

Belief and Autonomy

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1. Introduction

In his 1974 dissertation entitled *Paternalism*, Arthur White argued, “For a paternalistic relationship to exist there must be a relationship of superior to inferior.”¹ According to this view, “There would be no place for paternalism in a world in which each agent regarded all others as moral equals. Insofar as paternalism could be thought appropriate only between unequals, it must involve violations of moral autonomy.”² With respect to this argument, Douglas Husak notes, “if the incompatibility of autonomy and paternalism can be established, opponents of paternalism have at least a *prima facie* objection to each and every instance of paternalism which the proponents of such an interference must rebut.”³

Some anti-paternalists have argued that the domain of a person’s autonomy includes a “general negative right to be left alone,” i.e., a “general negative right to noninterference in the autonomous management of the affairs of [their] life when no one else is being harmed.”⁴ Let us call this negative right NRN. NRN is plausible, I argue, only on an account of autonomy that (1) measures the voluntariness of a choice on the basis of its derivation from the decision-maker’s background values, beliefs and desires; (2) recognizes no distinction between autonomous and nonautonomous desires or values; and (3) does not consider irrationality, understood in terms of poor or faulty practical reasoning, to be sufficient to defeat the voluntariness of a choice. Such an account is defended by Joel Feinberg and holds that “a choice can be voluntary without being fully

¹ Douglas N. Husak, “Paternalism and Autonomy,” *Philosophy and Public Affairs*, Vol. 10, No. 1 (Winter, 1981), 41.

² Ibid.

³ *ibid.*, 28.

⁴ Frank A. Chervenak and Laurence B. McCullough, “Justified Limits on Refusing Intervention,” *The Hastings Center Report*, Vol. 21, No. 2 (Mar. – Apr., 1991), 12.

rational,” and that “it is always a violation of autonomy to interfere with a voluntary but irrational choice for the chooser’s own good.”⁵ Against this view is that defended by Danny Scoccia, which holds that “[respect for autonomy] is still a side constraint, but one which permits interference if and only if a choice is irrational and the chooser would consent to the interference if he were fully rational and well-informed.”⁶ In this paper, I will attempt to defend the claim that a choice is not fully rational, and therefore not fully voluntary, whenever it is the product of defective beliefs, either descriptive or evaluative. This is opposed to Feinberg’s view, which argues that only defective descriptive beliefs undermine the voluntariness of a choice. (The distinction between descriptive and evaluative beliefs will be clarified in later sections). After presenting and analyzing the case that motivates my argument, I will consider what premises I would need to accept in order to support my thesis. For each premise I identify, I will attempt to provide a brief defense of its plausibility. If my argument is successful, it will have served to extend the justifiable limits of paternalism to instances of interferences with a subject’s “general negative right to be left alone.”

2. Motivating the Argument

2.1 The Case

Consider the following example.

ENGAGED!

A good friend of mine has been seeing this new guy now for about 3 months. In private conversations about their relationship, my friend confides to me a series of reservations she has about the relationship becoming serious, many of which I take to be quite significant and not of the type to simply work themselves out in time. Another 3 months pass of merely ambivalent involvement, which continues right up until the next day when

⁵ Danny Scoccia, “Paternalism and Respect for Autonomy,” *Ethics*, Vol. 100, No. 2 (Jan., 1990), 318.

⁶ *Ibid.*

he unexpectedly pops the question. She answers “yes” and the entire history of the relationship is immediately transfigured into a blissful fairytale. Later that afternoon, my friend happily greets me with the news.

In the case above, it seems I am morally justified, if not obligated, to oppose my friend’s decision to accept her boyfriend’s proposal. Although her behaviors provide *prima facie* reason for me to infer that she believes this decision to be in her interest, I am compelled by other considerations to reject her choice as fully voluntary. The voluntariness of her choice, I am inclined to say, is undermined by a defective evaluative belief (namely, the belief that marrying her boyfriend is in her interest).

