

HUL 258: Social and Political Philosophy
IInd Semester, 2017-18
Minor 2

A (5 marks)

For each of the following questions, choose *one* of the possible options. Explain your answer in one line: no marks will be awarded without a correct explanation.

1. John Stuart Mill's Harm Principle tells us that we can
 - (a) only make an action criminal if doing so is necessary to prevent harm to others
 - (b) make an action criminal whenever it will prevent harm to others
 - (c) never harm others
 - (d) prevent people from doing something they want to do whenever it will harm them.
2. According to Thaler and Sunstein, paternalism
 - (a) always involves coercion, so can never be justified
 - (b) never involves coercion, so can always be justified
 - (c) involves doing things to people which can only be justified on utilitarian grounds
 - (d) need not involve coercion, and can sometimes be justified
3. According to the Supreme Court of India, an adult human being with the mental capacity to take an informed decision has the right to refuse medical treatment including withdrawal from life-saving devices. However, the Constitution does not permit doctors to kill patients even if the objective is to relieve pain and suffering. Dan Brock would think
 - (a) The Supreme Court is correct, because the right to die with dignity does not include the right to be killed.
 - (b) The Supreme Court does not go far enough, because the reasons why passive euthanasia is permissible also apply to active euthanasia

- (c) The Supreme Court is correct, because otherwise doctors will kill patients against their wishes
 - (d) The Supreme Court's decision will lead to a slippery-slope, because patients without mental capacity to take an informed decision will also die
4. According to Gerald Dworkin, a ban on the manufacture of cigarettes is
- (a) Not paternalistic, since it restricts the liberty of cigarette manufacturers in order to prevent harm to others
 - (b) Justified, because cigarette smoking is bad for your health
 - (c) Paternalistic, because cigarette smokers would disagree that it is in their interest to be prevented from smoking
 - (d) Unjustified, because cigarette manufacturers should have the freedom to engage in economic activity
5. Some people have argued that the Harm Principle cannot be justified on utilitarian grounds. This is because
- (a) Sometimes overall well-being can be raised by restricting people's liberty in their own interest
 - (b) No actions are purely self-regarding
 - (c) It is difficult to distinguish harm from offence
 - (d) No man is an island

B (15 marks)

According to the Commission of Sati (Prevention) Act, 1987, it is a punishable offence to attempt to commit sati, or to induce a widow to commit sati, irrespective of whether she is in a fit state of mind.

The Law Minister has decided to lift the ban on sati after reading the articles by Gerald Dworkin and Dan Brock. He argues that people have an interest in making important decisions for themselves according to their own values, and an interest in ending their life when it becomes an intolerable burden. The Commission of Sati (Prevention) Act is thus an unjustifiably paternalist law.

You are asked for your advice as a philosopher:

1. Do the articles by Brock and Dworkin support the decriminalization of sati, as the Law Minister believes? If not, why not?
2. In the light of your understanding of paternalism and freedom, would you recommend that the Commission of Sati (Prevention) Act be kept as is, removed, or altered?
3. If you think that sati should be allowed only given certain procedural safeguards, state what they are and how easy they would be to implement.