

## ***The Retreat from Autonomy: Implications for the Justifiability of Prescription Drug Laws***

Autonomy, the preeminent value in bioethics since the 1970s, has come under increasing attack in recent years. In this article, I will establish the nature and breadth of bioethicists' present dissatisfaction with the principle of autonomy. I will explore the implications of this backlash for the communication of scientific health information. In particular, I will look at the implications of the retreat from autonomy for prescription drug laws.

The fundamental justification for prescription drug laws is that some otherwise over-the-counter (OTC) drugs cannot be adequately labeled for safe and effective use without expert medical supervision. In other words, there is no "label" that could enable consumers to make a substantially autonomous decision concerning whether to take a prescription drug. This is a soft paternalistic rationale for regulation, and it is uncontroversial.

However, sometimes drugs are regulated not to prevent consumers from making uninformed decisions but instead to prevent them from making foolish ones. Such regulation entails the imposition of value judgments. This is hard paternalism, and it is controversial. Illustrating my argument with recent controversies at the FDA, I will defend seven conditions under which hard paternalistic prescription drug laws are indeed justified.