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## › Thick (Concepts of) Autonomy?

Conference of the Centre for Advanced Study in Bioethics

October 18–20, 2012

 Abstracts



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### ABSTRACTS

#### **James Childress**

Respecting Autonomy in Bioethics: Do We Need a Thicker Concept of Autonomy?

Current controversies in bioethics—for example, about consent to and refusal of medical procedures and participation in research—invite us to explore whether a thick concept of autonomy could enable better resolution of conflicts.

After considering what would be gained and lost by adoption of some thicker concepts of autonomy being proposed, this lecture will argue that, for the most part, thinner conceptions, if properly understood, are generally adequate.

#### **Thomas Gutmann**

Is The Autonomy Talk Misleading?

The basic function of the notion of “autonomy” in bioethics and (medical) law is to justify a claim (a moral or legal right) to be respected as an agent who is entitled to choose her own path and follow it. For reasons of social inclusion and equality, being autonomous in this sense must count as the normal case at least for adults. ‘Thick’ concepts of autonomy generally are dysfunctional in this regard. On a deeper level, we can see that in the end (1) most of what is discussed under the heading of “autonomy” (designing a family of at least moderately perfectionist and gradual, not “threshold”-notions), and (2) “responsibility” (in a wide sense) as a placeholder for both the preconditions for (a) holding someone accountable for what she has done and (b) for respecting her making use of her rights have little to do with each other.

**John M. Fischer****What Moral Responsibility Is Not**

Here I distinguish various related questions that philosophers of agency have addressed, including autonomy and moral responsibility. I contend that there has been a subtle, and sometimes unnoticed, shift in the focus of Harry Frankfurt's work on agency over the course of his career. Further, I claim that failure to distinguish the distinct questions can lead to confusions; for instance, some critiques will apply to certain attempts to analyze autonomy, but they will not thereby succeed as critiques of accounts of moral responsibility.

**Alfred R. Mele****Autonomy And Beliefs**

In *Autonomous Agents* (1995), I argued that among the obstacles to autonomous action are facts of certain kinds about an agent's beliefs. For example, someone who is deceived into investing her savings in a way that results in her losing the entire investment to the person who deceived her makes that investment nonautonomously. But not everyone has agreed. In this article, I return to doxastic aspects of individual autonomy.

**Bettina Schöne-Seifert****Autonomy-Capacities: Risk-Related Or Not?**

Inside and outside bioethics, it has been suggested by various authors that competency requirements for autonomous decision-making should increase with the seriousness of what is at stake. After exploring what would be gained and lost by adopting such a sliding scale or risk-related concept, I will argue that despite initial plausibility of the contrary, a fixed concept of competency better fits the reasons why we (should) value autonomy.

**James Stacey Taylor****How Much Understanding Is Necessary For Autonomy?**

It is standard in contemporary medical ethics to hold that the value that grounds the moral requirement of securing a person's informed consent to her treatment is the need to respect personal autonomy. Against this view I have argued that the value of autonomy cannot ground the requirement of informed consent, but is respected only as a proxy for some other value, such as well-being. The argument for this revisionist conclusion is based on the claim that although a negligent failure on the part of a healthcare provider to secure a person's informed consent to her treatment would not compromise her autonomy with respect to her treatment decision we would still hold her to blame for this. Thus, since this is so, the concern for autonomy cannot ground the moral requirement to secure a person's informed consent to her treatment.

This argument has been subject to sustained criticism, much of which focuses on its central claim that a negligent failure to secure a person's informed consent would not compromise her autonomy. This claim has been held to evince a conception of autonomy that is overly thin, on the grounds that even a negligent failure to secure a person's informed consent to her treatment would compromise her autonomy with respect to her treatment decision. The view that a person's consent to her treatment decisions—and her decisions more generally—must

be informed for her to be autonomous with respect to them is variously based on one of two independent claims: (1) That a person must understand the implications of her decisions for her to be self-directing with respect to them in the way required for her to be autonomous, or (2) That a person must understand the implications of her decisions for her to be autonomous with respect to them rather than making them as a mere agent.

In response to these claims concerning the relationship between autonomy and understanding I will argue in this paper that they are based on an overly thick account of autonomy. First, Claim (1) is based on a mistaken identification of the appropriate intensional description of the act A that is performed by the person whose autonomy with respect to her decision to perform A is in question. Second, Claim (2) overlooks the fact that autonomous agents are differentiated from non-autonomous agents by reason of their reflective endorsement of their decision-making processes, not in virtue of their superior understanding of the implications of their decisions.

