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Gerald Dworkin

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PART I

Theory

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1

The nature of autonomy

I

The concept of autonomy has assumed increasing importance in contemporary moral and political philosophy. Philosophers such as John Rawls, Thomas Scanlon, Robert P. Wolff, and Ronald Dworkin have employed the concept to define and illuminate issues such as the characterization of principles of justice, the limits of free speech, and the nature of the liberal state.

In the most recent formulation of the foundations of his theory of justice, Rawls makes clear – what was implicit in his book – that a certain ideal of the person is the cornerstone of his moral edifice. A central feature of that idea is the notion of autonomy.

[T]he main idea of Kantian constructivism . . . is to establish a connection between the first principles of justice and the conception of moral persons as free and equal. . . . [T]he requisite connection is provided by a procedure of construction in which rationally autonomous agents subject to reasonable constraints agree to public principles of justice.¹

Scanlon's defense of a Millian principle of free speech relies also on a view of what powers autonomous persons would grant to the state.

I will defend the Millian principle by showing it to be a consequence of the view that the powers of a state are limited to those that citizens could recognize while still regarding themselves as equal, autonomous, rational agents.²

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1 John Rawls, "Construction and Objectivity," *Journal of Philosophy* 78 (September 1980), 554.

2 Thomas Scanlon, "A Theory of Freedom of Expression," *Philosophy and Public Affairs* 1 (Winter 1972), 215.

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Ronald Dworkin, in his article on Liberalism, does not use the word “autonomy,” but in discussing the idea of treating people as equals he is arguing for equal respect for the autonomy of citizens.

According to Dworkin, the liberal theory of equality supposes that political decisions must be, so far as is possible, independent of any particular conception of the good life, or of what gives value to life. Since the citizens of a society differ in their conceptions, the government does not treat them as equals if it prefers one conception to another, either because the officials believe that one is intrinsically superior or because it is held by the more numerous or more powerful group.³

Wolff’s essay, *In Defense of Anarchism*, is devoted to the task of demonstrating that a citizen cannot retain his autonomy and at the same time be under an obligation to obey the commands of the state simply because they are the commands of the state.

The autonomous . . . man may do what another tells him, but not because he has been told to do it . . . by accepting as final the commands of the others, he forfeits his autonomy . . . a promise to abide by the will of the majority creates an obligation, but it does so precisely by giving up one’s autonomy.⁴

Bruce Ackerman, in his *Social Justice in the Liberal State*, speaks of

respect for the autonomy of persons as one of the four main highways to the liberal state. . . . It is, in short, not necessary for autonomy to be the only good thing; it suffices for it to be the best thing that there is.⁵

It is clear that either as interpretations of the idea of liberty and equality, or as additions to them, the notion of autonomy plays a central role in current normative philosophical work. It is also apparent that, unlike the concepts of liberty and equality, it has not received careful and comprehensive philosophical examination.

Proceeding simultaneously, and as far as I can tell, relatively independently, the idea of autonomy has emerged as a central notion in the area of applied moral philosophy, particularly in the biomed-

3 Ronald Dworkin, “Liberalism,” in *Public and Private Morality*, ed. S. Hampshire (Cambridge: Cambridge University Press, 1978), 127.

4 Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper & Row, 1970), 14, 41.

5 Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980), 368–69.

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ical context. All discussions of the nature of informed consent and its rationale refer to patient (or subject) autonomy. Conflicts between autonomy and paternalism occur in cases involving civil commitment, lying to patients, refusals of life-saving treatment, suicide intervention, and patient care.

Whether or not this is the same concept that appears in the more theoretical discussions remains to be seen, but we have some reason to believe that philosophical scrutiny will be of more than just theoretical interest.

One more warning by way of introduction. It would be unwise to assume that different authors are all referring to the same thing when they use the term “autonomy.” By way of illustration, consider the following brief catalogue of uses of the term in moral and political philosophy.