Even the strongest anti-paternalists generally agree that I am entitled in cases of this sort to warn my friend to think through her decision more carefully, or to provide reasons why she should not marry her boyfriend. But they will nonetheless insist on two things: first, that we have good reasons for interfering (i.e., our interference is something that must be *excused*);⁷ and second, that we respect the decision-maker’s position as final judge in the matter.⁸ What the following analysis and argument are meant to highlight is that Feinberg’s account of autonomy does not provide the theoretical machinery necessary to justify such interferences *at any level*, and that in trying to make accommodation for our intuitions that such interferences are under certain conditions justifiable, they end up affirming certain premises inconsistent with their account of autonomy. Once these premises are affirmed, I argue, it becomes difficult to see on what remaining principle(s) the anti-paternalist can defend NRN.

⁷ “[I]n every instance, the burden of making a strong case should be thrown not on those who resist but on those who recommend...interference. Letting alone, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil.” John Stuart Mill, *On Liberty* [book on-line] (1859, accessed 15 October 2010); available from <http://www.utilitarianism.com/ol/one.html>; Internet.

⁸ “Considerations to aid his judgment, exhortations to strengthen his will, may be offered to him, even obtruded on him, by others; but he, himself, is the final judge” (Mill 1959).

2.2 The Objection from NRN

According to NRN, when someone reports or otherwise expresses a decision they've made with respect to some moral or practical matter, that report can be interpreted equivalently to mean, "This is what I will." In other words, an individual, simply by choosing or acting in a certain way, is expressing a judgment that can *prima facie* be inferred to reflect her underlying values, beliefs and desires. As Mill, another famous anti-paternalist, writes, "[The] voluntary choice [of the decision-maker] is evidence that what he so chooses is desirable, or at least endurable, to him..."⁹ If we recognize this fact, we must also acknowledge that to oppose this choice is to challenge the decision-maker's very capacity for autonomy. In summary, challenging someone's judgment as to how to best manage their own personal affairs *to even the most minimal extent*, if Feinberg's account of autonomy is correct, is a *prima facie* violation of NRN. Therefore, concludes Mill, "in every instance, the burden of making a strong case should be thrown not on those who resist but on those who recommend...interference. Letting alone, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil."¹⁰

2.3 The Analysis

In order to see more clearly where the anti-paternalist and I part ways with respect to ENGAGED! it will be helpful to consider what happens to the strength of my justification as my friend's consent to my counsel becomes more and more questionable.

⁹ As Mill writes, "[The] voluntary choice [of the decision-maker] is evidence that what he so chooses is desirable, or at least endurable, to him..." (Mill 1959).

¹⁰ Gerald Dworkin, "Paternalism," in *Morality and the Law*, edited by Richard A. Wasserstrom, (Belmont: Wadsworth Publishing Company, Inc., 1971), 116.

Let's first imagine, then, that, after making her announcement, my friend proceeds to ask my opinion on the matter (let's even say in a non-leading manner). Well then, having acquired my friend's consent, both the anti-paternalist and I agree that I am not out of bounds to tell her what I honestly think. But what if she *doesn't* ask for my opinion? Am I still justified in offering it unsolicited? Where the anti-paternalist stands on this matter is less clear. It seems their answer would vary according to several considerations. The first factor that influences whether or not the anti-paternalist permits my challenge is the strength of my relationship to the decision-maker. Mill writes with respect to this first consideration,

neither one person, nor any number of persons, is warranted in saying to another human creature of ripe years, that he shall not do with his life for his own benefit what he chooses to do with it. He is the person most interested in his own well-being, the interest which any other person, *except in cases of strong personal attachment*, can have in it, is trifling, compared with that which he himself has.¹¹

It is presumably with this exception in mind that Mill makes the following concession: "Considerations to aid his judgment, exhortations to strengthen his will, may be offered to him, *even obtruded on him*, by others..."¹² The reason why I, as a close friend, might be permitted to interfere in my friend's personal affairs where a complete stranger would not presumably has to do with my superior position, epistemically speaking, to accurately judge what is in her best interest. The second consideration that seems to bear on whether or not the anti-paternalist considers me justified in offering my opinion unsolicited concerns the weight of the consequences corresponding to my friend's decision. With respect to this condition, Danny Scoccia writes, "In general, the desire to live one's own life free from outside meddling will almost certainly be weaker when the consequences

¹¹ Mill 1859 (italics mine).

