



# Case 1: Mandatory Nutrition Labelling

Handout, TOPHC, March 31, 2017

**Case 1:** Mandatory, detailed nutrition labelling on all packaged foods.

**Paternalism:** “Paternalism is the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm” (Dworkin, 2002).<sup>1</sup>

## Step 1: Determine if the policy or intervention really is paternalistic

### 1.1. DOES A PATERNALISTIC REASON REALLY FIGURE AMONG THE MAIN REASONS FOR THE POLICY OR INTERVENTION?

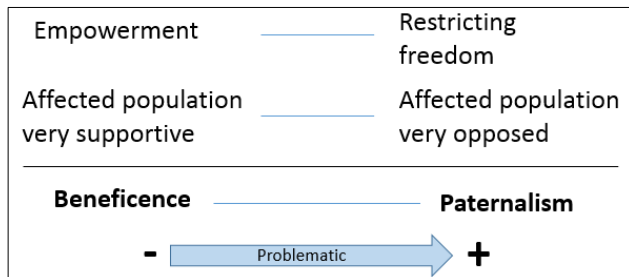
Yes / No

If the answer is “no”, then the ethical analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

### 1.2. IS IT A CASE OF BENEFICENCE OR PATERNALISM?

To answer this question, consider:

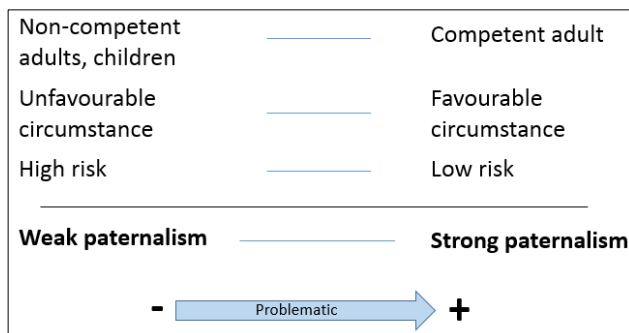
- 1.2.1. Does the policy restrict freedom or would it be better understood as a form of empowerment?
- 1.2.2. Is the affected population supportive of or opposed to the policy?



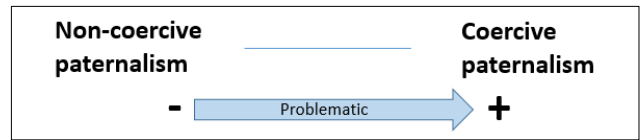
If the intervention does not restrict freedom or if those affected by it are very supportive, then it is a case of beneficence and not paternalism. The analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

## Step 2: Determine which type(s) of paternalism it is

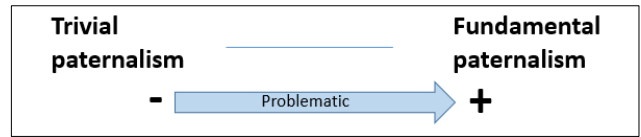
### 2.1. IS IT STRONG OR WEAK PATERNALISM?



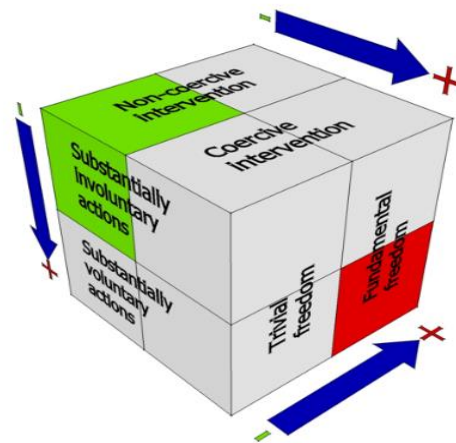
### 2.2. IS IT COERCIVE OR NON-COERCIVE PATERNALISM?



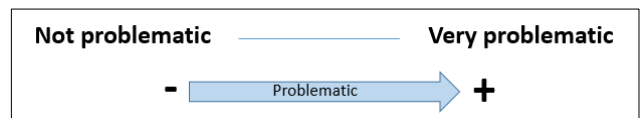
### 2.3. IS IT FUNDAMENTAL OR TRIVIAL PATERNALISM?



### 2.4. A VISUAL SUMMARY: WHERE WOULD YOU SITUATE THE INTERVENTION?



### 2.5. OVERALL, HOW PROBLEMATIC IS THE PATERNALISTIC ASPECT OF THE POLICY OR INTERVENTION?



## Step 3: Broaden the analysis with the help of a more general ethics framework

Now that you have identified whether paternalism is a factor (Step 1) and considered which type(s) of paternalism it is (Steps 2.1-2.4), you should be in a better position to roughly determine how problematic it is (Step 2.5).