[T]he law in thus implementing its basic commitment to man’s autonomy, his freedom to and his freedom from, acknowledge(s) how complex man is.⁶

To regard himself as autonomous in the sense I have in mind, a person must see himself as sovereign in deciding what to believe and in weighing competing reasons for action.⁷

As Kant argued, moral autonomy is a combination of freedom and responsibility; it is a submission to laws that one has made for oneself. The autonomous man, insofar as he is autonomous, is not subject to the will of another.⁸

(Children) finally pass to the level of autonomy when they appreciate that rules are alterable, that they can be criticized and should be accepted or rejected on a basis of reciprocity and fairness. The emergence of rational reflection about rules . . . central to the Kantian conception of autonomy, is the main feature of the final level of moral development.⁹

I am autonomous if I rule me, and no one else rules I.¹⁰

6 Joseph Goldstein, “On being Adult and Being an Adult in Secular Law,” in *Adulthood*, ed. E. H. Erikson (New York: W. W. Norton and Co., 1978), 252.

7 Thomas Scanlon, “A Theory of Freedom of Expression,” *Philosophy and Public Affairs* 1 (1972), 215.

8 Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper & Row, 1970), 14.

9 R. S. Peters, “Freedom and the Development of the Free Man,” in *Education and the Development of Reason*, ed. R. F. Dearden (London: Routledge and Kegan Paul, 1972), 130.

10 Joel Feinberg, “The Idea of a Free Man,” in *Education and the Development of Reason*, 161.

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Human beings are commonly spoken of as autonomous creatures. We have suggested that their autonomy consists in their ability to choose whether to think in a certain way insofar as thinking is acting; in their freedom from obligation within certain spheres of life; and in their moral individuality.¹¹

A person is “autonomous” to the degree that what he thinks and does cannot be explained without reference to his own activity of mind.¹²

[A]cting autonomously is acting from principles that we would consent to as free and equal rational beings.¹³

I, and I alone, am ultimately responsible for the decisions I make, and am in that sense autonomous.¹⁴

It is apparent that, although not used just as a synonym for qualities that are usually approved of, “autonomy” is used in an exceedingly broad fashion. It is used sometimes as an equivalent of liberty (positive or negative in Berlin’s terminology), sometimes as equivalent to self-rule or sovereignty, sometimes as identical with freedom of the will. It is equated with dignity, integrity, individuality, independence, responsibility, and self-knowledge. It is identified with qualities of self-assertion, with critical reflection, with freedom from obligation, with absence of external causation, with knowledge of one’s own interests. It is even equated by some economists with the impossibility of interpersonal comparisons. It is related to actions, to beliefs, to reasons for acting, to rules, to the will of other persons, to thoughts, and to principles. About the only features held constant from one author to another are that autonomy is a feature of persons and that it is a desirable quality to have.

It is very unlikely that there is a core meaning which underlies all these various uses of the term. Autonomy is a term of art and will not repay an Austinian investigation of its ordinary uses. It will be necessary to construct a concept given various theoretical purposes and some constraints from normal usage.

11 R. S. Downie, Elizabeth Telfer, “Autonomy,” *Philosophy* 15 (1971), 301.

12 R. F. Dearden, “Autonomy and Education,” in *Education and the Development of Reason*, ed. R. F. Dearden, (London: Routledge and Kegan Paul, 1972), 453.

13 John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 516.

14 J. L. Lucas, *Principles of Politics* (Oxford University Press, 1966), 101.

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II

I shall begin by discussing the nature of autonomy. Given various problems that may be clarified or resolved with the aid of a concept of autonomy, how may we most usefully characterize the concept? I use the vague term “characterize” rather than “define” or “analyze” because I do not think it possible with any moderately complex philosophical concept to specify necessary and sufficient conditions without draining the concept of the very complexity that enables it to perform its theoretical role. Autonomy is a term of art introduced by a theorist in an attempt to make sense of a tangled net of intuitions, conceptual and empirical issues, and normative claims. What one needs, therefore, is a study of how the term is connected with other notions, what role it plays in justifying various normative claims, how the notion is supposed to ground ascriptions of value, and so on – in short, a theory.