¹² Ibid. (italics mine)

of implementing the choice are disastrous, unforeseen when the choice was made, irrevocable, and immanent.”¹³ Feinberg, for example, thinks that the riskiness of a decision (assessed by the expected harm and irrevocability of the consequences associated with the act) provides antecedent justification for interfering to prevent it.¹⁴ Permission to interfere granted on the basis of our close relationship to the decision maker I will call Permission R, while permission granted on the basis of the severity of the consequences associated with the choice I will call Permission C.

To stretch the example a little further, let us now imagine that I were to offer my opinion and discover my friend to be resistant or unwelcoming of my challenge (*Who asked what you think?!).* What would the anti-paternalist say then about my justification in pressing the issue? Again, I think the answer is going to vary according to the considerations mentioned above, although the threshold will clearly be set much higher with respect to the conditions I would have to satisfy to overcome my friend’s stronger and stronger assertions of autonomy. Furthermore, I suspect most anti-paternalists would say that there is some point at which my friend’s resistance to my advice establishes a threshold that is absolutely insurmountable (i.e., “...he, himself, is the final judge.”).¹⁵ As evidence of this implicit limit to my permission to obtrude, Mill writes, “All errors which [the decision-maker] is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good.”¹⁶

¹³ Scoccia 1990, 323.

¹⁴ Joel Feinberg, *Harm to Self: The Moral Limits of the Criminal Law*, (New York: Oxford University Press, 1986), 124-127. Feinberg characterizes these cases as instances in which “temporary intervention is necessary to establish whether [the decision] is voluntary or not (Feinberg 1986, 126). Feinberg thinks, however, that our initial justification is defeated if further examination reveals the decision-maker to be unimpaired and fully apprised of the risks.

¹⁵ See also Feinberg 1986, 61-62.

¹⁶ Mill 1859.

2.5 Conclusion

According to NRN, to challenge someone's decisions with respect to the management of their own personal affairs is to challenge their very capacity for autonomy. This requires excusing, claims the anti-paternalist, because such behavior expresses a *prima facie* failure to regard such individuals as moral equals. These challenges are therefore unjustified unless I can satisfy one of the two conditions described above, i.e., unless my relationship to the decision-maker is very strong (Permission R), or the consequences of the questionable decision are practically weighty (Permission C). Satisfying either of these conditions earns me a permission with respect to NRN. The anti-paternalist provides no permissions, however, whenever (1) I offer my opinion to another person about how they should manage their personal affairs when it has not been solicited and I have failed to satisfy either of the above conditions; or (2) I press my opinion to another person about how they should manage their personal affairs beyond the implicit limits of my permission to obtrude.

By making room for permissions, the anti-paternalist is able to accommodate my initial judgment with respect to ENGAGED! Whether such permissions are consistent with Feinberg's account of autonomy, however, is dubious. Under Feinberg's account, for example, neither the weight of consequences pertaining to a decision nor the depth of our knowledge about the decision-maker herself bears any direct relation to the question of whether or not her decision is voluntary.¹⁷ Such considerations only become pertinent when we are enlisting them in support of an independent suspicion that the decision is

¹⁷ It is true that Feinberg thinks that the riskiness of a decision (assessed by the expected harm and irrevocability of the consequences associated with the act) provides antecedent justification for interfering, but he thinks this justification is defeated if the decision-maker can provide evidence that his choice is not impaired or the product of ignorance.

somehow impaired. But because the most likely cause for thinking my friend's decision impaired in the case above are the *evaluative beliefs* it presupposes (and, specifically, their disparity from our own), any permission to violate NRN granted on behalf of its presumed impairment would thereby be affirming my thesis that defective evaluative beliefs undermine autonomy.

