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978-0-521-35767-8 - The Theory and Practice of Autonomy

Gerald Dworkin

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For  
Miriam, who made it possible  
Joan, who made it probable

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## Preface

### I

There are those who know from the start where they are going and those who only realize after the journey where they have been traveling. I am one of the latter. I wrote about issues, problems, theses, as they occurred to me, as they provoked or baffled me, *seriatim*. My Ph.D. thesis was on the nature and justification of coercion, and two of my earliest publications were based on that work.<sup>1</sup> In one I considered why those who choose under coercive pressures should not be considered to be acting freely (in spite of the fact that they would prefer to choose as they do, given their circumstances). In the other I considered the kinds of interferences with people justified by reference to their own good and when, if ever, such interferences might be justified. In both cases I was dealing with the choices people make and the significance and value of their making those choices in accordance with their own standards and preferences. I had embarked, without being aware of it, on a voyage circling that territory which I later came to think of as “autonomy.”

My first actual use of the term was in an essay in applied ethics.<sup>2</sup> It was written at a time when there was much concern about issues such as psychosurgery, aversive conditioning, subliminal advertising, and drug therapy. I was asked by the Hastings Center to participate in a working group considering the ethics of various ways of influencing persons and their behavior. I realized that many claims were made about the ethical significance of various techniques in terms of their differential effects on autonomy, but that very little was said about that elusive concept. I embarked on my first exploration into the territory itself.

1 “Acting Freely,” *Nous* (November 1970). “Paternalism,” *Monist* (January 1972).

2 “Autonomy and Behavior Control,” *Hastings Center Report* (February 1976).

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In the succeeding years there were reasons of a theoretical and practical nature for my continued interest in the topic. This was a decade in which bioethics was rapidly developing, and one of its central problems was that of medical experimentation and innovative therapy. Discussions of informed consent, of proxy consent, of prisoners as subjects of experimentation, of drug testing on children, all required that attention be paid to the nature and value of autonomy. This was also a period in which the traditional doctor–patient relationship, based on “doctor knows best” paternalism, was undergoing a fundamental shift to a more contractualist basis. Issues of paternalism also arose with respect to such public policy issues as in-kind welfare payments, social security, the banning of laetrile, and seat-belt legislation. Why, and under what conditions, we should restrict people’s autonomy in their own best interests remains a crucial issue of public policy.

There were also reasons of a theoretical nature for continued interest in the topic of autonomy. Shortly after my article “Acting Freely” had come out, Harry Frankfurt had published his extremely influential article “Freedom of the Will and the Concept of a Person.”<sup>3</sup> The theory put forward there, like mine a hierarchical structure, stimulated a large literature concerning the conceptual merits and plausibility of such a theory. At the same time the Kantian and neo-Kantian reaction to utilitarianism was developing, and one of the two central normative concepts was that of autonomy – the other being “respect.” It soon became apparent, however, that autonomy was being used (in both senses) in a rather vague and excessively broad fashion. The concept of autonomy required the same kind of care and detailed mapping that ideas such as liberty and equality had received at the hands of earlier philosophers.

## II

Chapter 1 develops a notion of autonomy which meets various conceptual and normative constraints that are set prior to the analysis of the concept. Chapter 2 examines various issues concerning the value of the conception set out in Chapter 1. Chapters 3 and 4 extend the discussion from a very general idea of autonomy to the

3 “Freedom of the Will and the Concept of a Person,” *Journal of Philosophy* 68 (January 1971).



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notion discussed by philosophers and others under the heading of moral autonomy. They raise the issue of whether autonomy has a rather different status in our moral life than in other spheres, such as the natural sciences, and whether, and to what extent, moral autonomy ought to be valued. Chapter 5 is addressed to a similar issue concerning the range of choices available to us: Is it always a good thing to have a wider rather than narrower range of options from which to choose?

The essays in Part II apply the general framework developed in Part I to various concrete moral questions. These include informed consent to experimental and therapeutic interventions, what to do when persons are too young or not competent to give informed consent, and some further reflections on what kinds of interventions count as paternalistic and the conditions for justification of such interference. Finally there are two essays on more general issues of public policy involving choice: the use of entrapment by law-enforcement officials and whether it is better for a society to try to plan and design its institutions rather than let them develop in less self-conscious ways.

I have not included two essays (“Paternalism” and “Autonomy and Behavior Control”) because both have been widely reprinted and because the views expressed in them have undergone considerable revision – particularly those in the latter essay.

## *Acknowledgments*

Newton said that if he saw further than others it was because he stood on the shoulders of giants. If he had stood on the shoulders of midgets he would also have seen further. Any elevation helps. If I have seen any further it's because I have stood on the shoulders of many persons who were willing to provide aid, encouragement, and wisdom. Many of them are acknowledged in individual essays, but I would like to express my particular gratitude to Tom Nagel, who started me off on the path that led to this book.

Institutions have played their part as well. The Hastings Center provided me with time and intellectual stimulation as a Luce Senior Scholar. The Humanities Institute at the University of Illinois at Chicago did the same. Eileen Iverson provided valuable secretarial assistance in the production of the finished manuscript.