A theory, however, requires conditions of adequacy; constraints we impose antecedently on any satisfactory development of the concept. In the absence of some theoretical, empirical, or normative limits, we have no way of arguing for or against any proposed explication. To say this is not to deny the possibility we may end up some distance from our starting point. The difficulties we encounter may best be resolved by adding or dropping items from the initial set of constraints. But without some limits to run up against, we are too free to make progress.

I propose the following criteria for a satisfactory theory of autonomy:

Logical consistency. The concept should be neither internally inconsistent nor inconsistent (logically) with other concepts we know to be consistent. So, for example, if the idea of an uncaused cause were inconsistent and autonomy required the existence of such a cause, it would fail to satisfy this criterion.

Empirical possibility. There should be no empirically grounded or theoretically derived knowledge which makes it impossible or extremely unlikely that anybody ever has been, or could be, autonomous. Thus, a theory which required as a condition of autonomy that an individual’s values not be influenced by his parents, peers, or culture would violate this condition. It is important to note that

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this condition is not designed to beg the question (in the long run) against those, such as Skinner, who deny the possibility of autonomy. I am attempting to construct a notion of autonomy that is empirically possible. I may fail. This might be due to my limitations. If enough people fail, the best explanation may be that Skinner is correct. Or he may be correct about certain explications and not others. It would then be important to determine whether the ones that are not possible are the ones that are significant for moral and political questions.

We see here how the constraints operate as a system. It would not be legitimate to reject a proposed explication of autonomy on the grounds that we know that nobody is autonomous in that sense if *that* sense were the very one people have appealed to when deriving normative claims.

Value conditions. It should be explicable on the basis of the theory why, at the least, people have thought that being autonomous was a desirable state of affairs. A strong constraint would require that the theory show why autonomy is not merely thought to be a good, but why it is a good. A still stronger constraint would require that the theory show why, as Kant claimed, autonomy is the supreme good. Because I do not intend my theory as an explication of Kant's views, and because it is plausible to suppose that there are competing values which may, on occasion, outweigh that of autonomy, I do not adopt the strongest constraint.

As an additional constraint I suggest that the theory not imply a logical incompatibility with other significant values, that is, that the autonomous person not be ruled out on conceptual grounds from manifesting other virtues or acting justly.

Ideological neutrality. I intend by this a rather weak constraint. The concept should be one that has value for very different ideological outlooks. Thus, it should not be the case that only individualistic ideologies can value autonomy. This is compatible with the claim that various ideologies may differ greatly on the weight to be attached to the value of autonomy, the trade-offs that are reasonable, whether the value be intrinsic, instrumental, and so forth.

Normative relevance. The theory should make intelligible the philosophical uses of the concept. One should see why it is plausible

to use the concept to ground a principle protecting freedom of speech, or why Rawls uses the idea of autonomous persons as part of a contractual argument for certain principles of distributive justice. One may also use the theory in a critical fashion to argue that a theory which argues from a notion of autonomy to the denial of legitimate state authority has gone wrong because it uses too strong a notion of autonomy.

Judgmental relevance. The final constraint is that the explication of the concept be in general accord with particular judgments we make about autonomy. These judgments may be conceptual: for example, one may believe that autonomy is not an all-or-nothing concept but a matter of more or less. The judgments may be normative, for example that autonomy is that value against which paternalism offends. The judgments may be empirical, for example that the only way to promote autonomy in adults is to allow them as children a considerable and increasing degree of autonomy.

I do not believe, however, that one can set out in advance a “privileged” set of judgments which must be preserved. If the judgments do not hang together, then any of them may have to be hanged separately.

These are the criteria. It is possible that no concept of autonomy satisfies them all. Just as Kenneth Arrow discovered there was no social welfare function satisfying certain plausible constraints, we may find there is no concept satisfying ours. That itself would be an interesting discovery and would raise the question of whether we ought to drop or weaken some of the constraints or, perhaps, abandon the idea of autonomy.