This can be useful when you use an ethics framework to consider the intervention’s broader ethical issues. Your more nuanced understanding of the paternalism in question can help you to relate it to the other benefits and burdens, and to the values that the intervention may bring into conflict. This may allow you to better weigh them against one another in order to make a decision.

Do you have comments about this draft framework?

Please let us know:

[olivier.bellefleur@inspq.qc.ca](mailto:olivier.bellefleur@inspq.qc.ca)

[michael.keeling@inspq.qc.ca](mailto:michael.keeling@inspq.qc.ca)

<sup>1</sup> Dworkin, G. (2002). Paternalism. *Stanford Encyclopedia of Philosophy*.





# Case 2: Obligatory Seat Belt Use

Handout, TOPHC, March 31, 2017

## Case 2: Obligatory seat belt use.

**Paternalism:** "Paternalism is the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm" (Dworkin, 2002).<sup>1</sup>

## Step 1: Determine if the policy or intervention really is paternalistic

### 1.1. DOES A PATERNALISTIC REASON REALLY FIGURE AMONG THE MAIN REASONS FOR THE POLICY OR INTERVENTION?

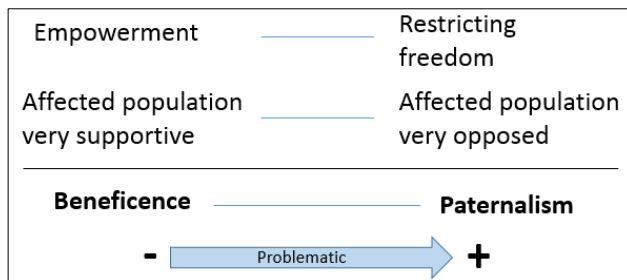
Yes / No

If the answer is "no", then the ethical analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

### 1.2. IS IT A CASE OF BENEFICENCE OR PATERNALISM?

To answer this question, consider:

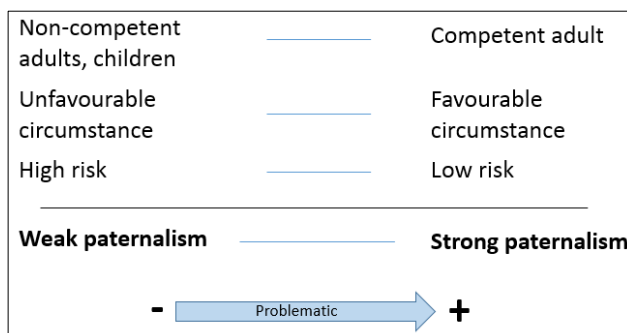
- 1.2.1. Does the policy restrict freedom or would it be better understood as a form of empowerment?
- 1.2.2. Is the affected population supportive of or opposed to the policy?



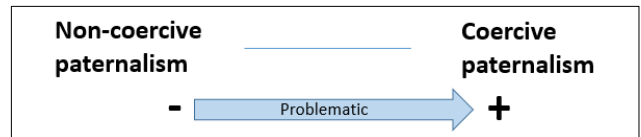
If the intervention does not restrict freedom or if those affected by it are very supportive, then it is a case of beneficence and not paternalism. The analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

## Step 2: Determine which type(s) of paternalism it is

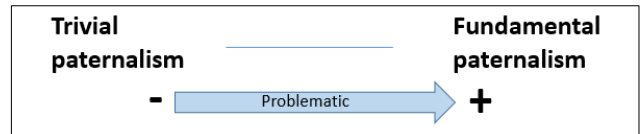
### 2.1. IS IT STRONG OR WEAK PATERNALISM?



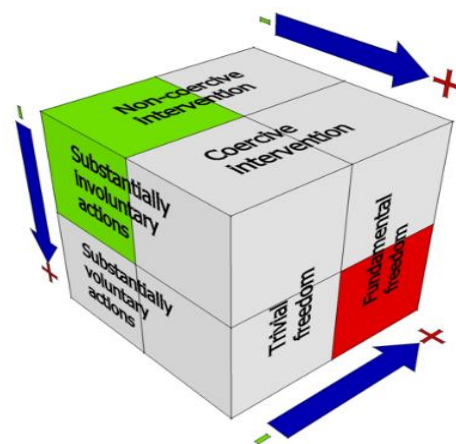
### 2.2. IS IT COERCIVE OR NON-COERCIVE PATERNALISM?



