related cases of supposedly justified paternalism in law and medicine and show them also to be unjustified.

I. “Pure” Paternalism

Paternalism is an often misused term which refers to a number of parent-like coercive actions taken by people in positions of authority over those under their care. I shall not concern myself with all authoritative