
Introduction: Autonomy and Paternalism

Bioethics: Autonomy and Health (Fall 2012)

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The General Idea...

- ▶ “to be one’s own person, to be directed by considerations, desires, conditions, and characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one’s authentic self”
 - ▶ (Christman, pg. 2)



Questions to Consider

- ▶ What does 'autonomy' mean?
- ▶ Why should we value autonomy?
- ▶ How do we apply this value consistently?
- ▶ What place should autonomy have in our ethical thinking? How should it be weighed against other values, obligations, and interests?
- ▶ What does 'paternalism' mean? What are some paternalistic interventions?
- ▶ When is paternalism justified, if ever?



Associated Notions

- ▶ Liberty
 - ▶ Negative freedom
- ▶ Self-determination
 - ▶ Positive capacity and opportunity to act
 - ▶ Enabled through education, safety, support
- ▶ Integrity
 - ▶ Preserving one's projects, values, sense of self
- ▶ Independence
 - ▶ Not needing the help or support of others
- ▶ Agency
 - ▶ In control of and responsible for actions, decisions, habits



Problematic Notions and Errors



- ▶ Does not rely on Western ideal of rugged individualism
 - ▶ Is non-interference enough to respect autonomy?
 - ▶ Why should we value independence?
 - ▶ Deep ways in which we are *all* dependent on others
 - ▶ Able-bodied and able-minded prejudices
 - ▶ Pitfalls of over-idealizing human capacities
 - ▶ *Complete* self-sufficiency?
 - ▶ *Perfect* coherence of one's values over time?
 - ▶ *Total* control over one's actions?
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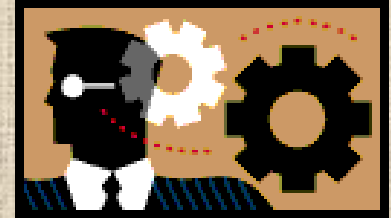
Necessary Elements for Decision-Making

- ▶ Knowledge
 - ▶ Relevant facts and options
- ▶ Understanding
 - ▶ Grasp and synthesize information
 - ▶ Critical reasoning
- ▶ Appreciation of situation/decision/action
 - ▶ Relation to values, other interests, obligations, life plans
- ▶ Value system
 - ▶ Minimal coherence and consistency
- ▶ Communication skills
 - ▶ Clearly and precisely express decision
- ▶ Anything else?



Conceptions of Autonomy

- ▶ Basic/baseline vs. ideal
- ▶ Moral autonomy
 - ▶ Ability to derive and impose on oneself the moral law; compelled by reason
 - ▶ → moral agency
- ▶ Personal autonomy
 - ▶ Pertinent to a number of spheres of life
- ▶ Dimension of well-being



Internal Self-Reflection

▶ Competency

- ▶ “includes various capacities for rational thought, self-control, and freedom from debilitating pathologies, systematic self-deception, and so on” (Christman, pg. 6)

▶ Authenticity

- ▶ “capacity to reflect upon and endorse (or identify with) one’s desires, values, and so” (Christman, pg. 6)



Some Philosophical Difficulties

- ▶ How should we determine competency?
 - ▶ Threshold? All-or-nothing? Context-specific?
- ▶ What counts as an authentic desire or value?
 - ▶ Acknowledging? Affirming? Coherence? Reflecting? Result of deliberation?
- ▶ Are there certain constraints on what can count as autonomous?
 - ▶ Problem cases: suicide, drug use, refusal of life-saving medical treatment, slavery contract



Some Philosophical Difficulties

- ▶ Does personal history matter more than capacities?
- ▶ What type of self-reflection is required?
 - ▶ Cognitive evaluation? Emotional engagement?
 - ▶ Hypothetical? Actual?
- ▶ Does autonomous capacity grant moral status?
 - ▶ Does autonomy come in degrees?
 - ▶ Which creatures are autonomous?
 - ▶ Can someone lose moral respect by losing their autonomous capacities?



What Does It Matter?

- ▶ Makes a person respect-worthy
- ▶ Makes moral agency possible
- ▶ Makes it possible to pursue other goals
- ▶ Pluralist and diverse society is morally preferable to a homogenous one
- ▶ Has non-derivative (intrinsic) value



Paternalism

- ▶ X acts paternalistically towards Y by doing/omitting Z when
 - ▶ Doing/omitting Z interferes with the autonomy of Y
 - ▶ X does so without the consent of Y
 - ▶ (Non-voluntary or involuntary interference)
 - ▶ X does so because Z promotes the interests, values, or good of Y



Paternalism: Types

- ▶ **Soft vs. hard**
 - ▶ Example: unknown rickety bridge
- ▶ **Broad vs. narrow**
- ▶ **Weak vs. strong**
 - ▶ Example: student who uses illicit drugs in preparation for becoming a doctor
- ▶ **Pure vs. impure**
 - ▶ Example: banning smoking inside public spaces
- ▶ **Welfare vs. moral**
 - ▶ Example: outlawing prostitution



Justifications for Paternalism

- ▶ Individual lacks requisite capacities
- ▶ Promotes more good than harm
 - ▶ For others or for the individual
- ▶ Protect long-term autonomy
 - ▶ Example: involuntary commitment to psychiatric hospital
- ▶ What we would all agree to in the circumstances



Coercion

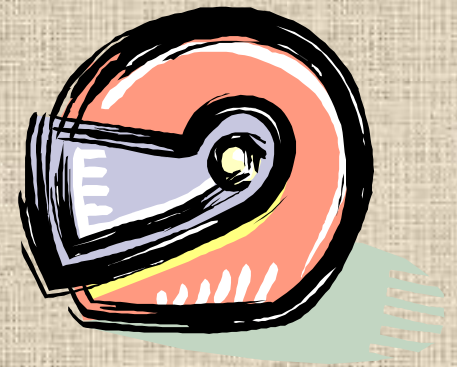
- ▶ •“is not centrally a matter of producing hurt or harm, but rather of structuring the options available to another. Coercive proposals are designed to produce compliance by making it the condition of avoiding unacceptable consequences, “so they always place severe restraints on victims’ capacities to act” (Onora O’Neill)
- ▶ •Can be benign or malign, (arguably) intentional or unintentional, fair or unfair, morally permissible or impermissible



Challenging Case: Helmet Laws

▶ Break into groups!

- ▶ Do you think it is *ethically* justifiable for states to require that cyclists wear helmets?
- ▶ What are the interests at stake?
- ▶ Why might a cyclist find this imposition offensive?
- ▶ Is the state overstepping its role in making this imposition?
- ▶ Are there other coercive measures that the state could take in this case that would be ethically preferable?



Additional References

- ▶ Kukla, Rebecca. “Autonomy.” *Intensive Bioethics Course*. Kennedy Institute of Ethics. Summer 2012.
- ▶ O’Neill, Onora. “Which Are the Offers *You Can’t Refuse?*” in *Violence, Terrorism, and Justice*. Eds. R. G. Frey & Christopher Morris. New York: Cambridge University Press, 1991. 170-195.



Questions? Comments?