What is more likely is that there is no single conception of autonomy but that we have one concept and many conceptions of autonomy – to make use of a distinction first introduced by H.L.A. Hart and developed by Rawls. The concept is an abstract notion that specifies in very general terms the role the concept plays. Thus, a certain idea of persons as self-determining is shared by very different philosophical positions. Josiah Royce speaks of a person as a life led according to a plan. Marxists speak of man as the creature who makes himself; existentialists of a being whose being is always in question; Kantians of persons making law for themselves. At a very abstract level I believe they share the same concept of autonomy. But when it comes to specifying more concretely what prin-

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ciples justify interference with autonomy, what is the nature of the “self” which does the choosing, what the connections between autonomy and dependence on others are, then there will be different and conflicting views on these matters. This filling out of an abstract concept with different content is what is meant by different conceptions of the same concept.

I intend to present a view that provides specifications for most of these questions, but since I believe that the value of a particular conception is always relative to a set of problems and questions, I want first to indicate the range of issues that I see as relevant to the conception I shall develop.

Autonomy functions as a moral, political, and social ideal. In all three cases there is value attached to how things are viewed through the reasons, values, and desires of the individual and how those elements are shaped and formed.

As a political ideal, autonomy is used as a basis to argue against the design and functioning of political institutions that attempt to impose a set of ends, values, and attitudes upon the citizens of a society. This imposition might be based on a theological view, or secular visions of a good society, or on the importance of achieving excellence along some dimension of human achievement. In each case the argument favoring such imposition is made independently of the value of the institutions as viewed by each citizen. Those favoring autonomy urge that the process of justification of political institutions must be acceptable to each citizen, must appeal to considerations that are recognized to be valid by all the members of the society.

In particular, then, autonomy is used to oppose perfectionist or paternalistic views. It is also related to what Ronald Dworkin refers to as the notion of equal respect. A government is required to treat its citizens neutrally, in the sense that it cannot favor the interests of some over others. This idea is used by Dworkin to argue for the existence of various rights.

Conceptions of autonomy are also used, by Wolff and others, to argue for the illegitimacy of obedience to authority. The emphasis in this argument is on the individual making up his own mind about the merits of legal restrictions. This use of autonomy seems much closer in content to the ideal of moral autonomy. As a moral notion – shared by philosophers as divergent as Kant, Kierkegaard, Nietzsche, Royce, Hare, and Popper – the argument is about the

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necessity or desirability of individuals choosing or willing or accepting their own moral code. We are all responsible for developing and criticizing our moral principles, and individual conscience must take precedence over authority and tradition. I am not defending this line of reasoning, but it is certainly a body of thought which makes use of the notion of autonomy and has a corresponding set of problems connected with responsibility, integrity, and the will.¹⁵ A theory of autonomy must throw some light on these problems, even if it does not accept (all of) the proposed solutions.

Finally, we have a set of issues concerning the ways in which the nonpolitical institutions of a society affect the values, attitudes, and beliefs of the members of the society. Our dispositions, attitudes, values, wants are affected by the economic institutions, by the mass media, by the force of public opinion, by social class, and so forth. To a large extent these institutions are not chosen by us; we simply find ourselves faced with them. From Humboldt, Mill, and DeTocqueville to Marcuse and Reisman, social theorists have worried about how individuals can develop their own conception of the good life in the face of such factors, and how we can distinguish between legitimate and illegitimate ways of influencing the minds of the members of society.

While Marxists have been most vocal in raising the issues of “false consciousness,” and “true versus false needs,” it is important to see that the question is one which a wide range of social theorists must address. For it is a reasonable feature of any good society that it is self-sustaining in the sense that people who grow up in such a society will acquire a respect for and commitment to the principles which justify and regulate its existence. It is very unlikely that the development of such dispositions is something over which individuals have much control or choice. Socialization into the norms and values of the society will have taken place at a very young age. It looks, then, as if we can only distinguish between institutions on the basis of what they convey, their content, and not on the basis that they influence people at a stage when they cannot be critical about such matters. It looks, therefore, as if autonomy in the acquisition of principles and values is impossible.

In all three areas – moral, political, social – we find that there is a notion of the self which is to be respected, left unmanipulated,

¹⁵ See chaps. 3 and 4.