Upon closer inspection, then, we discover that granting permissions with respect to NRN implies a view of practical reasoning in which (1) the quality of evaluative beliefs bears on the voluntariness of a choice,¹⁸ and (2) there are means by which people other than the decision-maker can recognize when a decision is adversely affected by their evaluative beliefs. As I will now argue, these permissions only make sense within a context of an account of autonomy that recognizes the important role that evaluative beliefs play in generating fully autonomous choices.

3. The Argument

3.1 Overview

In order to support my initial judgment with respect to ENGAGED!, I would need to establish the plausibility of two premises. The two premises on which my initial judgment depends are (1) defective evaluative beliefs undermine autonomy; and (2) it is possible with respect to any practical situation to recognize whether an evaluative belief is defective.

3.2 Premise 1

¹⁸ Specifically, what the anti-paternalist's permissions imply is a view of practical reasoning in which a failure to properly judge what is in one's best interest, i.e., discern which choices are compatible with one's values, desires and interests, undermines the voluntariness of that choice.

The first step in defending premise 1 is to provide an account of autonomy in which descriptive beliefs and evaluative beliefs serve parallel functions in the process of practical reasoning. For this purpose, I will use the Cartesian account as my general model. According to this account, the will is a faculty of judgment that has parallel functions in the theoretical and practical spheres. Each sphere of human reasoning corresponds to a different domain of knowledge. In the theoretical sphere, our faculties are oriented to perceiving *what is true*, and the will responds to such perceptions by either affirm or denying. In the practical sphere, our faculties are oriented to perceiving *what is good*, and the will responds to such perceptions by either pursuing or avoiding.¹⁹ Within this schema, descriptive beliefs would correspond to perceptions of what is true while evaluative beliefs would correspond to perceptions of what is good. In both cases, the action of the will is compelled with respect to what it perceives, and human beings are free just in case this compulsion of the will doesn't lead them into systematic error.²⁰ An upshot of the Cartesian account of autonomy is that any failure of our faculties to deliver reliable information with respect to what is true or what is good undermines the voluntariness of our choice, i.e., *both defective descriptive beliefs as well as defective evaluative beliefs undermine autonomy*.

We can perhaps make the Cartesian view more plausible by fleshing out its more obscure features. For starters, let's say that whenever someone makes a choice with

¹⁹ "Just as the will is compelled to assent to what is clearly and distinctly perceived to be true, so it is compelled to choose what is clearly and distinctly perceived to be good: 'if I always saw clearly what was true and good, I should never have to deliberate about the right judgment or choice'" (AT VII 58/CSM II 40).¹⁹

²⁰ "But the indifference I feel when there is no reason pushing me in one direction rather than another is the lowest grade of freedom; it is evidence not of any perfection of freedom, but rather a defect in knowledge or a kind of negation. For if I always saw clearly what was good true and good, I should never have to deliberate about the right judgment or choice; in that case, although I should be wholly free, it would be impossible for me ever to be in a state of indifference" (CSM II, 40).

respect to any practical matter, that choice can be interpreted to reflect a judgment concerning the content of a practical imperative. This imperative is given by the outputs of practical syllogisms, the several components of which are all psychological states, i.e., states internal to the knower.²¹ These include (1) one's values, as determined by one's conception of the Good;²² (2) one's desire for the Good (or, that which is good for me);²³ (3) evaluative beliefs concerning whether some x is good (this component interacts with (2) to yield a conditional desire for x);²⁴ and (4) descriptive beliefs concerning the relevant facts of one's environment as they pertain to the present judgment. According to this account, both (3) and (4), as involving judgments as to what is the case (i.e., *what is true* or *what is good*), provide opportunities for error to enter in and undermine to voluntariness of the choice. As I will now argue, we have good reasons to adopt this model of practical reasoning in place of Feinberg's, which denies that defective evaluative beliefs diminish the voluntariness of a choice.

One reason to reject the account of autonomy underlying NRN is that it ignores the possibility that preferences or values themselves may be less than fully autonomous. As Scoccia argues,

[Feinberg's view] does not tell us the whole story about respect for autonomy and what it requires because it ignores the possibility that preferences or values themselves may be less than fully autonomous. It depends for its plausibility on the false assumption that if a choice accurately expresses a chooser's values, then it is expressive of his 'true self.' The reason why this assumption is false is that values can be non-

²¹ This feature of practical imperatives is important in explaining why defective beliefs undermine autonomy.

