



*Paternalism and Consent: Three weaknesses in
Feinberg's analysis of two-party interactions*

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Institute of Criminology Public Seminar Series

Thursday 28th January 2010, 5.30pm

Seminar Room B3, Institute of Criminology,
Sidgwick Avenue, Cambridge, CB3 9DA

In Feinberg's analysis of two-party interactions, valid consent marks the boundary line between legitimate applications of the harm principle, on the one hand, and illegitimate paternalistic interventions, on the other. In my seminar, I explore a number of weaknesses in Feinberg's approach. First, he underplays the significance of any restraints on the liberty of the protected individual in respect of so-called 'soft' paternalistic interventions. Second, he dismisses as irrelevant the burdens that all indirect paternalistic interventions impose on their direct addressees. Thirdly, he removes from view certain internal facts about the agent, provided that these do not affect the validity of the affected party's consent. I argue that these weaknesses force us to move away from Feinberg's beautifully simple scheme towards an independent framework for the analysis of two-party interactions.

Dr Antje du Bois-Pedain is a University Lecturer in the Faculty of Law and a Fellow of Magdalene College, Cambridge. She publishes on transitional justice, comparative criminal law and criminal law theory.

This seminar is part of the IoC Public Seminar Series, and is open to all interested in attending. If you wish to be added to the seminar mailing list, please contact: Joanne Garner, on:

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