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*“Indirect” Paternalism in criminal law:
Killing a patient at his own request*

Professor Andrew von Hirsch
and Professor Andrew Simester

Institute of Criminology Public Seminar Series

Thursday 22nd October 2009, 5.30pm
Seminar Room B3, Institute of Criminology,
Sidgwick Avenue, Cambridge, CB3 9DA

An important topic for debate in the philosophy of criminal law has been “paternalism”. This issue concerns whether conduct may properly be prohibited, on grounds of the harm or risk it creates to the actor himself. Can the criminal law, in other words, punish conduct for the person’s own good? Generally, modern criminal law avoids “direct” paternalistic prohibitions: suicide attempts, for example, are no longer prohibited. However, extensive “indirect” paternalistic prohibitions remain in place. A dramatic example is killing a seriously ill person at his own request. This is treated as murder in English law; and assisting a person kill himself is also subject to severe punishment. But should such prohibitions exist? A major issue, here, is that of the patient’s self determination: if he is entitled to run his own life, should that not include deciding when and how to end it? Another major issue is the scope of paternalism itself: does compelling a person to go on living against his will something that promotes his own interests? The recent adoption of prosecution guidelines concerning assisted suicide makes clear the practical as well as theoretical importance of such issues.

Andrew von Hirsch is Honorary Professor of Penal Theory and Penal Law at the Institute, and Director of the Centre for Penal Theory and Penal Ethics. **Andrew Simester** is Professor of Law at the National University of Singapore. Both are Fellows of Wolfson College.

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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