²² This value is fixed and serves as an absolute standard or reference point to guide our practical judgments.

²³ This desire is also fixed and universal.

²⁴ Within the account I am proposing, the desire component of a choice is replaced by one's evaluative belief concerning what is good. The only unqualified desire I have is my desire for the good (or, that which is good for me), while I have many *qualified* desires for things that I think satisfy this description, or that I take to be instrumental to achieving such things.

autonomously formed, and hence they can fail to be expressive of one's 'true self.'²⁵

As an example of a preference that fails to express the decision-maker's 'true self', Scoccia refers to those preferences that are due to brainwashing (i.e., "behavioral conditioning, chemical injections, and the like"). In such cases, "The agent himself or his rational faculties have played little if any role in the formation of the preference." "An acceptable theory of autonomous desire," concludes Scoccia, "should have the consequence that desires based on brainwashing, knee-jerk conformism, and an unreflective response to natural impulses are non-autonomous."²⁶

Based on Scoccia's remarks, we might insist that for a theory of autonomous choice to be acceptable it must be based on a principle of deep autonomy.²⁷ According to this principle, autonomy consists in one's capacity to choose and act according to one's *authentic* (or autonomously formed) desires, preferences and values. Such desires, preferences and values, according to Scoccia, will have at least two features: first, they will have survived some process of critical scrutiny; and second, they will mesh with their possessor's temperament, character, talent, and proclivities.²⁸ Adopting a principle of deep autonomy, furthermore, gives us the clearest and most unproblematic example of a violation of autonomy, which is *imposing one's own values on someone whose values are autonomously formed*.²⁹ A clear advantage of the Cartesian account of autonomy over Feinberg's account is its compatibility with the principle of deep autonomy.

²⁵ Scoccia 1990, 327.

²⁶ Ibid.

²⁷ Scoccia himself does not use the term "deep autonomy." He merely uses this principle to differentiate between "highly autonomous" and "lowly autonomous" desires.

²⁸ Ibid., 328.

²⁹ Ibid. I should note that accepting this view of autonomy provides a possible alternative foundation for NRN. I have neglected to discuss this possibility here because I think the practical consequences of

A potential worry with the suggestion that a conception of deep autonomy can be used to determine whether an act is autonomous is the presumed difficulty in regulating practice. That is to say, even if the anti-paternalist were to admit that defective evaluative beliefs diminish the voluntariness of an act, they may nonetheless deny that any of us are sufficiently adept at recognizing instances to warrant our engagement in the practice (recall Mill's argument that, "with respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by anyone else."³⁰ This concern brings me to my second premise.

3.3 Premise 2

Premise 2 made the claim that it is in principle possible with respect to any practical situation to recognize whether an evaluative belief is defective. Such a view merely requires that we acknowledge moral and practical reasoning to be strictly governed by rational principles that moral agents can, at least in principle, learn to discern and obey. If such principles obtain and govern our practical and moral reasoning, it is at least *prima facie* plausible to think we might be able to recognize failures of practical reasoning as they manifest themselves in the choices of other agents.

Now, the first defense I'd like to offer in support of the plausibility of premise 2 is to note that Mill himself admits that the more intimately we know someone, the better suited we are to recognize when the choices they make accord with their genuine interests. Our premise, therefore, is already implicit in Permission R. But perhaps we can do more to alleviate the worry by casting our proposed solution in its most plausible

accepting such a highly qualified form of NRN are more-or-less trivial, since so few of our choices are deeply autonomous.

³⁰ Mill 1859.

formulation. John D. Hodson's so-called Principle of Paternalism provides what I think is a plausible mechanism for the application of this principle. This principle appeals to what the individual's empirical choice *would be* if it were fully autonomous, i.e., "it requires that it be determined what the individual's actually expressed, empirically observable will would be [in a situation in which he had no impairments or defective beliefs]." ³¹ One important virtue of this strategy that Hodson calls attention to is that any specific claim about the nature of a person's hypothetical unencumbered will is always empirically verifiable in principle. Mechanisms could be built around this feature to minimize the occurrence of interferences based on deficient evidence or justification.