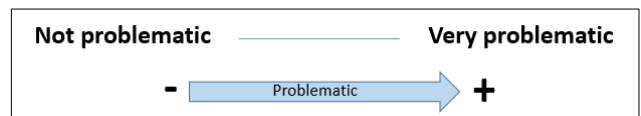
### 2.3. IS IT FUNDAMENTAL OR TRIVIAL PATERNALISM?



### 2.4. A VISUAL SUMMARY: WHERE WOULD YOU SITUATE THE INTERVENTION?



### 2.5. OVERALL, HOW PROBLEMATIC IS THE PATERNALISTIC ASPECT OF THE POLICY OR INTERVENTION?



## Step 3: Broaden the analysis with the help of a more general ethics framework

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# Case 3: Limits on the Serving Sizes of Sugary Drinks

Handout, TOPHC, March 31, 2017

**Case 3:** A law imposing limits on the serving sizes of sugary drinks.

**Paternalism:** “Paternalism is the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm” (Dworkin, 2002).<sup>1</sup>

## Step 1: Determine if the policy or intervention really is paternalistic

### 1.1. DOES A PATERNALISTIC REASON REALLY FIGURE AMONG THE MAIN REASONS FOR THE POLICY OR INTERVENTION?

Yes / No

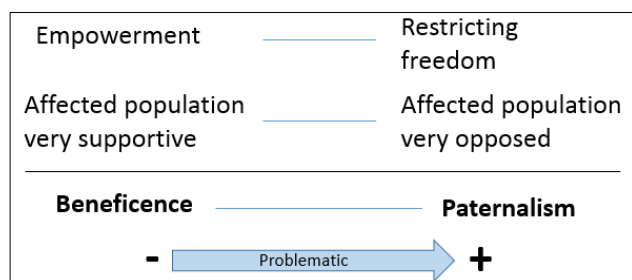
If the answer is “no”, then the ethical analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

### 1.2. IS IT A CASE OF BENEFICENCE OR PATERNALISM?

To answer this question, consider:

1.2.1. Does the policy restrict freedom or would it be better understood as a form of empowerment?

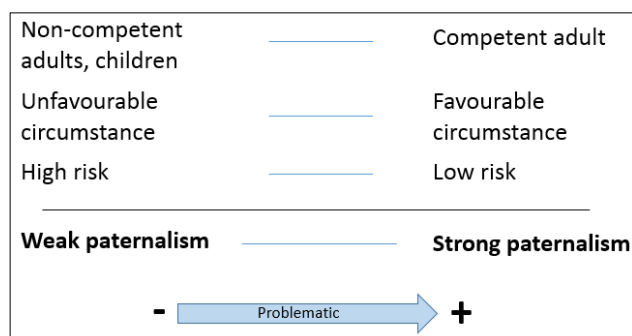
1.2.2. Is the affected population supportive of or opposed to the policy?



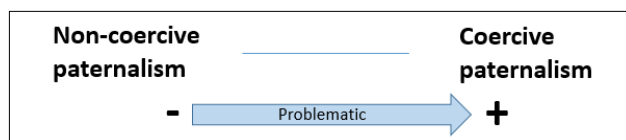
If the intervention does not restrict freedom or if those affected by it are very supportive, then it is a case of beneficence and not paternalism. The analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

## Step 2: Determine which type(s) of paternalism it is

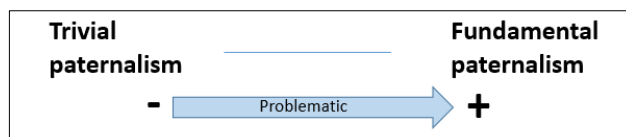
### 2.1. IS IT STRONG OR WEAK PATERNALISM?



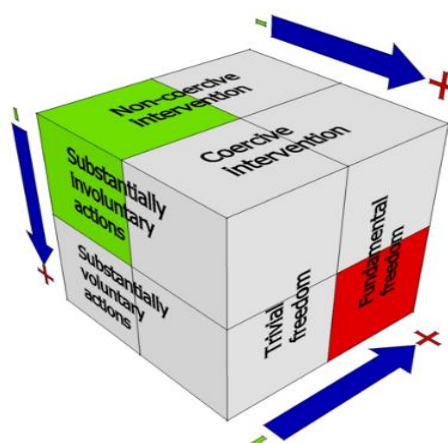
### 2.2. IS IT COERCIVE OR NON-COERCIVE PATERNALISM?



