

CHAPTER 1

PHILOSOPHICAL AND ETHICAL PERSPECTIVES ON AUTONOMY

Ever since Kant, autonomy has been an important concept in philosophy. As a concept with a long history, it has been interpreted and developed in various ways over the years. Not surprisingly, then, autonomy is also a concept bearing many different connotations such as rationality, freedom, independence, self-determination and the like. For a proper understanding of any specific use of this concept, a certain amount of insight into its theoretical background is necessary. This chapter therefore discusses autonomy from a broader philosophical and ethical perspective, while the next chapter narrows the focus to the interpretation and role of autonomy in the field of medical ethics.

Apart from its origins in the work of Kant, autonomy as it is currently understood is also rooted in Mill's work on liberty. In philosophy and ethics, the concepts of autonomy and liberty (or freedom) are still closely related. In contemporary writings, the two are used sometimes interchangeably and sometimes as two distinct concepts, the exact meanings of which can vary considerably depending upon the author. In 1958, Berlin introduced an important distinction between negative and positive liberty or freedom. Negative freedom refers to a freedom of action and a freedom of interference by others, while positive freedom refers to an internal freedom or a freedom of the will. The first focuses on the interactions between people and the degree to which others interfere with a person's actions, while the second focuses on a person's own capacities to make his own choices and direct his life according to his own reasons and goals. In contemporary philosophy, many authors use the word 'freedom' to refer exclusively to negative freedom, and 'autonomy' to refer to positive freedom. In medical ethics, the term 'autonomy' is generally used to refer to the right of self-determination, which is primarily a right to non-interference (or negative freedom), though arguments and considerations related to positive liberty are also frequently invoked. In the philosophical theories on autonomy discussed in this chapter, the emphasis is on internal (positive) freedom.

This chapter does not argue in favour of any one specific interpretation of autonomy but provides a brief overview of the most important theories. Section 1 attempts to describe what autonomy is by providing a typology of the various ways in which the term is used. Next, Section 2 discusses what autonomy is according to a very influential contemporary theory of this concept. Included within the framework of this discussion is some of the criticism aimed at this theory and the most important amendments and alternatives that have been proposed. Section 3 addresses why autonomy is considered so important; this is accomplished by discussing the

various arguments that have been put forward to explain the value of autonomy. In general, 'autonomy' has a positive connotation and is seen as something valuable; for a better understanding of autonomy, it is therefore important to see why autonomy is considered valuable and what exactly it is about that makes it so valuable. The last section provides a review of the theoretical work on the issue of paternalism. In this section, the emphasis shifts from autonomy as positive freedom to autonomy as negative freedom. When autonomy is understood to be valuable and worth protecting, interfering with it and violating it are considered to be problematic. Paternalism, globally understood to be interfering with a person's actions with an appeal to his best interests, is therefore considered to be a major threat to autonomy, and is therefore an important topic in ethical theories regarding autonomy.

1. WHAT IS AUTONOMY?

A useful analysis of the concept of autonomy, which can serve as a starting point for further discussion and analysis, is provided by Joel Feinberg (1986). Feinberg tries neither to establish any core meaning for autonomy nor to offer a full description of autonomy, but instead shows the different ways in which the term is used when applied to individuals. He distinguishes autonomy as a *capacity*, autonomy as an *actual condition*, autonomy as a *character ideal* and autonomy as a *right* to sovereign authority.

Used in the first sense, autonomy is the capacity for self-government, which, according to Feinberg depends on the ability to make rational choices. This capacity is a matter of degree, as is the actual condition of self-government. However, in order to qualify for the right to self-government, one has to possess a minimum level of this capacity. Above this threshold, one is considered competent. Since competence is an all-or-nothing classification, a surplus of capabilities cannot add to competence; it may, however, add to the fulfilment of the actual condition of autonomy. In order to fulfil this actual condition of autonomy, being competent or possessing the relevant capacities is not enough; one can have both the capacities and the right to govern oneself, but still do so badly, foolishly or not at all. According to Feinberg, the actual condition of autonomy refers to the possession and practice of various virtues that are "united only by a family resemblance, and a connection, however far removed, to the generating idea of self-government" (1986, 31). Among these virtues, Feinberg includes self-possession, individuality and authenticity, self-legislation, self-determination, initiative and responsibility for self. It is not completely clear to what extent the actual condition of autonomy refers to an internal, psychological state and to what extent it also refers to a condition of freedom or independence vis-à-vis others. It is obvious, however, that autonomy in this sense is a rather global property of persons and not, for instance, a characteristic of specific actions or choices. The distinction between occurrent and comprehensive autonomy as introduced by Young (1986) can be useful in expressing this difference. The actual condition of comprehensive autonomy refers to a global property of larger parts of a person's life, while occurrent autonomy refers to the property of a person regarding a specific choice or action. According to Vedder

(1995), in Feinberg's model, autonomy in the occurrent sense is placed under the heading of freedom of choice and action. Freedom of choice and action, referring to the absence of both internal and external restraints, is discussed in relationship to the right to autonomy. I will return to this later.

Autonomy as a character ideal is made up of a certain combination of the virtues that determine the actual condition of autonomy, although Feinberg is not very clear about what the ideal blend of these virtues would be. He does argue, however, that the presence of these virtues is only 'virtuous' up to a certain degree. Particularly the fact that we are 'social animals' contributes to the fact that the sum of the absolute exemplifications of these virtues would not be worthy of admiration since this would lead to atomic individualism. Therefore, according to Feinberg, "the ideal of the autonomous person is that of an authentic individual whose self-determination is as complete as is consistent with the requirement that he is, of course, a member of a community" (1986, 45).

To describe autonomy as a right, Feinberg uses the political metaphor of sovereignty of nation-states to indicate that this concerns a sovereign right to self-government, to ultimate authority over oneself. Feinberg's right to autonomy should not be understood as a right to the actual condition of autonomy. It would make no sense to claim a right to have certain properties, or to possess certain virtues, and this is not that to which Feinberg is referring. The right to sovereignty is the right to govern oneself, the right to make and act upon one's own choices without being interfered with by others. This right can sometimes be justifiably interfered with when a person's choices are not 'free' (i.e. limited either by internal or external forces); some degree of internal freedom of choice, or autonomy in the occurrent sense, can therefore be seen as a precondition to the right to sovereignty. Still, in Feinberg's analysis, the right to autonomy appears to be primarily a right to non-interference or, in other words, to negative freedom. Although the right to sovereignty is not a right to the condition of autonomy, it can be argued that the right to sovereignty protects the exercise of the capacity for self-government from interference by others, and so enables a person to reach or maintain a condition of autonomy (den Hartogh 1997).

Christman (1988, 1989) makes a distinction between what he calls the psychological condition of autonomy (PC-autonomy), which equals the actual condition of autonomy (of which he considers authenticity and self-determination to be the core), and autonomy as a right (R-autonomy). According to Christman, this is the right not to be treated in ways that undercut one's PC-autonomy (e.g. by manipulation or brainwashing), or to be treated either as if one did not have any PC-autonomy, or without sufficient respect for one's PC-autonomy. To clarify the latter, Christman gives an example of parents who constantly preempt the choices of their adolescent child about clothes, a place to live and the like by buying these things secretly and surprising the child with them. The child is not prevented from making his own choices or buying his own clothes but is treated as if he could not adequately do so himself. While Feinberg's right to sovereignty, I believe, covers the right not to have one's PC-autonomy interfered with, it is more difficult to see how it could include a right not to be treated as if one did not have any PC-autonomy. As long as a person's choices and actions are not interfered with, his right to sovereignty



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