With this defense of this thin conception of autonomy in place I conclude by drawing out two surprising implications that it has for the theory of autonomy: That autonomy is a radically externalist concept (put colloquially, my autonomy depends in part on your mental states), and that autonomy is essentially a political concept, not a metaphysical one.

## **John Christman**

### **Caring For Autonomy: Becoming Self-Governing With Others' Help**

The line between respecting a person's autonomy and intervening for paternalistic reasons is usually drawn with a competent, self-governing agent on one side and a caring but otherwise unconnected person on the other. The potential subject of paternalism is also considered to be a person with established ends, even if some of those ends might include what appear to be self-destructive aims. In many actual cases, however, the subject of paternalism is struggling to re-establish a set of basic agential competences – recovering from an illness, addiction, or trauma – as well as a sense of self in a social setting. The would-be paternalist, on the other hand, is a committed aid worker whose professional obligation is to facilitate this process. In such scenarios, the usual lines between hard and soft paternalism, as well as the standard liberal rejection of the former, do not apply. Still, it would be wrong for the aid worker to simply impose her views of a decent life on the struggling person. How, then, do we reformulate restrictions on paternalism in such scenarios when the relationship between client and aid worker is itself a crucial part of the process that results in the self-governing agency of the client?

This paper explores these issues and argues that such (very typical) scenarios indicate that conceptions of autonomy must view the self as diachronic as well as socially constituted but also must be sensitive to the ways autonomy can be (re-)established only with others' help. Further, a sense of minimal autonomy, whereby a person has the potential for achieving full(er) self-government with the helpful interaction of others but is nevertheless owed respect for her own capacities in this regard, must be articulated so as to properly formulate guidelines circumscribing paternalistic interference in cases of vulnerable persons struggling to achieve self-government.

## **Catriona Mackenzie**

### Relational Autonomy And Capabilities Theories Of Justice: Exploring The Connections

Relational theories of autonomy claim that autonomy is a socially constituted capacity and seek to analyse the autonomy-impairing effects of various forms of social injustice, such as domination, oppression, and entrenched disadvantage. Over the last decade, much of the debate about relational autonomy has focused on the question of whether it is compatible with proceduralism or whether it is committed to a more substantive conception of autonomy. This debate raises further questions: What are the social justice implications of different variants of relational autonomy? And which conception of social justice has most affinity with the concerns of relational theorists? John Christman's work on liberalism and autonomy provides one approach to these questions; Joel Anderson's work on recognition theory provides an alternative approach.

In this paper, I investigate whether capabilities theory provides a fruitful theoretical framework for articulating the social justice implications of relational autonomy. I compare two alternative versions of capabilities theory: Elizabeth Anderson's theory of democratic equality, and Martha Nussbaum's capability-based theory of justice. In this context, I assess the potentially perfectionist implications of relational autonomy and capabilities theory. I also respond to Nussbaum's rejection of the value of autonomy and her alignment of capabilities theory with diversity-based rather than autonomy-based varieties of liberalism.

## **Thomas Schramme**

### Perfectionist Autonomy

Being autonomous for many theorists means not merely to govern oneself according to one's unqualified will, but to be in congruence with certain qualifications or constraints of the will. Hence these theorists take an autonomous choice to be a good choice, according to a particular standard. The constraints on good choices can be posed by formal criteria, such as being free of coercive influences, or substantial, such as being moral or choosing according to a prudential standard. Any theory that puts forward a notion of autonomy as qualified against a standard of substantially good self-governance can be called perfectionist, because it relies on a less than formal notion of the good. Therefore, these theories put forward a thick concept of autonomy, one that has substantial normative content in virtue of a qualitative standard of self-governance. Human beings are self-improving animals; they strive to become better, at least in certain respects. People usually have a self-image, which might or might not be in line with their actual thinking and behaviour. Hence to choose in a certain way might be deemed heteronomous—from the perspective of the agent—if it is not in congruence with the agent's self-image. This again seems to imply a normatively laden, or thick, notion of autonomy, though it is not perfectionist, because here the notion of the good or ideal is subject-relative; each person has different aspirations. In fact, it could be, and has been, turned into a formal requirement of autonomy, such as the idea of authenticity.

In my paper, I want to explore theories of perfectionist autonomy by focussing on less individualist accounts of self-improvement, which rely on a theory of self-actualisation or self-development that conceptualises the good for human beings in general terms. Historically, I will focus mainly on John Stuart Mill and Thomas Hill Green.