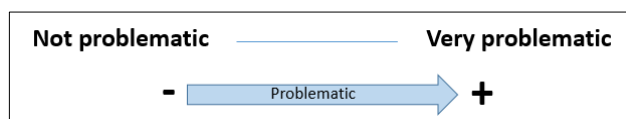
### 2.3. IS IT FUNDAMENTAL OR TRIVIAL PATERNALISM?



### 2.4. A VISUAL SUMMARY: WHERE WOULD YOU SITUATE THE INTERVENTION?



### 2.5. OVERALL, HOW PROBLEMATIC IS THE PATERNALISTIC ASPECT OF THE POLICY OR INTERVENTION?



## Step 3: Broaden the analysis with the help of a more general ethics framework

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# Case 4: Ignition Interlock Device Required in all Cars

Handout, TOPHC, March 31, 2017

**Case 4:** Ignition interlock device required in all cars (i.e., breathalyzer test to start the car).

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## Step 1: Determine if the policy or intervention really is paternalistic

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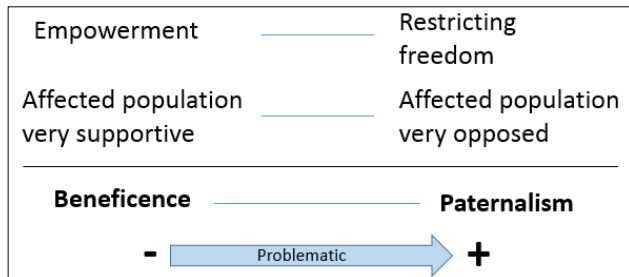
Yes / No

If the answer is “no”, then the ethical analysis of the paternalistic aspect of the policy can stop here. If you are not sure, continue the analysis.

### 1.2. IS IT A CASE OF BENEFICENCE OR PATERNALISM?

To answer this question, consider:

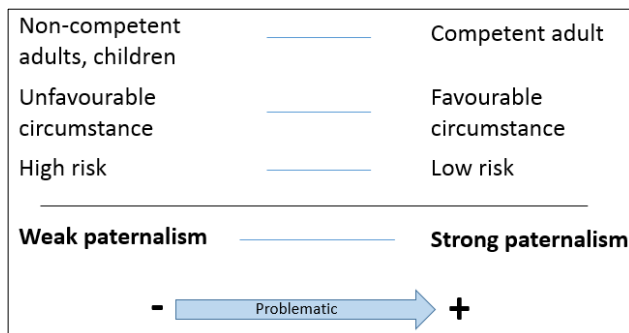
- 1.2.1. Does the policy restrict freedom or would it be better understood as a form of empowerment?
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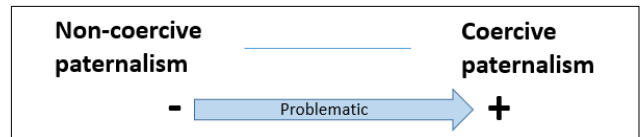
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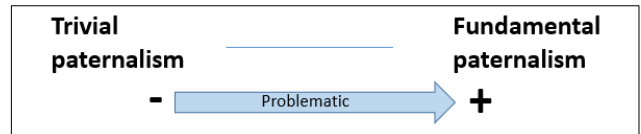
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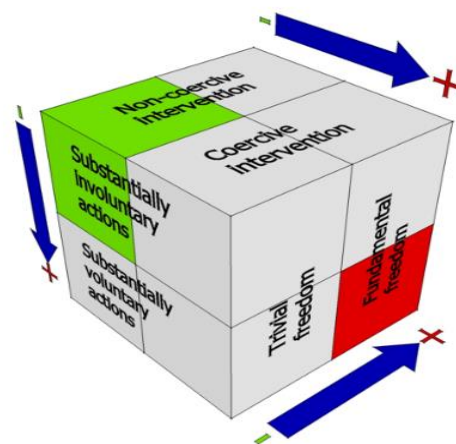
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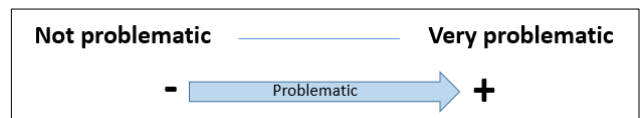
### 2.3. IS IT FUNDAMENTAL OR TRIVIAL PATERNALISM?



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