A final concern I'd like to address with respect to this argument is this: even if we concede that mistaken evaluative beliefs constitute a failure of practical reasoning, why we should think that such failures undermine voluntariness? The first thing I should say in response to this question is that I don't think all such failures do undermine voluntariness. For example, I think many failures of practical reasoning occur because of previous voluntary choices to self-deceive, or perhaps failures to fulfill one's epistemic duties (e.g., voluntarily neglecting to consider information relevant to the evaluative judgment). Nevertheless, I think that after all such cases are excluded, there will remain a significant subset of cases in which the agent makes a choice he justifiably expects to yield good results, but for reasons outside of his control turns out bad ones; and that in such cases as these, it wouldn't be accurate to describe that agent's action (under its thickest description) as fully voluntary. This is because, first of all, under Scoocia's principle of deep autonomy, a choice is voluntary only if it faithfully expresses the

³¹ John D. Hodson, "The Principle of Paternalism," *American Philosophical Quarterly*, Vol. 14, No. 1 (Jan., 1977), 67.

agent's *authentic* desires, preferences, and values. If we then grant the Cartesian thesis that the only unqualified desire we have is for the Good, and other things only insofar as they satisfy this description, then a faulty judgment concerning the moral quality of an option (i.e., a defective evaluative belief as to whether option x is good) will have the result of making the antecedent false, thus making the consequent choice non-voluntary.³²

4. Conclusion

I have argued for the incompatibility of permissions with an account of autonomy that fails to recognize defective evaluative beliefs as undermining autonomy. For such considerations as my strength of relationship to the decision-maker, or the weight of consequences associated with the decision, to serve as the ground for awarding me a permission with respect to NRN, the anti-paternalist must agree that the impairment of a choice diminishes its voluntariness. However, because my friend's decision in ENGAGED! is only questionable on the basis of the *evaluative beliefs* it presupposes, any permission to violate NRN granted on behalf of its presumed impairment would thereby be affirming my thesis that defective evaluative beliefs undermine autonomy. Therefore, either Feinberg's account of autonomy is flawed, in which case we should reject it, or even the most minimal violations of NRN are unjustified, in which case our initial intuitions about ENGAGED! were inaccurate.

³² Put in simpler terms: I voluntarily assent to perform action x if and only if option x is good; therefore, if it is not the case that option x is good, then I do not voluntarily assent to perform it.

Bibliography

- Chervenak, Frank A; McCullough, Laurence B. "Justified Limits on Refusing Intervention." *The Hastings Center Report*, Vol. 21, No. 2 (Mar. – Apr., 1991), pp. 12-18.
- Descartes, René. *The Philosophical Writings of Descartes*, Volume II. Translated by John Cottingham, Robert Stoothoff, and Dugald Murdoch. Cambridge: Cambridge University Press, 1984.
- Dworkin, Gerald. "Paternalism." *Morality and the Law*. Edited by Richard A. Wasserstrom. Belmont: Wadsworth Publishing Company, Inc., 1971.
- Feinberg, Joel. *Harm to Self: The Moral Limits of the Criminal Law*. New York: Oxford University Press, 1986.
- Hodson, John D. "The Principle of Paternalism." *American Philosophical Quarterly*, Vol. 14, No. 1 (Jan., 1977), pp. 61-69.
- Husak, Douglas N. "Paternalism and Autonomy." *Philosophy and Public Affairs*, Vol. 10, No. 1 (Winter, 1981), pp. 27-46.
- Mill, John Stuart. *On Liberty* [book on-line]. 1859, accessed 15 October 2010; available from <http://www.utilitarianism.com/ol/one.html>. Internet.
- Scoccia, Danny. "Paternalism and Respect for Autonomy." *Ethics*, Vol. 100, No. 2 (Jan., 1990), pp. 318-334.